



# City of Hamilton PLANNING COMMITTEE

**Meeting #:** 19-019  
**Date:** December 3, 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>	
<b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
4.1 November 19, 2019	4
<b>5. COMMUNICATIONS</b>	
<b>6. DELEGATION REQUESTS</b>	
<b>7. CONSENT ITEMS</b>	
7.1 Hamilton Municipal Heritage Report 19-009	22
7.2 Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide)	31
7.3 Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide)	49

## 8. PUBLIC HEARINGS / DELEGATIONS

8.1	City Initiative (CI) 19-I - Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12)	54
8.2	Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (PED19219) (Ward 8)	66
8.3	Increase to Permit Fees under the Building By-law (PED19224) (City Wide)	107
8.4	Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10)	130
8.5	Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8)	159
8.6	Temporary Use By-law to amend certain regulations in Section 19 - Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14)	179
8.6.a	Written Submissions: (i) McMaster University  (ii) Emily Kam	217
8.6.b	Registered Delegations: (i) Josh Marando, President, McMaster Students Union  (ii) Hamilton and District Apartment Association  (iii) Realtors Association of Hamilton-Burlington	

## 9. STAFF PRESENTATIONS

## 10. DISCUSSION ITEMS

10.1	Animal Adoption Pilot Program (PED18004(b)) (City Wide) (Outstanding Business List Item)	219
10.2	Request for Access to DC Reserve "110352 Storm - Separated Sewer System" to fund Mewburn Pond (PED19216) (Ward 8)	236

**11. MOTIONS**

11.1 Demolition Permit for 758 Beach Boulevard

240

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



## **PLANNING COMMITTEE MINUTES**

**19-018**

**November 19, 2019**

**9:30 a.m.**

**Council Chambers, Hamilton City Hall  
71 Main Street West**

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

**Absent with Regrets:** Councillor T. Whitehead - Personal

**Also in Attendance:** Councillor L. Ferguson

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

**1. Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED19211) (City Wide) (Item 7.1)**

**(Partridge/Pearson)**

That City Initiative CI-19-E – Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps, to implement policy and mapping corrections for Volume 1 – Parent Plan, Volume 2 – Secondary Plans, and Volume 3 – Area and Site Specific Policies, be APPROVED on the following basis:

- (a) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED19211, be adopted by Council.
- (b) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED19211, be adopted by Council.
- (c) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS) 2014 and conform to A Place to Grow (Growth Plan for the Greater Golden Horseshoe, 2019) and the Greenbelt Plan, 2017.



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

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

**2. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) (Item 8.2)**

**(Pearson/Partridge)**

- (a) That Revised Urban Hamilton Official Plan Amendment Application UHOPA-17-022 by 998071 Ontario Inc. (Owner), for an amendment to the Ancaster Wilson Street Secondary Plan to establish a site specific policy to permit a three storey multiple dwelling in conjunction with the existing heritage building on the subject lands, for lands known as 280 Wilson Street East, as shown on Appendix "A" to Report PED19217, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19217, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).
- (b) ***That Revised Zoning By-law Amendment Application ZAC-17-051, by 998071 Ontario Inc. (Owner), for a further modification from the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 643) Zone to permit a three storey (14.3 m) multiple dwelling at the rear of the lands located at 280 Wilson Street East (Ancaster), as shown on Appendix "A" to Report PED19217, be APPROVED on the following basis:***
- (i) ***That the draft By-law, attached as Appendix "C" to Report PED19217, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.***

(ii) *That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.*

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

**Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:**

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

**3. The Housing for Hamilton Community Improvement Plan for the Roxborough Mixed Income/Tenure Demonstration Project (PED19208) (Ward 4) (Item 8.3)**

**(Collins/Pearson)**

- (a) That the Housing for Hamilton Community Improvement Plan (2019), attached as Appendix "A" to Report PED19208, be approved;
- (b) That, subject to the approval of recommendation (a), the Housing for Hamilton Community Improvement Plan Implementing By-law, attached as Appendix "B" to Report PED19208, be enacted;
- (c) That, subject to the approval of recommendation (b), the program terms and administrative processes for the Roxborough Access to Homeownership Grant Program, attached as Appendix "C" to Report PED19208, be approved and appended to the Housing for Hamilton Community Improvement Plan;
- (d) That, subject to the approval of recommendation (b), the program terms and administrative processes for the Roxborough Rental Housing Loan Program, attached as Appendix "D" to Report PED19208, be approved and appended to the Housing for Hamilton Community Improvement Plan;
- (e) That the General Manager of Healthy and Safe Communities be authorized to approve applications, and execute agreements, under the Roxborough Access to Homeownership Grant and Roxborough Rental

Housing Loan Programs with agreement content satisfactory to the General Manager and in a form satisfactory to the City Solicitor;

- (f) That, subject to the approval of recommendation (c) and (d), parkland dedication requirements for residential townhouses and multi-residential units located within the Roxborough Community Improvement Project Area and which meet the eligibility criteria of the Roxborough Access to Homeownership Grant and/or Roxborough Rental Housing Loan Programs be suspended under Section 12 of the City of Hamilton's Parkland Dedication By-law for a period of seven years beginning from the date of adoption of the Housing for Hamilton Community Improvement Plan By-Law.

**(g) *That there were no public submissions received on this matter.***

**Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:**

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

**4. Building Community Capacity in the Planning Process – Development Applications Policy Evaluation Framework (“Planning 101”) (PED19177) (City Wide) (Item 9.1)**

**(Collins/Clark)**

That Report PED19177 respecting Building Community Capacity in the Planning Process – Development Applications Policy Evaluation Framework (“Planning 101”), be received.

**CARRIED**

**5. Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Referred from the October 9<sup>th</sup> Council meeting) (Item 10.1)**

**(Pearson/Clark)**

That the Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner, to permit a proposed electronic message display Ground

Sign proposing a 100% electronic message display, third party advertising, increased maximum height, decreased minimum setback from property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be Approved, subject to the following conditions"

- (a) That advertising for a business not on the property on which the proposed Ground Sign is displayed shall be limited to those companies in which Triman Holdings (Ancaster) Corporation, Urbancore Developments Inc. or Developments have a direct or indirect ownership: Ancaster Self Storage, Dundas Self Storage, Upper James Self Storage, Waterdown Mini Storage, Roxborough Park Development, King@Dundas Development;
- (b) That the owner/applicant dedicates a minimum twenty per cent (20%) of the advertising on the proposed Ground Sign to the activities of a charity, a community organization, or the City in accordance with the definitions of Hamilton Sign By-law 10-197, as amended; and,
- (c) That a fee will not be charged to the charity or organization receiving the gratis advertising, providing that such charity or organization provides and bears the cost of production and delivery of all materials, digital files, or documents required for the electronic message display.

**Result: Motion CARRIED by a vote of 4 to 2, as follows:**

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

**(Collins/Pearson)**

That Report PED19195 respecting Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner, be received.

**CARRIED**

**6. New Site Alteration By-law (PED19201) (City Wide) (Outstanding Business List Item) (Item 10.2)**

**(Johnson/Partridge)**

- (a) That the draft Site Alteration By-law, as shown on Appendix “A” to Report PED19201 and in a form satisfactory to the City Solicitor, be Approved;
- (b) That the draft Site Alteration By-law attached as Appendix “A” to Report PED19201, be reviewed in eighteen months;
- (c) That the new Site Alteration By-law be identified as complete and removed from the Planning Committee’s Outstanding Business List.

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

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

**7. On Street Parking Permits – Wellington Street North (PED19187) (Ward 2) (Outstanding Business List Item) (Item 10.3)**

**(Wilson/Clark)**

- (a) That the following changes to on-street parking regulations on Wellington Street North from Barton Street East to Robert Street, attached as Appendix “A” to Report PED19187, be implemented:
  - (i) Remove No Parking restrictions on the west side of Wellington Street North (from Barton Street East to Robert Street);
  - (ii) Add three new parking meters on the west side of Wellington Street North;
  - (iii) Extend the rush hour No Stopping Anytime on the east side of Wellington Street North (Barton Street East to Robert Street) from 4 p.m.-6 p.m. (Monday to Friday) to 2 p.m.-6 p.m. (Monday to Friday);
- (b) That the amendment to the Parking By-Law 01-218, attached as Appendix “B” to Report PED19187, which has been prepared in a form satisfactory to the City Solicitor, be approved;

- (c) That the southbound curb lane on Wellington Street North at Barton Street East be converted from a through-right turn lane into an exclusive right-turn lane, and associated Traffic By-law 01-215 be amended;
- (d) That staff be directed to install a permanent bump-out on the south/west corner of Wellington Street North and Barton Street East to delineate the parking lane, as shown in Appendix "C" attached to Report PED19187, and that the estimated cost of \$15,000 be funded from the Ward 2 Reserve Account (108052);
- (e) That the matter respecting On-Street Parking Permits – Wellington Street North 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 Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Jason Farr  
 YES - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**8. Parking Fee Review (PED19238) (City Wide) (Item 10.4)**

**(Johnson/Clark)**

That Report PED19238 respecting Parking Fee Review, be received.

**CARRIED**

**(Collins/Farr)**

- (a) That the options of a \$0.25 and \$0.50 increase for on-street metered parking be referred to local Business Improvement Areas for feedback;
- (b) That staff report back to the Planning Committee with additional information related to increasing parking penalties to a level equal to comparator municipalities;
- (c) That staff report back to the Planning Committee with the net budget revenues associated with the increasing parking permit fees by \$5.00 and \$10.00 per month;

- (d) That staff report back to the Planning Committee following consultation with Hamilton schools and school boards regarding issues related to parking and stopping in front of schools; and,
- (e) That staff report back to the Planning Committee with information related to increasing Special Event Rates in line with privately operated lots.

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

**9. Options to Reduce Vehicle Use in MLE Vehicles (Item 11.1)**

**(Farr/Wilson)**

That the Motion respecting Options to Reduce Vehicle Use in MLE Vehicles be referred to the General Issues Committee meeting at which the Climate Crisis report is considered.

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

**10. Feasibility of Glanbrook Sports Park Being Included in the Binbrook Village Urban Boundary (Item 11.2)**

**(Johnson/Clark)**

WHEREAS, Glanbrook has grown exponentially in the past 20 years and the demand for recreation programs has increased significantly;

WHEREAS, Glanbrook residents travel on average 5 km to access recreation programs;

WHEREAS, according to the capital budget, Glanbrook is slated for a recreation centre in 2028;

WHEREAS, Recreation centres require approx. 25 acres (10 hectares);

WHEREAS, the only available land is the "Glanbrook Sports Park" that currently has an arena, baseball and soccer facilities as well as the municipal centre;

WHEREAS, "Glanbrook Sports Park" is approx. 25 acres (10 hectares);

WHEREAS, "Glanbrook Sports Park" is within the Greenbelt and abuts the urban boundary;

WHEREAS, "Glanbrook Sports Park" has a very fragile septic system and well;

WHEREAS, Installation of new infrastructure such as water and sewer is not allowed within Greenbelt lands; and,

WHEREAS, according to Growth Plan for the Greater Golden Horseshoe, the need for a settlement area boundary expansion has been justified in accordance with policy 2.2.8.2 25 acres (10 hectares) can be included in the Binbrook Village urban boundary;

**THEREFORE BE IT RESOLVED:**

That staff be directed to look at the feasibility of including the lands of the "Glanbrook Sports Park" into the Binbrook Village Urban Boundary.

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



**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 2)**

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

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

- 6.1 Anthony Longo respecting 2070 Rymal Road East (For today's meeting)

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

- 8.2 Staff have a revised recommendation (b) to Report PED19217 as the applicant has satisfied conditions relating to a Holding Provision and it is no longer required.

**3. MOTIONS (Item 11)**

- 11.1 Reduction in MLE Vehicles – Revised Title to read “Options to Reduce Vehicle Use in MLE Vehicles”

**(Clark/Pearson)**

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

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

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

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

None declared.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)****(i) November 5, 2019 (Item 4.1)****(Partridge/Johnson)**

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

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

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

**(d) DELEGATION REQUESTS (Item 6)****(i) Anthony Longo respecting 2070 Rymal Road East (For today's meeting) (Added Item 6.1)****(Pearson/Johnson)**

That the Delegation Request from Anthony Longo respecting 2070 Rymal Road East, be approved for today's meeting, to be heard at this time.

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

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

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

**(i) Anthony Longo respecting 2070 Rymal Road East (For today's meeting) (Added Item 6.1)**

Anthony Longo addressed the Committee respecting 2070 Rymal Road East and issues associated with the development of a business on the property and City by-law requirements that will add an extra \$80,000 to \$100,000 to the development costs.

**(Clark/Pearson)**

That the Delegation from Anthony Longo respecting 2070 Rymal Road East, be received.

**CARRIED**

**(Clark/Johnson)**

WHEREAS, Anthony Longo addressed the Planning Committee on November 19, 2019 respecting 2070 Rymal Road East and issues associated with the development of a business on the property and City by-law requirements that will add an extra \$80,000 to \$100,000 to the development costs;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to explore options to mitigate costs and expenses as a result of this error;
- (b) That staff be directed to review the processes and provide recommended changes to policies to prevent such issues from happening in the future, specifically to high-risk ICI developments; and,
- (c) That staff report back to the Planning Committee in an expedited manner.

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

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

**(ii) Angela Riley respecting a Request for a Taxi Stand (Approved at the November 15<sup>th</sup> meeting) (Item 8.1)**

Angela Riley addressed the Committee respecting a Request for a Taxi Stand at Tim Horton's Field.

**(Pearson/Collins)**

That the Delegation from **Angela Riley respecting a Request for a Taxi Stand, be received.**

**CARRIED**

**(Clark/Pearson)**

That staff be directed to review the possibility of a taxi stand location around Tim Hortons Field, and to consult with other municipalities about their processes for temporary taxi stands.

**Result: Motion CARRIED by a vote of 7 to 1, as follows:**

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

**(iii) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) (Item 8.2)**

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

**(Pearson/Partridge)**

That the public meeting be closed.

**CARRIED**

Melanie Schneider, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Clark/Pearson)**

That the staff presentation, be received.

**CARRIED**

Brenda Khes, GSP Group Inc., was in attendance and indicated support for the staff report.

**(Pearson/Partridge)**

That the written submissions be received.

**CARRIED**

**(Pearson/Partridge)**

That recommendation (b), and the related sections in Appendix “C”, to Report PED19217 be **amended** by replacing the wording as follows:

- (b) That **Revised Zoning By-law Amendment Application ZAC-17-051, by 998071 Ontario Inc. (Owner)**, for a further modification from the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 643) Zone to permit a three storey (14.3 m) multiple dwelling at the rear of the lands located at 280 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED19217, be **APPROVED** on the following basis:
- i) That the draft By-law, attached as Appendix “C” to Report PED19217, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

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

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

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

**(Pearson/Partridge)**

That the recommendations in Report PED19217 be **amended** by adding the following sub-section (c):

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

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

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

For disposition of this matter, refer to Item 2.

**(iv) The Housing for Hamilton Community Improvement Plan for the Roxborough Mixed Income/Tenure Demonstration Project (PED19208) (Ward 4) (Item 8.3)**

In accordance with the provisions of the *Planning Act*, Chair Farr advised 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 Community Improvement Plan, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the 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.

**(Collins/Pearson)**

That the public meeting be closed.

**CARRIED**

**(Partridge/Pearson)**

That the staff presentation be waived.

**CARRIED**

**(Pearson/Partridge)**

That the recommendations in Report PED19208 be **amended** by adding the following sub-section (g):

**(g) That there were no public submissions received on this matter.**

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

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

For disposition of this matter, refer to Item 3.

**(f) STAFF PRESENTATIONS (Item 9)**

**(i) Building Community Capacity in the Planning Process – Development Applications Policy Evaluation Framework (“Planning 101”) (PED19177) (City Wide) (Item 9.1)**

Christina Newbold, Manager, Planning and Economic Development, Joanne Hickey-Evans, Manager, Policy Planning and Zoning By-law Reform, and Anita Fabac, Manager of Development Planning, Heritage & Design, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Collins/Clark)**

That the presentation from Christina Newbold, Joanne Hickey-Evans and Anita Fabac respecting the Building Community Capacity in the Planning Process – Development Applications Policy Evaluation Framework (“Planning 101”), be received.

**CARRIED**

For disposition of this matter, refer to Item 4.

**(g) DISCUSSION ITEMS (Item 10)**

- (i) Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Referred from the October 9<sup>th</sup> Council meeting) (Item 10.1)**

**(Collins/Pearson)**

That Report PED19195 respecting Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner, be received.

**CARRIED**

For disposition of this matter, refer to Item 5.

- (ii) New Site Alteration By-law (PED19201) (City Wide) (Item 10.2)**

Carlo Ammendolia, Manager Development Engineering – Construction, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Clark/Pearson)**

That the presentation from Carol Ammendolia, respecting the New Site Alteration By-law, be received.

**CARRIED**

For disposition of this matter, refer to Item 6.

**(h) PRIVATE AND CONFIDENTIAL (Item 14)**

- (i) Closed Session Minutes – November 5, 2019 (Item 14.1)**

**(Johnson/Pearson)**

- (a) That the Closed Session Minutes of the November 5, 2019 meeting of the Planning Committee be approved, as presented; and,
- (b) That the Closed Session Minutes of the November 5, 2019 meeting of the Planning Committee remain confidential.

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

YES - Councillor Maureen Wilson  
YES - Councillor Chad Collins  
YES - Councillor John-Paul Danko



YES - Councillor Jason Farr  
YES - Councillor Judi Partridge  
NOT PRESENT - Councillor Terry Whitehead  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(i) ADJOURNMENT (Item 15)**

**(Johnson/Partridge)**

That there being no further business, the Planning Committee be adjourned at 2:53 p.m.

**CARRIED**

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Councillor Jason Farr  
Chair, Planning Committee

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Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk



## Hamilton

### **HAMILTON MUNICIPAL HERITAGE COMMITTEE**

#### **REPORT 19-009**

**12:00 p.m.**

**November 21, 2019**

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

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillor M. Pearson  
A. Denham-Robinson (Chair) D. Beland, J. Brown, K. Burke, G. Carroll, C. Dimitry (Vice-Chair), B. Janssen, L. Lunsted, R. McKee and T. Ritchie

**Absent:** W. Rosart

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### **THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-009 AND RESPECTFULLY RECOMMENDS:**

**1. Inventory and Research Working Group Meeting Notes - September 23, 2019 (Item 10.1)**

**(a) Evergreen Farm, 389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 East**

That the property located at 1389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 East, be added to the City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest.

**2. Funding Approval for the Purchase of Two Presentation Banners for the Hamilton Municipal Heritage Committee (Item 11.1)**

That the purchase of two presentation banners with retractable stands be approved, to an upset amount of \$500, and to be funded from account 57540-812040, for use in Hamilton Municipal Heritage Committee outreach events.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES (Item 1)**

There were no ceremonial activities.

**(b) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee of the following changes:

**6. DELEGATION REQUESTS**

- 6.1 Dr. Sarah Sheehan, respecting the endangered former Hotel Hanrahan, 80-92 Barton Street East, Hamilton (for today's meeting)

**7. CONSENT ITEMS**

- 7.4 Inventory and Research Working Group Meeting Notes - August 26, 2019

**9. STAFF PRESENTATIONS**

- 9.1 Donations and Monuments Policy and Process

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

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

There were no declarations.

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) October 17, 2019 (Item 4.1)**

The Minutes of the October 17, 2019 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

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

- (i) Dr. Sarah Sheehan, respecting the endangered former Hotel Hanrahan, 80-92 Barton Street East, Hamilton (for today's meeting) (Added Item 6.1)**

The Delegation Request from Dr. Sarah Sheehan, respecting the endangered former Hotel Hanrahan, 80-92 Barton Street East, Hamilton, was approved, for today's meeting.

**(f) CONSENT ITEMS (Item 7)**

- (i) Heritage Permit Applications - Delegated Approvals (Items 7.1(a) to 7.1(x))**

The following Delegated Approvals were received:

- (a) Heritage Permit Application HP2019-001: Proposed exterior rebuild and restoration work at 77 King Street West, Stoney Creek (Ward 5) (By-law No. 5055-00) (Item 7.1.a)
- (b) Heritage Permit Application HP2019-002: Proposed lintel and door replacement at 51 Stuart Street, Hamilton (Ward 2) (By-law No. 79-218) (Item 7.1.b)
- (c) Heritage Permit Application HP2019-003: Porch replacement at 154 Mill Street North, Waterdown (Ward 15), By-law 96-34-H (Item 7.1.c)
- (d) Heritage Permit Application HP2019-004 - Renewal of previously approved but lapsed Heritage Permit (HP2014-055/HP2017-009) for 27 Bold Street (Pasadena Apartments), Hamilton (Ward 2), By-law No. 86-170 (Item 7.1.d)
- (e) Heritage Permit Application HP2019-005 - Renewal of previously approved but lapsed Heritage Permit (HP2014-056/HP2017-010) for 27 Bold Street (Pasadena Apartments), Hamilton (Ward 2), By-law No. 86-170 (Item 7.1.e)
- (f) Heritage Permit Application HP2019-006: Proposed finial replacement at 45 Main Street East, Hamilton (Ward 2) (Bylaw No. 93-011) (Item 7.1.f)

- (g) Heritage Permit Application HP2019-007: Proposed cupola alterations at 60 Main Street, Dundas (Ward 13) (By-law No. 2930-77) (Item 7.1.g)
- (h) Heritage Permit Application HP2019-009: Proposed alteration of the steps and porch at 150 Queen Street South, Hamilton (Ward 1) (By-law No.84- 251) (Item 7.1.h)
- (i) Heritage Permit Application HP2019-010: Proposed alteration of the windows at 6 Victoria Street, Dundas (Ward 13) (By-law No. 3899-90) (Item 7.1.i)
- (j) Heritage Permit Application HP2019-011: Proposed alteration of the front windows at 49 Cross Street, Dundas (Ward 13) (By-law No. 3899-90) (Item 7.1.j)
- (k) Heritage Permit Application HP2019-012: Proposed installation of a satellite dish at 63 Sydenham Street, Dundas (Ward 13) (By-law No. 3899-90) (Item 7.1.k)
- (l) Heritage Permit Application HP2019-013: Proposed alteration of the fence at 141 Mill Street North, Flamborough (Ward 15) (By-law No. 96-34-H) (Item 7.1.l)
- (m) Heritage Permit Application HP2019-014: 374-376 Mountsberg Road, Flamborough, The Page-McCarthy Houses, (Ward 15) (By-law No. 2000-17) (Item 7.1.m)
- (n) Heritage Permit Application HP2019-015: Proposed roof repairs, 316 James Street South, Hamilton (Ward 2) (By-law No.85-175) (Item 7.1.n)
- (o) Heritage Permit Application HP2019-016: Proposed exhaust vent installation and door replacement at 1 St. James Place, Hamilton (Ward 2) (By-law No. 15-122) (Item 7.1.o)
- (p) Heritage Permit Application HP2019-017: Proposed window replacement at 171 Forest Avenue, Hamilton (Ward 2) (By-law No. 77-287) (Item 7.1.p)
- (q) Heritage Permit Application HP2019-018: Proposed parapet and masonry restoration, 45 Main Street East, Hamilton (Ward 2) (By-law No. 93-011) (Item 7.1.q)

- (r) Heritage Permit Application HP2019-019: Proposed alteration of Alumni Memorial Hall Patio, McMaster University, 1280 Main Street West, Hamilton (Ward 1) (By-law No.08-002) (Item 7.1.r)
- (s) Heritage Permit Application HP2019-020: Proposed walkway and staircase replacement at 47 Mill Street North, Waterdown (Ward 15) (By-law No. 96- 34-H) (Item 7.1.s)
- (t) Heritage Permit Application HP2019-021: Proposed repair and repointing of exterior wall and chimneys at 78 Highway 8, Flamborough (Ward 14) (By- law No. 87-150-H) (Item 7.1.t)
- (u) Heritage Permit Application HP2019-022: Proposed alteration garden, driveway and front entrance at 160 Mill Street North, Waterdown (Ward 15) (By-law No. 96-34-H) (Item 7.1.u)
- (v) Heritage Permit Application HP2019-023: Proposed tuckpointing repair and window sill replacement at 306 King Street West, Dundas (Ward 13) (By-law No. 3960-91) (Item 7.1.v)
- (w) Heritage Permit Application HP2019-040: Proposed Driveway Widening at 1 St. James Place, Hamilton (Ward 2) (By-law No. 15-222) (Item 7.1.w)
- (x) Heritage Permit Application HP2019-041: Proposed Foundation Repairs and Water Infiltration Mitigation at 323-325 Dundas Street East, Waterdown (Ward 15) (By-law No. 96-34-H) (Item 7.1.x)

**(ii) Heritage Permit Review Sub-Committee Minutes – September 17, 2019 (Item 7.2)**

The Heritage Permit Review Sub-Committee Minutes of September 17, 2019, were received.

**(iii) Properties of Potential Cultural Heritage Interest in Waterdown (Item 7.3)**

The information respecting Properties of Potential Cultural Heritage Interest in Waterdown, was received.

**(iv) Inventory and Research Working Group Meeting Notes – August 26, 2019 (Added Item 7.4)**

The Inventory and Research Working Group Meeting Notes of August 26, 2019, were received.

**(f) DELEGATIONS (Item 8)**

**(i) Dr. Sarah Sheehan, respecting the endangered former Hotel Hanrahan, 80-92 Barton Street East, Hamilton (Added Item 8.1)**

Dr. Sarah Sheehan addressed the Committee respecting the endangered former Hotel Hanrahan, 80-92 Barton Street East, Hamilton, with the aid of a PowerPoint presentation.

Dr. Sarah Sheehan was permitted additional time, beyond the permitted 5 minutes, to continue with their presentation.

The Delegation from Dr. Sarah Sheehan, respecting the endangered former Hotel Hanrahan, 80-92 Barton Street East, Hamilton, was received.

Staff were directed to report back to the Hamilton Municipal Heritage Committee with a summary of the process that the property at 80-92 Barton Street East (Former Hotel Hanrahan) has gone through with the City of Hamilton Planning Department.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

**(g) STAFF PRESENTATIONS (Item 9)**

**(i) Donations and Monuments Policy and Process (Item 9.1)**

Ken Coit, Program Manager, Public Art and Projects addressed the Committee respecting the Donations and Monuments Policy and Process, with the aid of a handout.

The presentation respecting the Donations and Monuments Policy and Process, was received.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

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

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

The property located at 125 King Street East, Hamilton, was added to the Heritage Properties Update List (GREEN), and T. Ritchie will report to the Committee on its status.

The following updates were received:

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

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dmitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (v) 18-22 King Street East, Hamilton (R)(NOI) – W. Rosart
- (vi) 24-28 King Street East, Hamilton (R)(NOI) – W. Rosart
- (vii) 2 Hatt Street, Dundas (R) – K. Burke
- (viii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (ix) 828 Sanatorium Road – G. Carroll

The landowner has been issued an Order to Comply for repairs on the back door.

- (x) 120 Park Street, Hamilton – R. McKee

Staff will contact By-law and Licensing Services to check on the progress of work on the property.

- (xi) 398 Wilson Street, Hamilton – C. Dimitry



- (b) Buildings and Landscapes of Interest (YELLOW):**  
**(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**
- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
  - (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
  - (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Burke
  - (iv) St. Joseph’s Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) – W. Rosart
  - (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
  - (vi) 1021 Garner Road East, Ancaster (Lampman House) (NOI) – C. Dimitry
  - (vii) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland
  - (viii) 1 St. James Place, Hamilton (D) – J. Brown
  - (ix) St. Clair Blvd. Conservation District – D. Beland
  - (x) 51 Herkimer Street, Hamilton – J. Brown
  - (xi) 52 Charlton Avenue West, Hamilton – J. Brown
  - (xii) 292 Dundas Street, Waterdown – L. Lunsted
- (c) Heritage Properties Update (GREEN):**  
**(Green = Properties whose status is stable)**
- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
  - (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
  - (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
  - (iv) 104 King Street West, Dundas (Former Post Office) – K. Burke

(v) 45 Forest Avenue, Hamilton – G. Carroll

(vi) 125 King Street East, Hamilton – T. Ritchie

**(d) Heritage Properties Update (black):**

**(Black = Properties that HMHC have no control over and may be demolished)**

(i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive  
(R) – R. McKee

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:32 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (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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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide) - Page 2 of 4**

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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 – Pre Bill 108**

In accordance with the *Planning Act*, prior to September 3, 2019, an applicant had the right to 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 had extended 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 were able to terminate the 90-day extension period if written notice to the other party was received prior to the expiration of the 180 day or 210 day statutory timeframes.

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

**Policy Implications and Legislative Requirements – Post Bill 108**

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete applications received after September 3, 2019.

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 120 days (Subsection (40)), a Zoning By-law Amendment application after 90 days (Subsection 34 (11)) and a Plan of Subdivision after 120 days (Subsection 51 (34)). However, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 120 days. The 90-day extension previously prescribed in Bills 73 and 139 is no longer applicable.

**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.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide) - Page 3 of 4**

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For the purposes of this Report, the status of 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*, that were in effect pursuant to statutory timeframes prescribed in Bill 73 and Bill 139 and new statutory timeframes prescribed in Bill 108.

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED19227 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of October 16, 2019, there were:

- 12 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;
- 21 active Zoning By-law Amendment applications; and,
- 8 active Plan of Subdivision applications.

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

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED19227 is a table outlining the active applications received after December 12, 2017, but before Royal Assent/Proclamation of Bill 108, sorted by Ward, from oldest application to newest. As of October 16, 2019, there were:

- 25 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,
- 9 active Plan of Subdivision applications.

Within 60 to 90 days of November 19, 2019, 6 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Forty applications have passed the 150, 180 and 300 day statutory timeframe.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide) - Page 4 of 4**

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Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

As of October 16, 2019, no applications have been deemed complete that are subject to the new statutory timeframes of the *Planning Act*. Future reports will include of table outlining active applications received after September 3, 2019.

Planning Division Active Files

Combined to reflect property addresses, there are 67 active development proposals. Twenty-three proposals are 2019 files, while 23 proposals are 2018 files and 21 proposals are pre-2018 files.

A table comparing the number of projects by application type by month for January to December 2018 (Figure 1) and for January to December 2019 (Figure 2) is attached as Appendix “C” to Report PED19227. This demonstrates that the number of active projects has remained relatively constant with an average of 73 in 2018 and a projected average of 70 in 2019. However, 21 of the active projects are pre-2018 files which have had limited activity in the past 18 months. Accordingly, a more accurate number of active projects by application type by month is closer to 50. It is noted that Planning staff monitor the activities associated with a file and if a file is considered to be inactive for more than 6 months, staff contact the applicant and request if the applicant wishes to withdraw the application and if not, request clarification of the applicants intention with respect to proceeding. If no response is received, staff will proceed to close the file.

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 2021 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)

Appendix “C” - Number of Active Projects by Application Type by Month  
(January to December, 2018 and January to December, 2019)

JG:mo

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective October 16, 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 December 3, 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	977
<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	1075
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	749
<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.	797
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	735

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective October 16, 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 December 3, 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.	1147
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.	1147
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.	1096
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.	981
<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.	1615
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	767
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.	1418



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 10 cont'd</b>									
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	1075
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	2+-4-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	764
<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	1441
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.	858
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	832

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 12 cont'd</b>									
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.	788
<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.	1827
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.	846
<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	1075

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 October 16, 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 December 3, 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	711
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	533
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	347
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	258
<b>Ward 2</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	711

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<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	508
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	347
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.	344
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	347
<b>Ward 3</b>									
ZAR-19-016	11 Grosvenor's Ave. S., Hamilton	28-Feb-19	n/a	28-Mar-19	28-Jul-19	n/a	n/a	T. Johns Consulting Group	278
<b>Ward 5</b>									
ZAR-19-037	2798 King St. E., Hamilton	08-May-19	n/a	06-Jun-19	06-Aug-19	n/a	n/a	T. Johns Consulting Group	209

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 6</b>									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	209
<b>Ward 7</b>									
ZAR-19-028	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	246
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	221
<b>Ward 8</b>									
UHOPA-19-005* ZAC-18-022 (2018 File)	35 Sabrina Blvd., Hamilton	15-Mar-18	11-Jan-19	18-Jan-19	n/a	n/a	14-Nov-19*	Urban Solutions Planning & Land Development	319
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	600

**Active Development Applications  
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(Effective October 16, 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 December 3, 2019
<b>Ward 8 cont'd</b>									
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.	398
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	278
UHOPA-19-008* ZAC-19-029	83, 89 Stone Church Rd. W. and 1021, 1029 West 5th St., Hamilton	23-Apr-19	n/a	23-May-19	n/a	n/a	17-Feb-19*	Urban Solutions Planning & Land Development	224
<b>Ward 9</b>									
25T-200803R (2018 File)	22 Green Mountain Rd. Stoney Creek	10-Aug-18	n/a	15-Oct-18	n/a	19-Feb-19	n/a	Armstrong Planning	470
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.	578

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<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.	718
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	543
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	428
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	375
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.	349
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	211

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 10 cont'd</b>									
UHOPA-19-009*	339, 347 Fifty Rd. and 1317, 1329 Barton St., Stoney Creek	03-May-19	n/a	16-May-19	n/a	n/a	27-Feb-20*	MHBC Planning Limited	214
<b>Ward 11</b>									
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	511
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	406
<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.	450
ZAR-18-050	2004 Glanaster Rd., Ancaster	20-Sep-18	19-Oct-18	22-May-19	19-Oct-19	n/a	n/a	Fothergill Planning & Development Inc.	195



**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 12 cont'd</b>									
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	390
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.	393
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	370
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.	365
UHOPA-19-014 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	347

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 12 cont'd</b>									
ZAA-19-034	378 Harmony Hall Rd., Ancaster	08-May-19	n/a	20-Jun-19	06-Aug-19	n/a	n/a	T. Johns Consulting Group	209
UHOPA-19-011* ZAC-19-040	187 Wilson Street	17-May-19	n/a	17-Jun-19	n/a	n/a	12-Mar-20*	T. Johns Consulting Group	200
<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	361
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.	354
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	356
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	260

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective October 16, 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 December 3, 2019
<b>Ward 15</b>									
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	498
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	176
UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	162

Active Development Applications

- When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 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.
- \* 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.
- \* 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.

**Number of Active Projects by Application Type by Month  
(February to December 2017, January to September 2018 and January to November 2019)**

**Figure 1 - Number of Active Projects by Application Type - January to September 2018**

<b>Application Type</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct*</b>	<b>Nov*</b>	<b>Dec</b>
Zoning By-law Amendment	27	29	36	36	34	31	31	31	26			21
Official Plan and Zoning By-law Amendment	28	33	36	33	28	28	25	24	27			23
Official Plan and Zoning By-law Amendment and Plan of Subdivision	9	7	8	9	10	10	11	11	11			9
Zoning By-law Amendment / Plan of Subdivision	6	6	5	5	5	5	5	3	3			4
<b>Total</b>	<b>70</b>	<b>75</b>	<b>84</b>	<b>83</b>	<b>77</b>	<b>74</b>	<b>72</b>	<b>69</b>	<b>67</b>			<b>57</b>

Note: No reports occurred in October, 2018 and November, 2018 due to the municipal election.

**Figure 2 - Number of Active Projects by Application Type - January to December 2019**

<b>Application Type</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
Zoning By-law Amendment	23	21	21	26	25	29	29	31	36	31	24	23
Official Plan and Zoning By-law Amendment	21	25	25	27	27	26	25	26	24	27	25	26
Official Plan and Zoning By-law Amendment and Plan of Subdivision	9	10	11	11	11	10	10	10	11	11	11	10
Zoning By-law Amendment / Plan of Subdivision	4	4	4	4	4	4	4	4	4	4	4	4
Official Plan Amendment	0	0	0	0	1	1	1	1	1	1	1	1
Plan of Subdivision	1	1	1	2	3	3	3	3	3	3	3	3
<b>Total</b>	<b>58</b>	<b>61</b>	<b>62</b>	<b>70</b>	<b>71</b>	<b>75</b>	<b>72</b>	<b>75</b>	<b>79</b>	<b>77</b>	<b>68</b>	<b>67</b>



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT**  
**Licensing and By-law Services Division**  
**and**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide)
<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>	
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include the contravention under subsection 3(2) of the Yard Maintenance By-law 10-118 described in Report PED19225, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED19225, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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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: Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide)- Page 2 of 4**

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## **EXECUTIVE SUMMARY**

By-law amendments are occasionally required to improve enforcement activities and update various by-laws as part of continuous improvement efforts for the most efficient and effective by-laws.

On July 12, 2019, Council approved Item 6.4 of Planning Committee Report 19-011 to amend the Yard Maintenance By-law 10-118 to include the maintenance requirements for trees in properties within the urban boundary. Staff is seeking approval to add this provision to the other minor contraventions under the Yard Maintenance By-law currently listed in Table 13 to Schedule A of the City of Hamilton APS By-law 17-225.

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

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

Financial / Staffing / Legal: N/A

## **HISTORICAL BACKGROUND**

At its meeting of September 27, 2017, Council approved Item 3 of Planning Committee Report 17-015 to enact the City of Hamilton APS By-law, directing staff to implement an Administrative Penalty System for the City's regulatory by-laws. To date, a total of 19 by-laws are included in the APS By-law.

On July 13, 2018 Council, approved Item 6.2 of Planning Committee Report 18-011 to amend the City of Hamilton APS By-law 17-225 to include minor contraventions under the Yard Maintenance By-law 10-118.

On July 12, 2019, Council amended the Yard Maintenance By-law, in part, to transfer the minor maintenance requirements for trees (limbs and branches) from the Property Standards By-law 10-221 to the less formal procedures and process under the Yard Maintenance By-law. It is fitting to add this recent amendment to the other minor contraventions under the Yard Maintenance currently listed in Table 13 to Schedule A of the APS By-law.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. Bringing the minor by-law contraventions into APS provides an alternative to the formal court trial setting to deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources.

**SUBJECT: Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide)- Page 3 of 4**

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## **RELEVANT CONSULTATION**

N/A

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

In most cases voluntary compliance of the Yard Maintenance By-law is achieved with no further action taken after the initial inspection of the Municipal Law Enforcement Officer. Failing voluntary compliance, Orders are issued and fees for service applied, followed by City contractors to remedy the contravention with costs added to the property tax roll. Legal action is commenced when the property owner continues to re-offend.

The current process under *the Provincial Offences Act* involves a formal court procedure involving significant public resources. Whereas, the issuance of Administrative Penalty Notices (APNs) provides a fair, effective and efficient process that is proportionate to encourage compliance to City of Hamilton By-laws.

The use of APNs has produced positive impacts to administer and enforce other minor contraventions under the Yard Maintenance By-law currently designated in the APS By-law. Staff propose amending the APS By-law to include the recently amended tree maintenance requirements under the Yard Maintenance By-law provisions.

Issuing APNs under the APS By-law does not include the lengthy formal process found in the Provincial Offences Court. Tickets are reviewed by a Screening Officer over the phone, via email, regular mail or in person without an appointment. Less formal Hearings are conducted providing offenders the opportunity to dispute their APNs in a non-adversarial manner. This enhanced resolution process within APS is an expedient and efficient method that provides excellent customer service for individuals who wish to exercise this option.

## **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.

**SUBJECT: Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide)- Page 4 of 4**

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**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": By-law amending Table 13 to Schedule A of the APS By-law 17-225

KL:BH:st

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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.



**Appendix "A" to Report PED19225****Page 1 of 1**

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

**Bill No.**

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

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

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

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

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No.17-225 is amended by adding Item 35 to Table 13 titled Yard and Maintenance By-law No. 10-118.

<b>Table 13: BY-LAW NO. 10-118 TO REGULATE EXTERIOR PROPERTY MAINTENANCE INCLUDING VEGETATION, WASTE AND GRAFFITI</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
35	10-118	3(2)	Fail to keep tree free from dead/decayed/damaged tree limbs or branches	\$150.00

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

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

\_\_\_\_\_  
A. Holland  
City Clerk



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	City Initiative (CI) 19-I - Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **City Initiative 19-I** to amend the Town of Ancaster Zoning By-law No. 87-57, to make technical changes and clarify regulations for ease of implementation to the Existing Residential "ER" Zone, be **APPROVED** on the following basis:

- (i) That the Draft By-law, attached as Appendix "B" to Report PED19203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) 2014, conforms with A Place to Grow Plan (2019) and, complies with the Urban Hamilton Official Plan.

## EXECUTIVE SUMMARY

Staff monitor City of Hamilton Zoning By-law No. 05-200 and the former municipal zoning by-laws and, where necessary, bring forward amendments to ensure the By-laws remain up-to-date, and any clarification and interpretation issues are addressed. While the former municipal zoning by-laws are being phased out as new zones are added to Comprehensive Zoning By-law No. 05-200, amendments may be warranted to those sections of the former municipal zoning by-laws that remain in effect. Staff are

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

**SUBJECT: City Initiative (CI) 19-1 - Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) - Page 2 of 7**

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proposing a Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 to address three items in the Existing Residential “ER” Zone. The proposed Zoning By-law Amendment is a technical amendment, intended to correct text and mapping errors and to improve zoning by-law implementation.

The purpose of this amendment to Town of Ancaster Zoning By-law No. 87-57 is:

- To correct two site specific exceptions in the Existing Residential “ER” Zone that due to historic mapping errors, erroneously included an adjacent property within a site specific exception; and,
- To delete Subsection 9.8 - Private Garage (General Provisions for Residential Zones) in the Existing Residential “ER” Zone. Subsection 9.8 requires the floor elevation of a private garage to be a minimum 30 centimetres above the centre line of the street adjacent to the garage.

**Alternatives for Consideration – See Page 6**

**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 a Zoning By-law Amendment. Notice of this amendment has been posted in the Hamilton Spectator (November 15, 2019), as required by the *Planning Act*.

**HISTORICAL BACKGROUND acknowledged**

In 2018, through City Initiative 18-A (PED18036(a)) dealing with redevelopment in mature neighbourhoods, a series of changes to the regulations of the Existing Residential “ER” Zone were introduced as a pilot project. The pilot project was implemented to promote more compatible integration of new development within mature neighbourhoods, in response to community concerns about the scale and massing of new development. Currently, the pilot project is being monitored to determine if the regulations are working as intended. The assessment will inform the development of infill housing regulations applicable to other areas of the City. There are presently other areas of the City (e.g. the Ainslie Wood and Westdale neighbourhoods, and portions of Mountain Brow Boulevard and the Beach Boulevard), that have specific zoning regulations to regulate the compatible integration of new development and drainage issues. Through the monitoring of the Ancaster “ER” Zone pilot project, staff have

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**SUBJECT: City Initiative (CI) 19-1 - Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) - Page 3 of 7**

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identified three items to be addressed more immediately, which are the subject of this proposed amendment.

This City Initiative proposes three modifications to residential regulations in the Town of Ancaster Zoning By-law No. 87-57. Two site specific exceptions for individual properties have both erroneously referenced an adjacent property within the site specific exception. This historic error occurs as both a text and mapping error. In addition, staff are recommending that Subsection 9.8 of Zoning By-law No. 87-57, which regulates the floor elevation of a private garage vis-à-vis the centre line of the adjacent street, be deleted in the Existing Residential “ER” Zone. The items are discussed in more detail in the Analysis and Rationale for Recommendation section of this report.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan, as applicable.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the Urban Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

The amendments to the two site specific exceptions are administrative in nature and do not conflict with the Provincial Policy framework. The proposed deletion of Subsection 9.8 of the Ancaster Zoning By-law in the Existing Residential “ER” Zone is not a matter of consistency with or conformity to the Provincial Policy framework. Rather, the amendment intends to improve the implementation of the zoning by-law.

Accordingly, it is staff’s opinion that the city initiated zoning amendments:

- Are consistent with the Provincial Policy Statement (2014); and,
- Conform to A Place to Grow Plan (2019).

**SUBJECT: City Initiative (CI) 19-1 - Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) - Page 4 of 7**

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**Urban Hamilton Official Plan**

The zoning amendments to the two site specific exceptions are administrative in nature and comply with the Official Plan. The proposed amendment to Subsection 9.8 (Private Garage) of the Ancaster Zoning By-law is also administrative in nature by addressing an issue of implementation, and thus complies with the Official Plan.

**RELEVANT CONSULTATION**

Consultation has taken place with staff from the Growth Management Division regarding Subsection 9.8 of the Town of Ancaster Zoning By-law.

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

The purpose of the amendments to the Town of Ancaster Zoning By-law No. 87-57 is:

- **Section 9**  
(General Provisions for Residential Zones)
  - To notwithstanding Subsection 9.8 – Private Garage, in the Existing Residential “ER” Zone.  
Subsection 9.8: “The floor elevation of a private garage shall be a minimum of 30 centimetres above the centre line of the street adjacent to the garage.”
- **Section 34**  
(Exceptions)
  - To amend site specific exception ER-380 and ER-393 for properties located on Valleyview Drive.

**Section 9.8 – Private Garage**

Subsection 9.8 of the Ancaster Zoning By-law is a regulation that addresses the grade of a property. In Ancaster, all properties zoned Existing Residential “ER” Zone are subject to Site Plan Control (Subsection 9.13 of Site Plan Control By-law No. 15-176). The Site Plan Control application process reviews site design features including grading, drainage, and stormwater management, on a site by site basis. Through the approval of a Grading Plan as part of a Site Plan Control application, site grading requirements are established based on engineering guidelines and best practices, as well as with consideration of planning objectives. In addition, the Ontario Building Code (OBC) has specific requirements with respect to grading and drainage. Part 9 of the OBC includes requirements for drainage disposal to a sewer, drainage ditch, or dry well, with specific requirements for sump pits and dry wells. Specifically, the OBC states:

**SUBJECT: City Initiative (CI) 19-1 - Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) - Page 5 of 7**

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“9.14.6.1 Surface Drainage

- (1) The building shall be located or the building site grading so that water will not accumulate at or near the building and will not adversely affect adjacent properties.

9.14.6.4 Catch Basin

- (1) Where runoff water from a driveway is likely to accumulate or enter a garage, a catch basin shall be installed to provide adequate drainage.”

In areas where there is challenging topography however, there may be instances where an approved Grading Plan recommends a site specific engineering solution that conflicts with Subsection 9.8 of the Ancaster Zoning By-law. To give an example, there are areas in the Ancaster “ER” zone where the natural topography is such that properties have a grade that slopes downward from centreline of the adjacent street. In some cases, when development is proposed in these areas, to meet Subsection 9.8, the floor elevation of the garage may need to be substantially raised whereas the engineering solution proposed may be able to address drainage without altering the grade of a property to the same extent.

The objective of the 2018 pilot project for the Ancaster “ER” Zone was to introduce new regulations to address the scale and massing of new development so that it is more sensitively integrated and compatible with the existing streetscape character. An engineering solution that alleviates the need to raise a building’s floor elevation will reduce the sense of massing of new construction. Staff note that at present, the only means to vary the requirement of Subsection 9.8 is by way of application for a Minor Variance through the Committee of Adjustment. By deleting the applicability of Subsection 9.8 to the Existing Residential “ER” Zone, property specific conditions resulting in a property specific engineering solution may be implemented. For these reasons, staff are recommending this regulation be deleted for properties located within the Ancaster “ER” Zone. A grading plan review will take place in the normal manner as part of a Site Plan Control application, to identify appropriate stormwater management design to facilitate engineering requirements. This is consistent with the approach to developing regulations for the new zoning by-law to avoid duplication or unnecessary process for those matters or issues that can better be addressed through another mechanism, this this case, site plan review.

**SUBJECT: City Initiative (CI) 19-1 - Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) - Page 6 of 7**

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Section 34 – Special Provision: ER-380 and ER-393

Two site specific exceptions have been identified as erroneously capturing an adjacent property as part of the site specific exception. These errors occur both as mapping and text errors.

ER-380 consists of a special provision specifying the maximum building height shall not be greater than one-storey (7.5 metres). This special provision was intended to apply to 53 Valleyview Drive only. However, the special provision was inadvertently applied to 49 Valleyview Drive, in addition to 53 Valleyview Drive. Special Provision ER-380 was established by By-law No. 95-99. At the time, the subject lands were known as part of 57 Valleyview Drive, and identified more particularly on Schedule “A” to the By-law. At a point in time, when the zoning maps were digitized, the special exception was erroneously extended to 49 Valleyview Drive. In 2018, through City Initiative 18-A (Redevelopment in Mature Neighbourhoods), the amending by-law modified ER-380 to reference the municipal addresses of the subject lands, which carried forward this mapping error. Through this City Initiative, staff are recommending the site specific exception be corrected to remove the reference to 49 Valleyview Drive, and the zoning boundaries on the affected map updated accordingly.

ER-393 consists of a special provision specifying the maximum building height shall not be greater than one and a half storeys (8.25 metres). This special provision was intended to apply to 16 Valleyview Drive only. However, the special provision was inadvertently applied to 20 Valleyview Drive, in addition to 16 Valleyview Drive. Special Provision ER-393 was established by By-law No. 95-127 which was amended by Ontario Municipal Board Decision No. 1851 issued on December 19, 1997. At the time, the subject lands were known as Part of Lot 40, Concession 3, and identified more particularly on Schedule “A” to the By-law. At a point in time, when the zoning maps were digitized, the special exception was erroneously extended to 20 Valleyview Drive. In 2018, through City Initiative 18-A (Redevelopment in Mature Neighbourhoods), the amending by-law modified ER-393 to reference the municipal addresses of the subject lands, which carried forward this mapping error. Through this City Initiative, staff are recommending the site specific exception be corrected to remove the reference to 20 Valleyview Drive, and the zoning boundaries on the affected map updated accordingly.

## **ALTERNATIVES FOR CONSIDERATION**

If the proposed By-law amendments are not approved, the two site specific exceptions will continue to erroneously identify properties that are not subject to the exceptions.

Subsection 9.8 of Town of Ancaster Zoning By-law No. 87-57 will continue to be applied to the entirety of the Town of Ancaster.

**SUBJECT: City Initiative (CI) 19-1 - Modifications to the Existing Residential “ER”  
Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203)  
(Ward 12) - Page 7 of 7**

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

### **Economic Prosperity and Growth**

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

### **Clean and Green**

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

### **Built Environment and Infrastructure**

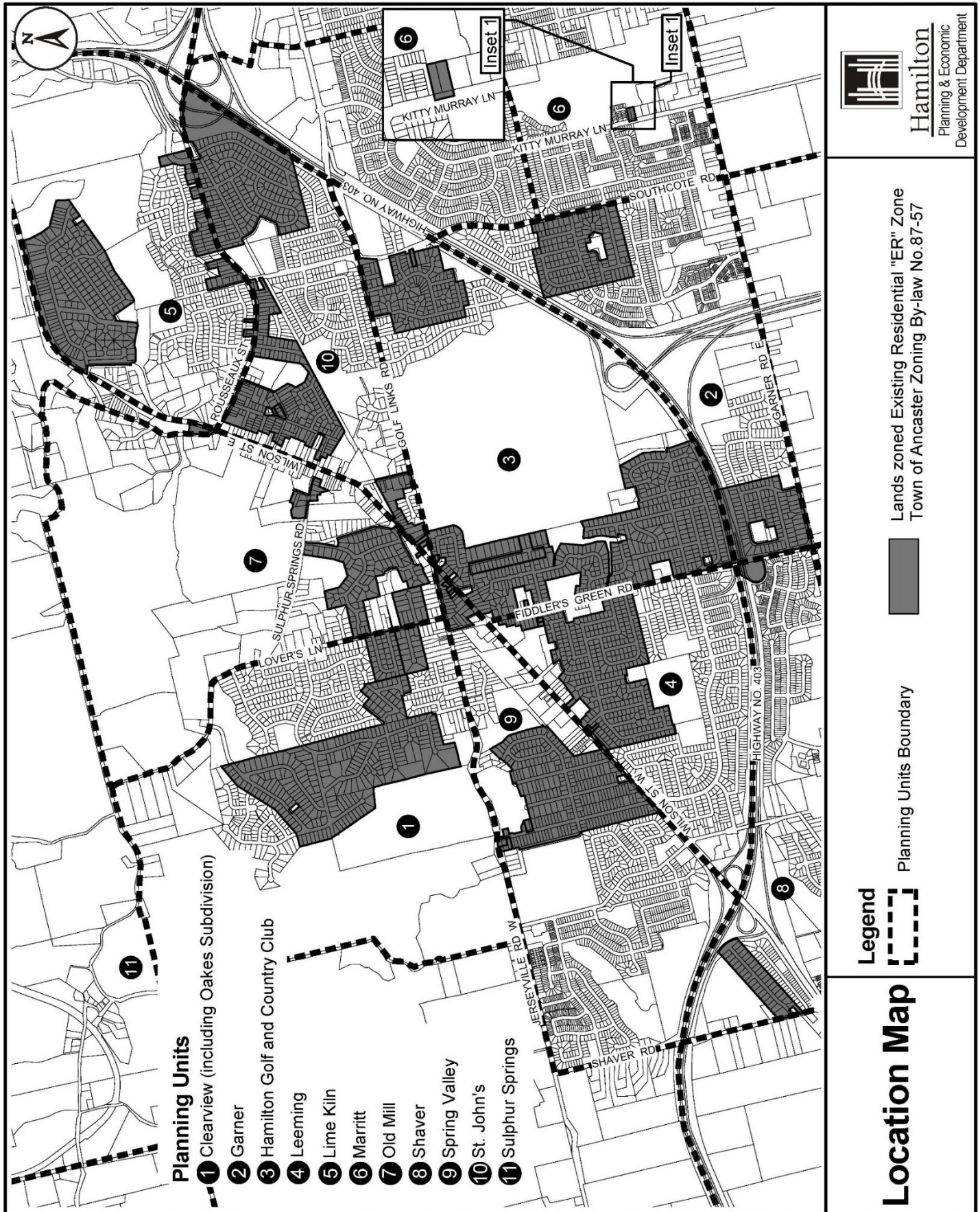
*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - Location Map

Appendix “B” - Draft Zoning By-law No. 87-57 Amendment





Authority: Item ,  
Report  
CM:  
Ward: 12

Bill No.

## CITY OF HAMILTON

### BY-LAW NO.

To Amend Zoning By-law No. 87-57 Respecting  
Section 9.8 Private Garage, and Exceptions ER-380 and ER-393

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

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

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

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 19-\_\_\_\_\_ of the Planning Committee at its meeting held on the 3<sup>rd</sup> day of December, 2019, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

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

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

1. That Map No. 1 to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby amended as follows:
  - (a) by changing the zoning from the Existing Residential "ER-380" Zone, Modified, to the Existing Residential "ER" Zone (49 Valleyview Drive), and,
  - (b) by changing the zoning from the Existing Residential "ER-393" Zone, Modified, to the Existing Residential "ER" Zone (20 Valleyview Drive),

To Amend Zoning By-law No. 87-57 Respecting  
Section 9.8 Private Garage, and Exceptions ER-380 and ER-393

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

2. That SECTION 9: GENERAL PROVISIONS FOR RESIDENTIAL ZONES of Zoning By-law No. 87-57 is amended as follows:
  - 2.1 That Subsection 9.8: Private Garage, is amended by adding a new Clause (a) as follows:

“(a) Subsection 9.8 shall not apply to any lot located in an Existing Residential “ER” Zone.”
3. That SECTION 34: EXCEPTIONS of Zoning By-law No. 87-57 is amended as follows:
  - 3.1 That Subsection 34.2: Lands Affected on Schedule "B" of Zoning By-law No. 87-57 is amended as follows:
    - a) That exception ER-380 is amended by deleting “properties located at 49 and 53 Valleyview Drive,” and replacing with “property located at 53 Valleyview Drive,”.
    - b) That exception ER-393 is amended by deleting “properties located at 16 and 20 Valleyview Drive,” and replacing with “property located at 16 Valleyview Drive,”.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Fred Eisenberger  
Mayor

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City Clerk

CI-19-I

Appendix "B" to Report PED19203  
Page 3 of 4

To Amend Zoning By-law No. 87-57 Respecting  
Section 9.8 Private Garage, and Exceptions ER-380 and ER-393

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Chair and Members	Report No.: PED19203	Date: 12/03/2019
Ward(s) or City Wide: Ward: 12		(MM/DD/YYYY)

Prepared by: Alana Fulford	Phone No: 905-546-2424, ext. 4771
<i>For Office Use Only, this doesn't appear in the by-law</i>	

To Amend Zoning By-law No. 87-57 Respecting  
Section 9.8 Private Garage, and Exceptions ER-380 and ER-393



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>----- Mayor</p> <p>----- Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 87-57</p>		<p><b>Subject Lands</b></p> <p>20 &amp; 49 Valleyview Drive</p> <div style="margin-bottom: 10px;">  Change in zoning from the Existing Residential "ER-380" Zone, Modified, to the Existing Residential "ER" Zone (49 Valleyview Drive)         </div> <div>  Change in zoning from the Existing Residential "ER-393" Zone, Modified, to the Existing Residential "ER" Zone (20 Valleyview Drive)         </div>
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> CI-19-I</p>	<p>Hamilton</p>
<p><b>Date:</b> Sept. 18, 2019</p>	<p><b>Planner/Technician:</b> AF/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mike Davis (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That **Zoning By-law Amendment Application ZAC-18-022, by Spallacci & Sons Ltd. (Owner)**, for a change in zoning from the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified, to the “RT-20/S-1301b-H1” (Townhouse – Maisonette – ‘Holding’) District, Modified (Blocks 1 and 2) and the “RT-20/S-1301b-H1, H2” (Townhouse – Maisonette – ‘Holding’) District, Modified (Block 3), in the City of Hamilton Zoning By-law No. 6593, to permit the development of 71 street townhouse dwellings and 260 stacked townhouse dwellings on lands located at 35 Sabrina Boulevard (Hamilton), as shown on Appendix “A” to Report PED19219, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19219, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan; and,

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 2 of 25**

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- (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H1' and 'H2' as a suffix to the proposed zoning for the following:
- (a) The 'H1' symbol shall be removed conditional upon:
- (1) That the necessary downstream sanitary sewer upgrades are completed and a suitable sanitary sewer outlet is established to the satisfaction of the Senior Director of Growth Management; and,
  - (2) That the ultimate stormwater management facility downstream of the subject site is constructed and a suitable drainage outlet is established to the satisfaction of the Senior Director of Growth Management.
- (b) For such time as the 'H2' symbol is applicable to the lands, the lands shall only be used for street townhouses in accordance with the "RT-20" District provisions as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 09-023. The 'H2' symbol shall be removed conditional upon:
- (1) That Draft Plan of Subdivision 25T-200721 lapses or the owner/applicant applies for and obtains approval of a revision to Draft Plan of Subdivision 25T-200721 to the satisfaction of the Director, Planning and Chief Planner.

## **EXECUTIVE SUMMARY**

The applicant has applied to amend the City of Hamilton Zoning By-law No. 6593 to further modify previous zoning approvals for a 4.2 hectare (10.38 acre) block of land in the "Eden Park – Parkview Estates" subdivision. These modifications are intended to permit the development of:

### Blocks 1 and 2

- 71 street townhouse dwellings (up to 11.0 metres in height) along the perimeter of the site with 142 parking spaces; and,

### Block 3

- 260 stacked townhouse dwelling units (up to 13.0 metres in height) in the central portion of the site with 22 surface parking spaces and 452 underground spaces.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 3 of 25**

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The existing “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified zoning that applies to the site allows for the development of townhouse and maisonette dwellings up to 11.0 metres in height, and street townhouses up to a maximum of 12.5 metres in height. The proposed Zoning By-law Amendment will provide for two development scenarios for Block 3. In the first scenario, the lands could be developed as per the existing zoning approvals if the proposal is for the same uses as the existing zoning allows (e.g. townhouse dwellings, maisonettes and street townhouses) and the built form fits with the existing site-specific modifications to the “RT-20” (Townhouse – Maisonette) District regulations. In the second scenario, the proposed zoning modifications will also allow for stacked townhouse dwelling units up to 13.0 metres in height to be developed on the interior portion of the site (Block 3), as shown on the concept plan (see Appendix “D” to Report PED19219).

The existing “Eden Park – Parkview Estates” Draft Plan of Subdivision that applies to this site (25T-200721) (see Appendix “E” to Report PED19219) will continue to provide a framework for public streets and infrastructure necessary to service the development. It is anticipated that the interior block (Block 3) will undergo a future site plan control application to facilitate the development of the proposed stacked townhouses. In this scenario, a revision to the existing draft approved subdivision will be required. As noted above, the proposed zoning would also allow for the development of street townhouses in the central block (Block 3) in the event the stacked townhouse concept does not proceed. In this scenario, it is anticipated the site can be developed with no further modifications to the existing Draft Plan (25T-200721).

A Holding Provision has been applied to the Zoning By-law Amendment to ensure that required sanitary sewer upgrades are completed, that a new stormwater management pond downstream of the subject site is constructed and, if necessary, that the owner/applicant apply for and obtain approval of a revision to the existing Draft Plan of Subdivision (25T-200721) prior to development.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS) (2014), conforms to A Place to Grow Plan (2019) and complies with the policies of the Urban Hamilton Official Plan (UHOP).

**Alternatives for Consideration – See Page 24**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A



**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 4 of 25**

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

## **HISTORICAL BACKGROUND**

The subject site is located on the north side of Sabrina Boulevard, approximately 120 metres east of Garth Street, and is municipally known as 35 Sabrina Boulevard. The site is within the Sheldon Neighbourhood and comprises part of Phase 3 of Draft Plan of Subdivision No. 25T-200721 “Eden Park – Parkview Estates” (see Appendix “E” to Report PED19219).

The Sheldon Neighbourhood Plan sets out a comprehensive land use vision for the lands bounded by Garth Street, Stone Church Road West, West 5<sup>th</sup> Street and Rymal Road West. The Neighbourhood Plan establishes an overall framework for the neighbourhood design including locations for park blocks and open spaces to serve the future development of the broader area. The specific land use permissions and design details for individual development blocks in the neighbourhood have been, and continue to be, put in place through Zoning By-law Amendment applications and Draft Plans of Subdivision.

The current site-specific Zoning By-law and the Draft Plan of Subdivision for these lands was approved in February of 2009. These approvals established the site as an “attached housing” block applicable to the subject lands through the application of the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified of By-law No. 6593.

At the time, a range of modifications to the standard “RT-20” District provisions were included as part of the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified. These modifications, approved by Council in 2009, include:

- Increased maximum building height of 12.5 metres from 11.0 metres for street townhouse dwellings;
- Decreased minimum front yard depth of 4.5 metres to front of the unit and 6.0 metres to front of garage from a general 6.0 metre requirement;
- Decreased minimum rear yard depth of 7.0 metres from 7.5 metres;
- Decreased minimum lot area of 160.0 square metres per single family dwelling unit from 180.0 square metres;
- Decreased minimum dwelling unit width of 5.5 metres from 6.0 metres;
- Decreased minimum front yard landscaping requirement of 35% of the gross area of the front yard from 50%; and,
- Decreased exterior side yard requirement of 1.0 metres from 2.5 metres.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 5 of 25**

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### **Proposal**

The intent of the proposed Zoning By-law amendment is to further modify previous zoning approvals applicable to the site to allow for greater flexibility in housing form. The concept plan proposes the development of two separate blocks (see Appendix “D” to Report PED19219). From a zoning perspective, Blocks 1 and 2 indicated on “Schedule A” of the amending Zoning By-law comprise the “perimeter block” and Block 3 comprises the “interior block”. The development concept includes:

#### **Blocks 1 and 2**

- 71 street townhouse dwellings up to 11.0 metres in height (currently permitted) along the perimeter of the site with 142 parking spaces; and,

#### **Block 3**

- 260 stacked townhouse dwelling units up to 13.0 metres in height (i.e. multiple dwellings) in the central portion of the site, with 22 surface parking spaces and 452 underground spaces.

The following modifications to the existing site-specific Zoning By-law are required in order to implement the proposal.

**Table 1: Proposed Modifications**

<b>Summary of Proposed Amendments</b>		
<b>Zoning By-law Changes</b>	<b>Entire Site</b>	<ul style="list-style-type: none"> <li>• Eliminate zoning requirements for loading stalls</li> <li>• Specify required dimensions of parking stalls in an underground structure for multiple dwellings, maisonette dwellings and/or townhouse dwellings</li> </ul>
	<b>Blocks 1 and 2</b>	<ul style="list-style-type: none"> <li>• Decreased front yard setback of 3.0 metres from 4.5 metres for street townhouse corner lots</li> </ul>
	<b>Block 2</b>	<ul style="list-style-type: none"> <li>• Decreased minimum rear yard setback of 6.5 metres from 7.0 metres</li> </ul>
	<b>Block 3</b>	<ul style="list-style-type: none"> <li>• To permit multiple dwellings (e.g. stacked townhouses)</li> <li>• To increase the maximum permitted building height to 13.0 metres for multiple dwellings</li> <li>• To introduce a maximum density of 150 units per hectare for multiple dwellings</li> </ul>

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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: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 6 of 25**

		<ul style="list-style-type: none"> <li>• To introduce massing and setback controls for multiple dwelling forms</li> <li>• To modify building separation distance requirements for multiple dwellings</li> </ul>
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Following a Council decision on the application, the proponent will either pursue a revision to the existing Draft Plan of Subdivision to allow for the comprehensive stacked townhouse development (i.e. multiple dwellings) on the internal block (Block 3) or proceed with registration of the Draft Plan in its current form to provide a framework for a street townhouse development.

### First Submission

The original application was submitted on March 15, 2018. The submission included a concept plan proposing 208 two-bedroom stacked townhouse units, 52 three-bedroom stacked townhouse units and 71 street townhouse units for a total of 331 residential units. The proposal included 142 surface parking spaces for the street townhouse units, 22 surface parking spaces and 452 underground parking spaces for the stacked townhouse units and 260 bicycle parking spaces. The applicants received circulation comments regarding the original concept plan in May of 2018.

### Second Submission

The revised proposal clarified that proposed “Street A” would remain a public road, approved as part of the Eden Park Draft Plan of Subdivision. Maintaining this as a public street divides the site into two distinct blocks and re-classifies the townhouse form for the exterior block as “street townhouses”. Other than this technical modification, the development concept has generally remained the same throughout the review process.

### Chronology

March 15, 2018: Zoning By-law Amendment Application ZAC-18-022 received.

April 9, 2018: Application ZAC-18-022 deemed complete.

April 23, 2018: Notice of Complete Application and Preliminary Circulation was sent to 236 property owners within 120 m of the subject property.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 7 of 25**

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April 24, 2018: Public Notice Sign installed on site.

December 21, 2018: Submission of a Revised Zoning By-law Amendment Application ZAC-18-022.

November 6, 2019: Public Notice Sign updated with Public Meeting Date.

November 15, 2019: Circulation of the Notice of Public Meeting sent to 236 property owners within 120 m of the subject property.

**Details of Submitted Application:**

**Applicant / Owner:** Spallacci & Sons Ltd.

**Agent:** UrbanSolutions Planning & Land Development Consultants Inc.

**Location:** 35 Sabrina Boulevard, Hamilton

**Property Description:**

<u>Lot Frontage:</u>	138.00 m (Sabrina Boulevard)
<u>Lot Depth:</u>	130.61 m
<u>Lot Area:</u>	17,912 m <sup>2</sup>
<u>Servicing:</u>	Future municipal services to be installed

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Vacant (stripped & graded)/Temporary Stormwater Management	“RT-20/S-1301a” (Townhouse – Maisonette) District, Modified.
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Garth Street Reservoir	“AA” (Agricultural) District.
<b>East</b>	Vacant Lands (HWDSB site)	“AA” (Agricultural) District.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 8 of 25**

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<b>South</b>	West Highland Baptist Church and Single Detached Dwellings	Community Institutional (I2) Zone, “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified and DE-‘H’/S-1301 (Low Density Multiple Dwellings – Holding) District, Modified.
<b>West</b>	Block Townhouses	“RT-20/S-369” (Townhouse – Maisonette) District, Modified.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019).

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

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The following policy, amongst others, applies:

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

In this regard, the subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 9 of 25**

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- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

As part of previous applications ZAC-07-099 and 25T-200721, Staff required an archaeological assessment be conducted for the subject lands. A Stage 1-3 archaeological report (P017-130-2007) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. The Ministry signed-off on compliance with licensing requirements in a letter dated October 14, 2008. Staff concur that there is no longer a municipal interest in the subject property with respect to archaeology.

As the application for a change in zoning complies with the Official Plan and relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

### **Urban Hamilton Official Plan (UHOP)**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The subject site is located outside of the built boundary identified on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan.

From an urban structure perspective, Section 2.6.4 of the UHOP directs that the neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports. The proposed development seeks to allow for additional dwelling forms on a vacant site in a developing greenfield area. The following policies of the “Neighbourhoods” designation contained in Section E.3.0 of the UHOP, amongst others, apply.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 10 of 25**

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Neighbourhoods Designation

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

The proposed Zoning By-law Amendment is supported by the policy goals for neighbourhoods in urban Hamilton. The site-specific zoning will carry forward and build on previous approvals to allow for multiple dwellings (i.e. stacked townhouses) on a portion of the site, in addition to existing permitted uses such as townhouses and maisonette dwellings.

The zoning changes will facilitate a more compact form of residential development with appropriate controls on building height, massing and separation distances such that development will fit with the scale and character of existing and planned residential uses in proximity to the site. The proposed amendments will provide for new forms of housing (e.g. stacked townhouses) that are not currently available in existing or planned residential development within the Eden Park – Parkview Estates Subdivision. This will allow for greater market choice within this developing community and the potential for more affordable units to be offered at densities that support transit service and the creation of a more complete community.

Residential

Section 3.3 of the UHOP defines three specific residential categories (low, medium and high density). In accordance with Section 3.3, these specific categories provide scale and design policy for the purposes of zoning. The proposed Zoning By-law amendment introduces a flexible zoning framework that allows for a combination of low density residential and high density residential building forms. The amendment includes some further special modifications to the existing zoning standards for street townhouses. It

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 11 of 25**

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also introduces potential for high-density dwelling forms (e.g. stacked townhouses) on a portion of the site. The following relevant policies of the high density residential category and policies for existing, non-complying and non-conforming uses apply to the proposed development.

Existing, Non-Complying and Non-Conforming Uses

The UHOP recognizes that there are some previously existing land uses that do not comply with the goals and objectives set out in the Plan. It is recognized that these uses may have been established for a number of years and the following policies provide guidance on expanding existing, non-complying and non-conforming uses.

- “F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban Land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non-complying.
- F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:
- a) the Zoning By-law shall permit only the existing use and the associated performance standards;
  - b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
  - c) the use is in compliance with appropriate provincial and municipal regulations.
- F.1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.”

The existing “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified that applies to the site permits a range of lower profile grade-oriented building forms including townhouse and street townhouse dwellings. This site-specific Zoning By-law was approved in January of 2009, prior to the adoption of the UHOP. The proposed Zoning By-law Amendment carries forward existing site-specific regulations that allow a minimum lot area of 160.0 square metres per dwelling unit for street townhouses and a maximum building height of 12.5 metres. This results in a maximum density of 62 units



**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 12 of 25**

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per hectare which exceeds the 60 units per hectare maximum density for low density residential uses prescribed in Section E.3.4.4. of the UHOP. Additionally, the maximum height of 12.5 metres exceeds the height policies outlined in Section E.3.4.5 which allow for a maximum of three storeys.

In this regard, Section F.1.12.8 of the UHOP provides an opportunity to carry forward and recognize these existing non-complying zoning permissions. The proposed uses and design regulations are supported by the general policies for the Neighbourhoods designation in the UHOP and are supported by the objectives of the PPS, 2014 and A Place to Grow Plan, 2019 which encourage compact form in urban Hamilton. These uses are compatible with the character of surrounding development in the neighbourhood. The surrounding subdivision pattern and street network has been designed specifically to accommodate this form of development and, as such, it will not introduce any safety issues with respect to traffic.

The proposed Zoning By-law amendment includes two further modifications to the existing zone to allow for a reduced rear yard setback on a single block of parcels (Block 2) and a reduced front yard setback on corner lots. The reduced rear yard setback of 6.5 metres from 7.0 metres is limited to a small number of parcels that are impacted by irregular road right-of-way geometry imposed by an adjacent roundabout. The reduced setback will help to facilitate a more consistent front setback with adjacent proposed dwellings to the north and overall appearance from the street. The reduced front yard setback will allow for a 3.0 metre setback for corner lots (whereas 4.5 is required). This modification is limited to corner lots where the lot lines are likely to be impacted by intersection geometry, curves and daylight triangles. Overall, this modification would only apply to two parcels on the exterior blocks (Blocks 1 and 2). Similar to the reduced rear yard setback, the further reduced front yard setback is technical in nature and will actually help to enable a more consistent appearance of front building facades front the adjacent public street. These further modifications are appropriate in the limited locations and maintain the intent of the Neighbourhoods policies of the UHOP and the “RT-20” (Townhouse – Maisonette) District.

#### High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 13 of 25**

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- E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.”

The proposed zoning framework will add permissions for multiple dwellings on Block 3 in accordance with the High Density Residential policies discussed below.

The subject site is located on the periphery of the planned Eden Park – Parkview Estates Subdivision and is 120 metres east of Garth Street. Garth Street is designated as a Minor Arterial Road on Schedule C – Functional Road Classification of the UHOP. Garth Street provides access to transit service and direct connections to the City’s Arterial Street network. Additionally, the site is within close walking distance to St. Thomas More Catholic Secondary School and the William Connell City-Wide Park which are significant community amenities.

A block townhouse/medium density residential development exists to the west, the Garth Street Reservoir (a public utility site) to the north, and a vacant Hamilton-Wentworth District School Board site to the east. The Eden Park Subdivision identified this site as an “attached housing” block intended for townhouse dwellings and maisonettes. The Sheldon Neighbourhood Plan also identifies the site for “attached housing”, establishing the lands as suitable for more intense forms of housing than found on other residential lands in the neighbourhood to the south of the site.

Given the local context of the site, being located on the periphery of the Eden Park subdivision and in close proximity to Garth Street, it meets the criteria for high density residential uses. The surrounding land use pattern also provides an opportunity to accommodate high density density residential uses in a manner that limits impacts on surrounding lower density areas to the south.

- “E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 14 of 25**

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- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
- c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met. (OPA 109)”

The proposed Zoning By-law Amendment will allow for a maximum net residential density of 150 units per hectare on Block 3, with a maximum permitted height of 13.0 metres. As such, the overall intensity of development meets the thresholds defined in Section E.3.6.6 of the UHOP.

“E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road.
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- c) High profile development may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile development.
- d) Development shall:
  - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 15 of 25**

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- ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
  - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
- i) surface parking areas;
  - ii) parking structures;
  - iii) utility and service structures such as garbage enclosures; and,
  - iv) expanses of blank walls.”

The proposed development will continue to rely on an existing draft-approved plan of subdivision where the street network and the lot/block pattern has been planned comprehensively to address traffic, pedestrian connectivity and neighbourhood integration. The specific design details for the interior block (Block 3) such as access, building placement/orientation, landscaping and parking will be addressed in detail through a future Site Plan Control application. Block 3 has frontage along a collector road and there are opportunities for access on the future local road where only a small number of the street townhouse dwellings planned for the exterior block would separate the access from the collector network.

The building heights have been limited to 13.0 metres (4 storeys) for the interior block (Block 3). This is not considered to be “high profile” development but is more in line with a low-rise scale envisioned for high density buildings forms in close proximity to lower density development. Further, the 13.0 metre maximum represents only a modest increase in building height to that of the development south of the site. Also, it is important to recognize that the existing “RT-20/S-1301a” District allows for a maximum height of 12.5 metres. Block 3 is separated from existing residential development to the south by a municipal road which serves to mitigate any perceived impacts of the additional building height.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 16 of 25**

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Finally, the proposal will be implemented through a site-specific Zoning By-law Amendment that introduces site-specific measures to control building massing, and landscaping in a manner that balances the need to respect neighbourhood character with a desire to facilitate a compact efficient development form (see Appendix “B” of Report PED19219). The Zoning By-law Amendment will enable densities that support the provision of underground parking. As mentioned previously, the proposed development is located 120 metres east of Garth Street and only one existing driveway access separates the site from Garth Street. The impacts of any added traffic will have minimal disruptions to existing development.

### Servicing

- “C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.
- C.5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:
- a) Development and / or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
  - b) Development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
  - c) Storm water systems shall be designed and constructed, in accordance with the City’s standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.”

A Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates and dated March 2018 was submitted with the applications. The FSR provides an overview of the

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 17 of 25**

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proposed hard servicing arrangements including anticipated sanitary flows from the subject lands. Effluent is intended to be directed to the existing sanitary sewer on Stone Church Road West from the northeast corner of the site. Upsizing of existing downstream sanitary infrastructure on Stone Church Road West is necessary in order to serve the proposed development. Therefore, prior to development of the subject lands, an adequate sanitary outlet at the northeast corner needs to be established. The recommended zoning by-law includes a Holding Provision in order to ensure that sufficient wastewater infrastructure is in place prior to development of the site.

There is a temporary stormwater management facility on the subject lands, which is currently servicing Eden Park Phase 1 development. The ultimate intent is that a permanent stormwater management facility will be constructed northeast of the site. This need is identified in the Sheldon Neighbourhood Plan. Currently, a suitable stormwater outlet does not exist to service the proposed development and the timing of the required pond construction is not certain. The Holding Provision for wastewater recommended for the site will also include a provision requiring that development on the subject lands cannot proceed until the ultimate stormwater management facility is constructed and a suitable drainage outlet is established for the subject lands.

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

### **Sheldon Neighbourhood Plan**

The subject site is located within the boundaries of the Sheldon Neighbourhood Plan. The site is designated “Attached Housing” in the Neighbourhood Plan. The neighbourhood plan policies are broad and do not specify allowable densities and/or built forms for the “Attached Housing” category. However, the plan does provide that residential development will be encouraged which:

- Is compatible with the height and density of adjacent development;
- Is innovative in design, e.g. energy efficient; and,
- Includes a variety of housing sizes, densities, tenures, types and costs.

Section 8 – Plan Implementation also outlines that the plan is meant to be flexible enough to allow for changes which are compatible with the general goals of the plan and that amendments shall only be required where there are significant changes in the neighbourhood.

In this regard, the proposed Zoning changes will enable a form of development that generally aligns with the form of development envisioned for lands designated “Attached Housing”. The proposal will introduce additional housing options, sizes and densities with appropriate controls on built form, scale and massing to ensure the development is

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 18 of 25**

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compatible with its surroundings. As such, the proposal is consistent with the neighbourhood plan.

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

The subject property is currently zoned “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified (By-law 09-023) which permits townhouse, maisonette dwellings and street townhouse dwellings. The existing site-specific zoning includes the following modifications to the standard “RT-20” District provisions:

- Increased maximum building height of 12.5 metres from 11.0 metres for street townhouse dwellings;
- Decreased minimum front yard depth of 4.5 metres to front of the unit and 6.0 metres to front of garage from a general 6.0 metre requirement;
- Decreased minimum rear yard depth of 7.0 metres from 7.5 metres;
- Decreased minimum lot area of 160.0 square metres per single family dwelling unit from 180.0 square metres;
- Decreased minimum dwelling unit width of 5.5 metres from 6.0 metres;
- Decreased minimum front yard landscaping requirement of 35% of the gross area of the front yard from 50%; and,
- Decreased exterior side yard requirement of 1.0 metres from 2.5 metres.

In order to implement the current proposal and provide a flexible land use framework that facilitates appropriate compact form, further modifications to the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified (By-law 09-023) are required. Given the new block-based approach to the development of the site and the further modifications required to introduce new standards for the expanded land use, this application proposes to establish new site-specific zones that are based on the previous “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified.

All of the modifications established through By-law 09-023 and listed above are being carried forward into the new site-specific zones. The additional modifications are generally described below. A detailed overview and evaluation of the following proposed modifications are included in Appendix “C” to Report PED19219. The additional modifications are:

**Street Townhouse Regulations for Blocks 1 & 2**

- Decreased front yard depth of 3.0 metres from 4.5 metres for corner lots.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 19 of 25**

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Street Townhouse Regulations for Block 2 only

- Decreased minimum rear yard depth of 6.5 metres from 7.0 metres.

Site-Specific Regulations for Block 3

- To permit multiple dwellings (e.g. stacked townhouses);
- To increase the maximum permitted building height to 13.0 metres for multiple dwellings;
- To introduce a maximum density of 150 units per hectare for multiple dwellings;
- To introduce massing and setback controls for multiple dwelling forms; and,
- To modify building separation distance requirements for multiple dwellings.

Regulations for all Blocks

- Removal of requirements for loading stalls; and,
- Introduce required dimensions for parking stalls in an underground structure for multiple dwellings, maisonette dwellings and/or townhouse dwellings.

**RELEVANT CONSULTATION**

The following internal departments and external agencies had no comments or objections to the applications:

- Hydro One Networks Inc.;
- Ministry of Transportation;
- Public Health, Healthy and Safe Communities Department;
- Recreation, Healthy and Safe Communities Department;
- Landscape Architectural Services, Public Works Department;
- Parks and Cemeteries, Public Works Department;
- Hamilton Fire Department; and,
- Transit Planning and Infrastructure, Transit (HSR).

The following Departments and Agencies have provided comments with respect to the proposed applications:

**Hamilton Conservation Authority (HCA)** notes that the subject property contains a temporary stormwater quantity control facility that was constructed to service a portion of the Phase 1 lands to the south, until such time as the ultimate stormwater quantity and quality control facility was constructed downstream. HCA indicated it was their understanding that development of the subject lands cannot proceed until the



**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219) – Page 20 of 25**

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downstream stormwater management pond is constructed and deemed functional by the municipality and the storm sewer extension along Stone Church Road West is completed. Accordingly, HCA requested that a Holding Provision be applied recognizing these stormwater management requirements. Staff have recommended a Holding Provision be applied to the subject site as part of the proposed Zoning By-law amendment.

**Transportation Planning, Planning and Economic Development Department** notes that they have reviewed the March 2018 Traffic Impact Study by Paradigm Transportation Solutions Limited and have approved the TIS. Site design issues will be reviewed in more detail and implemented through future revisions to the Eden Park Draft Plan of Subdivision and/or the future Site Plan Control application stage for Block 3.

**Forestry and Horticulture Section, Public Works Department** notes that there are no municipal tree assets on site; therefore, a Tree Management Plan was not required. They require a detailed Landscape Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal/external City property be provided. The Landscape Plan requirement can be most effectively implemented through subsequent stages of the development process including revisions to the Draft Plan of Subdivision (if necessary) and/or the Site Plan Control stage for the multiple dwellings.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 236 property owners within 120 m of the subject property on April 23, 2018 and a Public Notice sign was posted on the property on April 24, 2019. As a result of changes to the development concept a revised application was submitted on December 21, 2018. A revised Notice of Complete Application was sent to the same property owners on February 7, 2019 and the Public Notice Sign was updated accordingly on February 7, 2019. The Public Notice Sign was updated with the Public Meeting Date on November 6, 2019. Finally, notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

At the time of writing this report, one submission had been received from a member of the public. The submission is discussed in the Analysis and Rationale for Recommendation section of this report and attached as Appendix “F” to Report PED19219.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 21 of 25**

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**Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy. The strategy prepared by the consulting planners UrbanSolutions included the following tactics:

- Posting a sign on the site detailing contact information for their firm and the project lead. The intent of the signage was to provide members of the public with a direct link to call or email with inquiries and feedback about the proposal.
- Development of a “microsite” (project website) for the project. The link was provided to the Planner on file and the Ward Councillor. The microsite provided a portal for members of the public to access the submitted reports, studies and supporting information that was provided to the City. Updates on the project were also posted on the site, as they occurred.
- UrbanSolutions staff will attend and be prepared to provide a presentation at the Statutory Public Meeting.

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

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) The proposal is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019);
  - (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Low Density Residential and High Density Residential use categories of the Neighbourhoods designation; and,
  - (iii) The proposed development represents good planning by, amongst other things, providing a compact and efficient urban form that is compatible with the area, providing a wider range of housing in the Eden Park subdivision and including densities that are transit supportive.
2. Zoning By-law Amendment

The applicant has requested further modifications to the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified in the City of Hamilton Zoning By-law No. 6593. The proposed Zoning By-law amendment will carry forward existing zoning permissions allowing for townhouses, maisonettes and street townhouses

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)**  
**– Page 22 of 25**

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up to 11.0 metres in height. Existing modifications to the parent street townhouse regulations will also be carried forward. The proposed zoning framework includes further modifications that will introduce the potential for multiple dwellings (e.g. stacked townhouses) on Block 3. A range of site-specific regulations have been introduced to control the massing, scale and extent of multiple dwellings. These zoning regulations will produce a built form that will be complementary to the design and scale of adjacent residential development (see Appendix “D” to Report PED19219) and comply with applicable UHOP policies guiding the scale and design of development within the Neighbourhoods designation.

The proposed amendment to Zoning By-law No. 6593 can be supported as it will broaden the range of housing forms available within Eden Park and implement appropriate regulations to ensure that development is compatible with existing housing forms in the surrounding area.

3. Implementation

As noted previously, the site is subject to the existing Draft Approved Eden Park Subdivision (25T-200721). This draft plan will continue to provide a framework for the development of streets and infrastructure necessary to service the site. The proposed Zoning By-law is flexible and allows for varying configurations and tenures of townhouses and multiple dwellings based on market need/uptake.

Should the applicant proceed with the development concept outlined in this report (see Appendix “D” to Report PED19219), the proposed stacked townhouse development in Block 3 will be subject to Site Plan Control. The Site Plan Control process will provide a further opportunity for Staff to review and analyse the specific details of that portion of the site including site access, building placement/orientation, landscaping, parking design, etc. In this instance, a revision to the existing Draft Plan of Subdivision would be required to remove the interior street and form a larger consolidated block in the centre of the site. Future revisions to the approved Draft Plan of Subdivision would provide an opportunity to re-examine the design details of the subdivision framework and appropriate conditions of approval.

In an alternative scenario, the applicants could elect to develop the entire site for street townhouse dwellings as envisioned by the existing site-specific “RT-20/S-1301a” zoning. In this case, it is anticipated the applicants would rely on the existing draft approved subdivision and no further planning approvals would be required.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 23 of 25**

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4. Engineering Approvals Section, Growth Management Division

The Engineering Approvals section has no issues with the proposed zoning changes but has recommended that a Holding Provision be applied to the zoning approval to ensure that the required servicing works downstream of the subject development are constructed. The Engineering Approvals Section has requested that the Holding Provision should not be lifted until:

- i. The existing sanitary sewer on Stone Church Road West is upsized;
- ii. The future sanitary sewer from the northeast corner of the property to Stone Church Road West is completed and an adequate sanitary sewer easement over the property at 305 Stone Church Road West in the City's favour is established; and,
- iii. That the ultimate stormwater management facility downstream of the subject land is constructed, and suitable drainage outlet at the northeast corner is established for the subject land before development proceeds.

The recommended Holding Provision ensures that these requirements are addressed prior to development of the site. All outstanding site servicing and design issues will be reviewed in more detail and implemented through the future Site Plan Control application. In addition, all conditions of draft plan approval for the Eden Park – Parkview Estates subdivision (25T-200721) will continue to apply until otherwise revised.

5. One submission was received from a member of the public citing concerns about potential traffic impacts, impacts to wildlife and lack of open space.

Traffic

A concern was raised with respect to the amount of traffic being generated as a result of the subject proposal. A Transportation Impact Study was prepared by Paradigm Transportation Solutions Ltd. and submitted by the applicant with the Zoning By-law Amendment application. The study includes a 10-year forecast for level of service of surrounding major intersections. In general, the study highlights some anticipated future operational deficiencies at the intersections of Garth Street and Stone Church Road, Garth Street and Sabrina Boulevard and Garth Street and Rymal Road East. Overall background traffic within the area has contributed to greater levels of congestion. However, the proposed zoning changes are not significant in the context of overall growth in the area and would not, in and of themselves, contribute to any further exacerbation of future level of service.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 24 of 25**

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### Wildlife Impacts

The subject site has largely been cleared and graded and it not home to any known significant wildlife habitat. This site has been previously planned for urban development through the Sheldon Neighbourhood Plan, Eden Park Subdivision and Zoning By-law 09-023. The proposed amendments introduce the potential for alternative housing forms to be built on this site but do not expand the overall footprint of the planned subdivision. As such, the amendments will not introduce impacts to wildlife.

### Open Space

This site is one component of a larger neighbourhood plan and Draft Plan of Subdivision that includes significant open space components. Parks and other significant open space and amenities are planned and established at a neighbourhood scale. This site should be viewed as a small part of a broader community. The William Connell Park, Garth Street Reservoir and a significant woodland located on the adjacent site to the east all form components of a planned open space network in the neighbourhood. The introduction of additional housing forms on a planned development site does not provide an opportunity to secure new public open space. Furthermore, developing these lands at higher densities serves to minimize the need for outward expansion of urban growth into existing natural areas and has a positive net benefit from an open space perspective. The future site plan approval process will provide a mechanism for the City and applicant to explore additional on-site landscaping, open space and low impact development techniques.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property could be utilized in accordance with the existing “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified provisions of City of Hamilton Zoning By-law No. 6593. The existing zoning allows for the development of townhouse and maisonette dwellings up to 11.0 metres in height and street townhouse dwellings up to a maximum height of 12.5 metres.

## **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.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for  
Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)  
– Page 25 of 25**

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**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Clean and Green**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

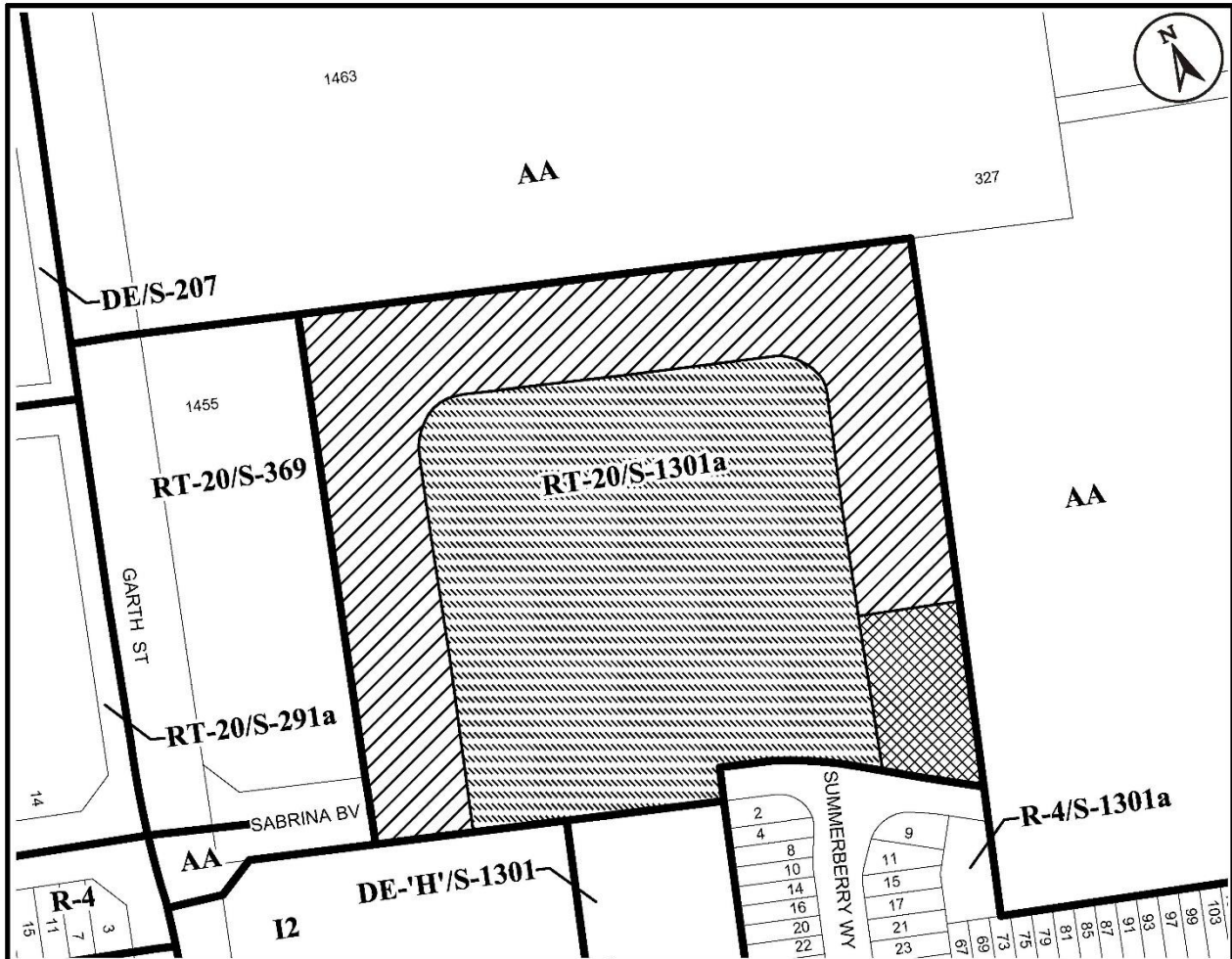
Appendix “B” – Amendment to Zoning By-law No. 6593

Appendix “C” – Zoning By-law Modification Chart

Appendix “D” – Concept Plan

Appendix “E” – Eden Park/Parkview Estates Draft Plan of Subdivision (25T-200721)

Appendix “F” – Public Correspondence



● Site Location



Key Map - Ward 8

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-18-022

Date:  
November 5, 2019


Appendix "A"


Scale:  
N.T.S.


Planner/Technician:  
MD/AL

### Subject Property

Part of Lots 17 & 18, Concession 8,  
Part 1 on Plan 62R-19029

 **Block 1** - Change in zoning from "RT-20/S-1301a" (Townhouse - Maisonette) District, Modified, to "RT-20/S-1301b-H1" (Townhouse - Maisonette - 'Holding') District, Modified

 **Block 2** - Change in zoning from "RT-20/S-1301a" (Townhouse - Maisonette) District, Modified, to "RT-20/S-1301b-H1" (Townhouse - Maisonette - 'Holding') District, Modified

 **Block 3** - Change in zoning from "RT-20/S-1301a" (Townhouse - Maisonette) District, Modified, to "RT-20/S-1301b-H1, H2" (Townhouse - Maisonette - 'Holding') District, Modified

**Authority:** Item  
Report (PED)  
CM:  
Ward: 8

**Bill No.**

## **CITY OF HAMILTON**

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

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 35 Sabrina Boulevard, Hamilton**

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_ of Report 19-\_\_\_\_ of the Planning Committee, at its meeting held on the 3<sup>rd</sup> day of December 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton;

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

1. That Sheet No. W-17d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing the following:



- a. That the zoning for Block 1 be changed from the "RT-20/S-1301a" (Townhouse – Maisonette) District, Modified, to the "RT-20/S-1301b-H1" (Townhouse – Maisonette – 'Holding') District, Modified;
- b. That the zoning for Block 2 be changed from the "RT-20/S-1301a" (Townhouse – Maisonette) District, Modified, to the "RT-20/S-1301b-H1" (Townhouse – Maisonette – 'Holding') District, Modified; and,
- c. That the zoning for Block 3 be changed from the "RT-20/S-1301a" (Townhouse – Maisonette) District, Modified, to the "RT-20/S-1301b-H1, H2" (Townhouse – Maisonette – 'Holding') District, Modified;

on the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

2. That the "RT-20" (Townhouse – Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 09-023, applicable to the land comprised in Blocks 1 and 2, be further modified to include the following special requirements:
  - a. Section 3 (b) be deleted and replaced with "That notwithstanding Section 10F(4)(a), a front yard of a depth not less than 4.5 metres shall be provided and maintained except for corner lots where a minimum depth of 3.0 metres shall be provided and maintained".
3. That the "RT-20" (Townhouse – Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 09-023, applicable to the land comprised in Block 2, be further modified to include the following special requirements:
  - a. Section 3 (c) be deleted and replaced with "That notwithstanding Section 10F(4)(b), a rear yard of a depth not less than 6.5 metres shall be provided and maintained".
4. That the "RT-20" (Townhouse – Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law 09-023, applicable to the land comprised in Block 3, be further modified to include the following special requirements:
  - a. That in addition to the permitted uses outlined in Section 10E(2)(a), Multiple Dwellings shall be permitted.
  - b. That in addition to Section 10E(3), Multiple Dwellings shall not exceed 13.0 metres in height.
  - c. That notwithstanding Section 10E(4)(a), where a yard abuts Sabrina Boulevard, a depth of not less than 3.0 metres shall be provided and maintained and where a yard abuts any other street, a depth of not less than 1.2 metres shall be provided and maintained.

- d. That notwithstanding Section 10E(5)(b), a distance of not less than 7.5 metres between the rear or front facing exterior wall of a building and the side exterior wall of a building.
  - e. That notwithstanding Section 10E(5)(c), a distance of not less than 15.0 metres between the rear or front facing exterior wall of a building and the rear or front facing exterior wall of another building.
  - f. In addition to Section 10E(7)(a) and (b), the maximum permitted density is 150 units per hectare.
  - g. That Section 10E(8) and (9) shall not apply to Multiple Dwellings.
  - h. That notwithstanding Section 10E(10) there shall be provided and maintained on the same lot and within the "RT-20" District, for one or more buildings or structures, an amount not less than 30% of the area of the lot on which the buildings or structures are situated, as landscaped area.
  - i. In addition to Section 10E(17)(a) and (b), for Multiple Dwellings, the maximum length of any building face shall be 50.0 metres.
5. That the Parking and Loading Requirements, as contained in Section 18A of Zoning By-law No. 6593, applicable to the land comprised in Blocks 1, 2 and 3, be modified to include the following special requirements:
- a. That Section 18A(1)(c) and Table 3 shall not apply.
  - b. That notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, within an underground parking structure for Multiple Dwellings, Maisonette Dwellings and/or Townhouse Dwellings, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
  - c. That in addition to the requirements of Section 18A, where a parking space abuts a wall, column or any other obstruction within an underground parking structure for Multiple Dwellings, Maisonette Dwellings and/or Townhouse Dwellings, the minimum width of the parking space shall be increased by 0.3 metres.
6. The 'H1' symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
- a. That necessary downstream sanitary sewer upgrades are completed and a suitable sanitary sewer outlet is established to the satisfaction of the Senior Director of Growth Management; and,
  - b. That the ultimate stormwater management facility downstream of the subject site is constructed and a suitable drainage outlet is established to the satisfaction of the Senior Director of Growth Management.

7. For such time as the 'H2' symbol is applicable to the lands referred to in Section 1, the lands shall only be used for street townhouse in accordance with with the "RT-20" District provisions as contained in Section 10E of Zoning By-law No. 6593 and as amended by By-law No. 09-023. The 'H2' symbol shall be removed conditional upon:
  - a. That Draft Plan of Subdivision 25T-200721 lapses or the owner/applicant applies for and obtains approval of a revision to Draft Plan of Subdivision 25T-200721 to the satisfaction of the Director, Planning and Chief Planner.
8. That By-law No. 6593 Hamilton is amended by adding this By-law to Section 19B as Schedule S-1301b.
9. That Sheet No. W-17d of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1301b.
10. In all other respects, By-law No. 09-023 is hereby confirmed, unchanged.
11. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

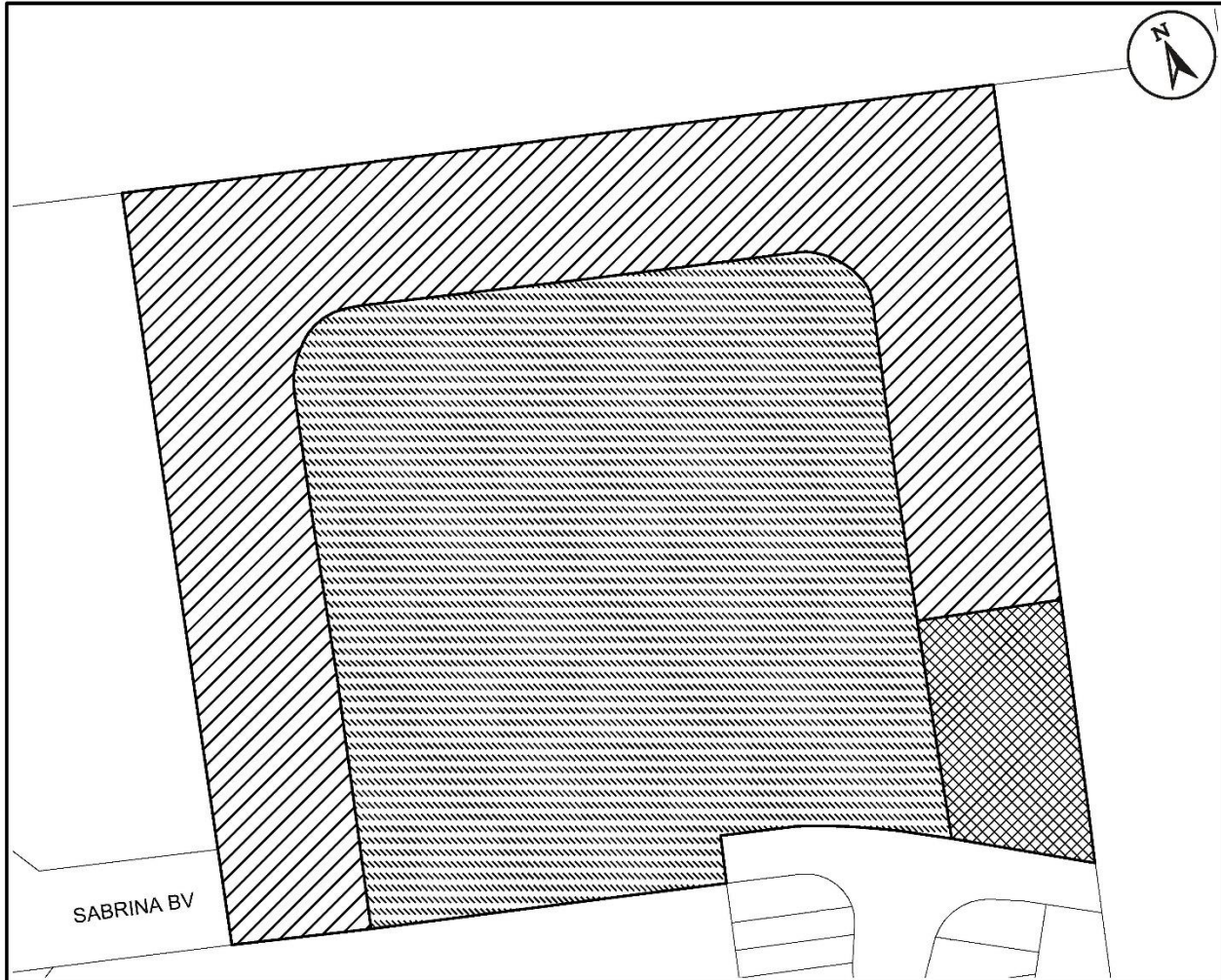
**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

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Fred Eisenberger  
Mayor

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Andrea Holland  
City Clerk



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. 6593


Scale: N.T.S.	File Name/Number: ZAC-18-022
Date: Nov. 5, 2019	Planner/Technician: MD/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Subject Property**  
Part of Lots 17 & 18, Concession 8,  
Part 1 on Plan 62R-19029

 **Block 1** - Change in zoning from "RT-20/S-1301a" (Townhouse - Maisonette) District, Modified, to "RT-20/S-1301b-H1" (Townhouse - Maisonette - 'Holding') District, Modified

 **Block 2** - Change in zoning from "RT-20/S-1301a" (Townhouse - Maisonette) District, Modified, to "RT-20/S-1301b-H1" (Townhouse - Maisonette - 'Holding') District, Modified

 **Block 3** - Change in zoning from "RT-20/S-1301a" (Townhouse - Maisonette) District, Modified, to "RT-20/S-1301b-H1, H2" (Townhouse - Maisonette - 'Holding') District, Modified



**City of Hamilton Zoning By-law No. 6593****Further modifications to the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified (Applicable to Street Townhouses in Block 1 and 2)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
10F(4)(a) Front Yard Depth (min.)	4.5 metres (req'd by “RT-20/S- 1301a)	4.5 metres (except for corner lots where the minimum depth shall be 3.0 metres)	A reduced front yard depth of 4.5 metres is being carried forward from the existing “RT-20/S-1301a” District, Modified that currently applies to the site. The 6.0 metre setback between the property line and face of garage will be maintained to allow for the storage of one vehicle as required by Section 18 of Zoning By-law No. 6593. The further reduced 3.0 metre requirement for corner lots is technical in nature and will enable a consistent street wall with adjacent development where proposed lots are impacted by daylight triangles and the irregular property line geometry introduced by curves and corner cuts. There are limited opportunities for corner lots on the proposed development site. Therefore, Staff support the modification.

**Further modifications to the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified (Applicable to Street Townhouses in Block 2 only)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
10F(4)(b) Rear Yard Depth (min.)	7.0 metres (req'd by “RT-20/S- 1301a)	6.5 metres	The rear yard setback requirement serves to provide a building standard that ensures appropriate protection of privacy and access to sunlight, especially where residential rear yards back onto each other and create a condition where windows to habitable rooms are facing. A further reduced rear yard setback of 6.5 metres is proposed for all lots within 60 metres of the intersection of Sabrina Boulevard and Summerberry Way (i.e. limited to approximately 7 lots). These lots are impacted by the irregular lot line geometry imposed by the roundabout located at this intersection. The reduced rear yard setback will ensure a

			more consistent street edge condition where dwellings face the roundabout. As such, Staff are supportive of this limited further modification.
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**Further modifications to the “RT-20/1301a” (Townhouse – Maisonette) District, Modified (Applicable to Block 3 only)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
10E(2)(a) Permitted Uses	A Townhouse Dwelling; A group of Townhouse Dwellings; A Street Townhouse Dwelling, subject to the "RT-30" District provisions of Section 10F; A Maisonette Dwelling; A group of Maisonette Dwellings. A Foster Home.	Multiple Dwellings	The “RT-20” District provides a framework for the development of townhouse dwellings and maisonettes. The intent of the application is to allow for “stacked townhouses” which will look and function similar to maisonette dwellings. Stacked townhouses are not a defined use within Zoning By-law No. 6593 and are classified as “Multiple Dwellings”. Because of the nature of the intended form (i.e. stacked townhouses) the “RT-20” District provides a better framework to guide the development than the standard multi-residential districts. Therefore, it is appropriate to add multiple dwellings as a permitted use rather than apply a different district. It also allows for the flexibility to maintain existing zoning permissions and enable block and street townhouse dwellings as permitted by the UHOP. Further, the addition of multiple dwellings conforms to the High Density Residential policies of the UHOP and supports an overall density that meets UHOP objectives therefore Staff support the modification.
10E(3) Maximum Height (max.)	11.0 metres	13.0 metres (for Multiple Dwellings)	The proposed by-law increases the maximum permitted height to 13.0 metres (4-storeys) for multiple dwelling forms. The High Density Residential policies of the UHOP allow for buildings of this scale. This increase represents a modest increase from the base maximum of 11 metres and the maximum height for street townhouse dwellings (12.5 metres) contained in the existing “RT-20/S-1301a” District that applies

			to the site. The increased allowable height will only apply to multiple dwellings and will not undermine the overall intent of the district. Further, Block 3 is separated from adjacent development by a municipal road which will provide a buffer to surrounding residential development and ensure that there are no shadow/sunlight impacts introduced by the additional height. As such, Staff are supportive of this modification.
10E(4)(a) Yard Depth (min.) (abutting a street)	6.0 metres	1.2 metres (except for where a yard abuts Sabrina Boulevard where the minimum depth shall be 3.0 metres)	The reduced yard depth of 1.2 metres will allow for a more urban streetscape in the interior of the proposed development whereby front doors, windows and other active elements of the stacked townhouses are sited close to the street. This reduced setback requirement of 3.0 metres along Sabrina Boulevard will ensure that development fronting on Sabrina Boulevard in Block 3 maintains a consistent street wall with the adjacent street townhouse product planned for Block 1 and 2 and the existing townhouse product west of the site. Parking and garages are not anticipated between the stacked townhouse buildings contemplated for Block 3 and public streets. Therefore, Staff support the modification.
10E(5) Distance Between Buildings (min.)	9.0 metres between two exterior walls, one of which contains at least one window to a habitable room;  15.0 metres between two exterior walls each of which contains at least one window to a habitable room.	7.5 metres between between the rear or front facing exterior wall of a building and the side exterior wall of a building;  15.0 metres between the rear or front facing exterior wall of a building and the	The “RT-20” District contains spacing requirements between groups of buildings in order to ensure for protection of privacy and access to sunlight in interior portions of the site. The modified spacing requirements serve to clarify and refine the base requirements of the “RT-20” District. The modified spacing provides more flexibility to allow for windows along the sides of buildings, into stairwells and other habitable space that doesn’t introduce privacy concerns through proximity. The modified rules generally maintain the same intended purpose and the same setback distances intended through the parent regulations. The reduced setback between the rear or front facing exterior wall and side exterior wall will allow for a slightly more compact form of development but still provides sufficient

		rear or front facing exterior wall of another building.	spacing for adequate sunlight penetration. Therefore, Staff support the modification.
10E(7) Density for Multiple Dwellings (max.)	N/A	150 units per hectare	The site-specific by-law introduces a maximum residential density for multiple dwellings. The base "RT-20" District primarily provides for townhouse and attached housing forms. The overall density of development for those forms is regulated by a minimum lot area per dwelling unit requirement. No such controls currently exist for Multiple Dwelling forms and are being recommended for the inclusion of a maximum density in order to maintain conformity with Official Plan requirements. Therefore, Staff support the modification.
10E(10) Landscaped Area (min.)	40%	30%	The intent of this provision is to ensure that there is an adequate balance between built form, hard surface and open space areas on the site. The High Density Residential policies of the UHOP envision a more compact form of development than the standards the typical "RT-20" District would enable. Given the intent to develop "stacked townhouses" the "RT-20" District provides appropriate regulations but it should be recognized that Multi-Residential Districts in By-law No. 6593 have a typical minimum landscape requirement of 25%. The concept plan shows a higher balance of landscaped open space than required in most multi-residential districts, with densities that enable underground parking to allow for a more urban landscape treatment at-grade. Based on the above, Staff support this modification.
10E(17) Length of Building Façade (max.)	N/A	50.0 metres	The site-specific by-law introduces a maximum façade length for Multiple Dwellings. The base "RT-20" District primarily provides for townhouse and attached housing forms. The massing of those forms is regulated by a combination of unit width requirements and dwelling unit placement rules that allow for not more than eight (8) units in a continuous



			block/row. No such controls currently exist for Multiple Dwelling forms so staff have recommended the inclusion of a maximum façade length in order to maintain similar massing for multiple dwelling forms. Therefore, Staff support the modification.
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**Modifications to Section 18A District (Applicable to Blocks 1, 2 and 3)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
18A(1)(c) Loading Stall Requirements (min.)	1	None.	The intent of this provision is to ensure that an adequate number of loading spaces are provided on site to service the proposed development. This modification removes the loading space requirement from the zoning regulations. Frequent and/or large-scale deliveries to the multiple dwellings are not anticipated or required. Therefore, it is appropriate to remove the loading space requirement which would allow for additional landscaping and/or housing. If a loading stall were to be deemed necessary in the future, the applicant would maintain the ability to provide one through the Site Plan Control process. Therefore, Staff support the modification.
18A(7) Underground Parking Stall Dimension (min.)	2.7 metres by 6.0 metres.	2.8 metres by 5.8 metres.	The reduced stall length requirement is intended to accommodate the size of the proposed parking stalls within the underground parking structure associated with the development concept. The reduced stall sizes are still able to accommodate a wide range of vehicle sizes and are consistent with the underground stall size requirements of the City of Hamilton Zoning By-law 05-200. In addition, the width of the stalls exceeds current requirements. This regulation will apply to underground parking structures associated with multiple dwellings, masonette dwellings and/or townhouse dwellings and is not to be construed as support for extension of

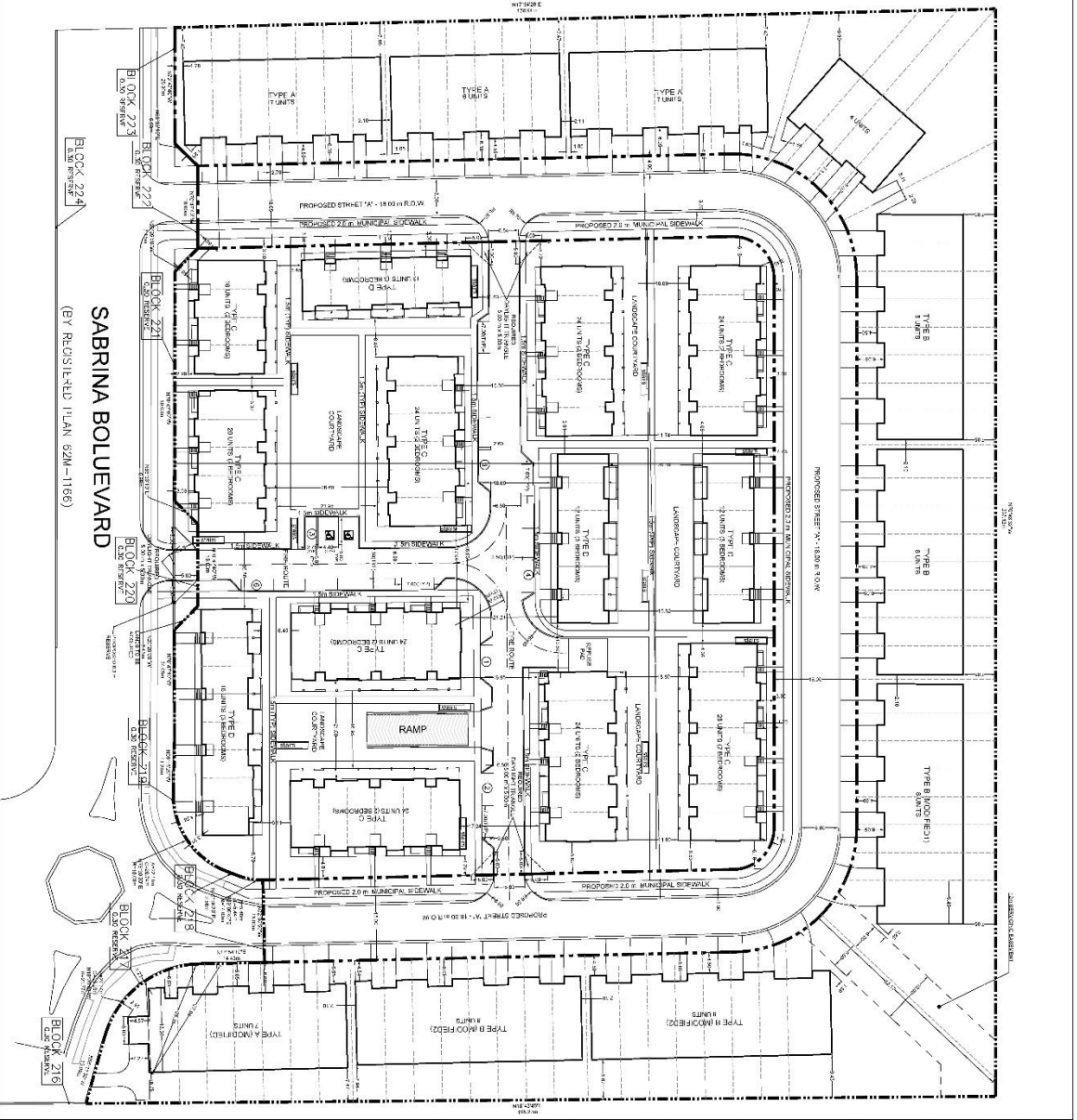
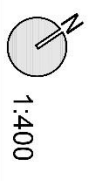
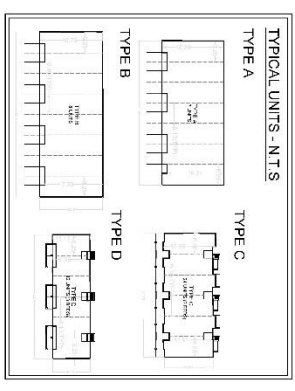
			underground parking structures beneath freehold street townhouse dwellings. Therefore, Staff support the modification.
18A Parking Stall Width (min.) (adjacent to a support column or obstruction)	N/A	0.3 metres	This requirement does not currently exist in Zoning By-law No. 6593 but is being introduced in conjunction with the reduced stall dimensions in order to better align with the updated parking stall requirements of Zoning By-law No. 05-200 and ensure functionality of the stalls where they abut a physical barrier such as a support column. This regulation will apply to underground parking structures associated with multiple dwellings, masonette dwellings and/or townhouse dwellings and is not to be construed as support for extension of underground parking structures beneath freehold street townhouse dwellings. Therefore, Staff support the modification.

### DEVELOPMENT STATISTICS (STREET TOWNHOUSES)

Item	Required	Proposed
Proposed Zoning	Townhouse - Masonette RT-20/S	N/A
Min. Lot Area*	180.00 m <sup>2</sup>	160.00 m <sup>2</sup>
Min. Lot Width*	6.00 m	5.90 m
Min. Front Yard*	To a Dwelling	4.80 m
To a Garage	6.00 m	6.00 m
Corner Unit	7.50 m	6.50 m
Min. Rear Yard*	2.00 m	1.00 m
Min. Side Yard*	2.00 m	1.00 m
Max. Building Height	11.00 m	2 storeys < 11.00 m
Distance Between Buildings*	3.50 m	2.00 m
Landscaped Area*	50%	35%

### DEVELOPMENT STATISTICS (MULTIPLE DWELLING)

Item	Proposed
Proposed Zoning	Townhouse - Masonette RT-20/S
Min. Lot Area	17,912.58 m <sup>2</sup>
Min. Lot Width	4,388.00 m
Min. Lot Depth	1,330.61 m
Min. Yard Abutting a Street	1.20 m
Min. Yard Abutting a Lot	N/A
Max. Building Height	13.00 m
Min. Distance Between Buildings	3.30 m
No. of Units	260 Units
Privacy Area Depth	1.50 m
Landscaped Area	30.60%
Density (U/FH)	145.15 U/FH



**SABRINA BULUEVARD**  
(BY RESUB-D PLAN 62M-1166)

**URBAN SOLUTIONS**  
URBAN DESIGN & ARCHITECTURE

**FN DESIGN**  
SCAPE DESIGN

**SPIN**  
LANDSCAPE ARCHITECTURE

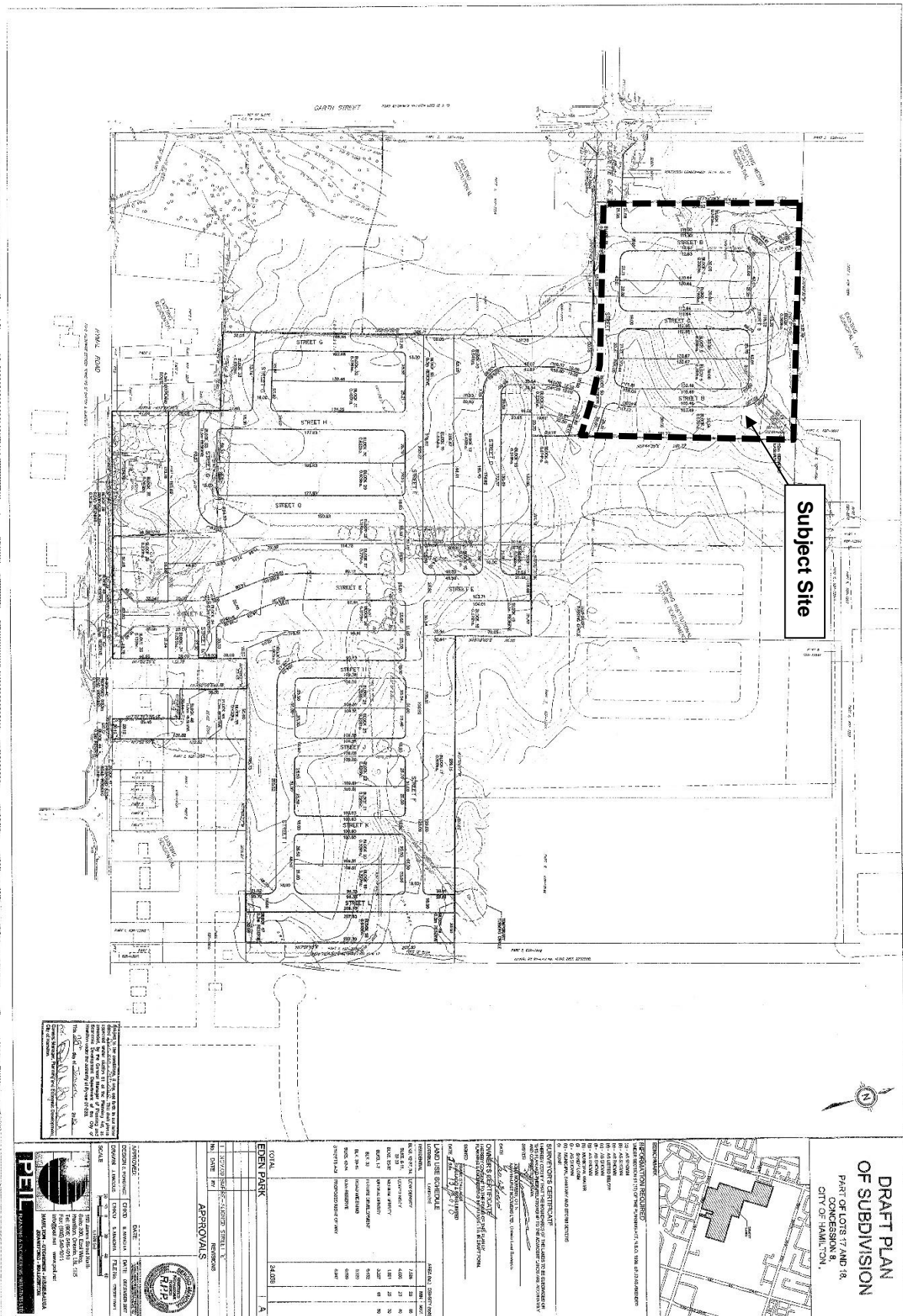
**EDEN PARK**  
328 SABRINA BULUEVARD  
CITY OF WILSON, ON

**SPLALCO AND SONS LTD.**

**CONCEPT PLAN**  
SHEET NUMBER 1

SCALE 1:400

**PART OF LOTS 17 & 18**  
CONCESSION 8  
KITCHEN COUNTER OF SECTION  
NOTED BY THE TOWN OF WILSON  
IN 2018 BY SHT 106-1-2



5/20/2018

**Re: Notice of Complete Application and Preliminary Circulation for an Application by Spallacci & Sons Limited for a Zoning By-law Amendment for Lands Located at Garth Street and Rymal Road West (Part of Lots 17 and 18, Concession 8, Part 1 on Plan 62R-19029, Hamilton (Ward 8)**

**Re: Zoning By-law Amendment (File No. ZAC-18-022)**

Dear Sir / Madam:

As a resident / owner at 1455 Garth Street, I would like to comment on the purposed application by Spallacci & Sons Limited for the lands located at Garth Street and Rymal Road West.

I would like to express my concerns about the application for the **331 residential units**, and its impact on local traffic, native wildlife and climate change.

Let's theorize that *a family of 4 people resides in each purposed unit*, that would be a total of *1,324 people*, and if each family owns two vehicles that would be a total of *662 vehicles*.

Last year Garth Street was widened from a two-lane street to a four-lane street with turning lanes, sidewalks and bike pathways. Life on the Hamilton Mountain is largely vehicle dependent. I have yet to see public use of the new bike pathways along Garth Street, as the new pathways are not integrated into any existing pathways, and there is no safe place to cycle to.

Long-term residents have already noticed a surge in local and commuter vehicle traffic in the area. Drivers are not obeying the posted speed limits. It is now routine in the morning for the Hamilton Police to set-up a radar at the Stonechurch & Garth Reservoir parking lot to catch drivers speeding along Garth Street.

The development of The Village at St Elizabeth Mills, a themed lifestyle resort complex with a town square, restaurants and shops on 114 acres of land, is also happening within Ward 8, at Garth Street and Rymal Road West; and will also greatly increase the vehicle traffic along Garth Street.

Increased traffic also increases the risk for vehicle and pedestrian accidents, traffic-related air pollution, smog, and increased risk for asthma and respiratory illnesses.

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As an educator for a local Conservation Authority, as well as a citizen scientist for Birds Studies Canada, Hamilton Conservation Authority and Environment Hamilton; I would like to express my concern for the destruction of large areas of natural habitat, and its impact on native wildlife on the Hamilton Mountain.

I have spent four seasons studying native birds that visit backyard feeders during the months of November to April. In the 2016-2017 season, 12 different species of birds visited my backyard, including Red-tailed Hawk, Cooper's Hawk, Sharp-shinned Hawk, and Red-bellied Woodpecker.

Bumblebees, coyotes, deer, leopard frogs, owls, raccoons, skunks, spring peepers, wild turkeys are among some of the other wildlife that claim the space as home. Many of these animals are protected species under the Ontario Fish and Wildlife Conservation Act.

<https://www.ontario.ca/laws/statute/97f41>

With the intensification of urbanization in the Hamilton Mountain area, we have already noticed a replacement of regional native species with non-native and invasive species. Last year rats were a nuisance animal in the housing complex, due to the previous development of Eden Park, and the decline in advantageous predator controllers. Wild Garlic Mustard, Lily of the Valley and other invasive plant species are now invading gardens at 1455 Garth Street. The introduction of chemicals, like poisons, fertilizers and pesticides is also negatively impacting the soil and water quality.

The danger of roadways has also increased roadkill due to the fragmentation of their natural habitats, and the risks of crossing unsafe and busy roads.

These are all having a huge negative impact on the native biodiversity of the area.

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The Zoning By-law Amendment for lands located at Garth Street and Rymal Road West, only focuses on increasing residential units, parking spaces, and bicycle parking spaces. This intensification of development will increase buildings and asphalt, which both absorb heat, and increase surface temperatures adding to global warming and contributing to climate change.

There is no mention of maintaining natural spaces, inclusion of a storm-water pond, consideration of park areas, public pathways & trails and community garden plots, implementation of green infrastructure and / or low-impact development, the addition of natural corridors for wildlife, and utilizing sustainable renewable energy sources.

I am asking that these considerations will be included in further discussions of the development of this land. The primary focus should be about providing housing that includes space, housing, and habitat for everyone – humans, local wildlife, native plants and natural spaces.

The City of Hamilton has a great opportunity to become a leader in constructing sustainable and environmental friendly housing developments in the Hamilton area.

I would like to be notified about the Public Meeting regarding this zoning by-law amendment application (File No. ZAC-18-022).

Sincerely,

**LA Ward**  
1455 Garth Street  
Unit #30  
Hamilton, ON  
(905) 318-0043  
lward@hotmail.ca





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Increase to Permit Fees under the Building By-law (PED19224) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jorge M. Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the By-law, attached as Appendix “A” to Report PED19224 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED19224, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”.

### EXECUTIVE SUMMARY

On May 18, 2010, (Report PED10050(a)), Council directed the Building Division to adjust permit fees in January of every year to reflect budgetary increases. This Report explains the rationale for increasing the permit fees to cover the reasonable and necessary cost increases associated with budgetary increases expected in 2020. Based on projected expenses, the Building Division is proposing an increase of 2.4% for all permit fees.

### Alternatives for Consideration – See Page 3

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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: Increase to Permit Fees under the Building By-law (PED19224) (City Wide) - Page 2 of 4**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Approval of the revised Building Permit Fees will ensure that all direct and indirect costs associated with delivering services related to the administration and enforcement of the *Building Code Act, 1992* are fully recovered.

Staffing: Not applicable.

Legal: The recommendations have no legal implications.

**HISTORICAL BACKGROUND**

On May 18, 2010, (Report PED10050(a)), Council directed the Building Division to adjust permit fees in January of every year to reflect budgetary increases.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Ontario Building Code and *Building Code Act, 1992*.

**RELEVANT CONSULTATION**

Legal Services Division has been consulted.

Finance, Administration and Revenue Generation Division has been consulted.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Table 1 below provides a summary of the budgeted expenses under the Building Enterprise Model associated with the administration and enforcement of the *Building Code Act, 1992* for 2019 and 2020.

**TABLE 1**

<b>Building Division</b>		
<b>Statement of Expenses for the Building Enterprise Model</b>		
<b>(Budget)</b>		
	<b>2019 Budget</b>	<b>2020 Draft Budget</b>
Expenses		
Direct Costs	\$11,122,320	\$11,303,110
Indirect Costs	<u>\$ 938,330</u>	<u>\$ 1,044,360</u>
<b>Total Expenses</b>	<b><u>\$12,060,650</u></b>	<b><u>\$12,347,470</u></b>



**SUBJECT: Increase to Permit Fees under the Building By-law (PED19224) (City Wide) - Page 3 of 4**

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Based on budget figures, the Building Division's expenditures for 2020 are expected to increase to \$12.34 million from the 2019 budget expenditures of \$12.06 million. This increase is mainly due to inflationary/cost of living increases from labour and administrative costs including pension and other employee benefits which our Division will incur in 2020. Based on the figures noted in Table 1, the Division's projected increase in expenses from 2019 to 2020 is 2.4%. Accordingly, to meet this expected increase, the Building Division is proposing to increase permit fees by 2.4% (see Appendix "B"). This will ensure that fees cover the expected cost increases associated with budgetary increases in the cost of operations incurred in 2020.

Please note that, in order to simplify fees, the proposed 2.4% permit fee increase shown on the attached Appendices have been rounded off to the nearest full cent for all fees under \$100 and to the nearest full dollar for all fees over \$100.

As additional information, staff undertook a survey of the current permit fees of seven Ontario Municipalities for several different classifications of permits as shown in Appendix "C". The proposed 2020 permit fees for the City of Hamilton in these classifications, with the exception of Group B Institutional and Group C Residential House, are all below the average of the sampled Municipalities. For clarification, the permit fees provided for the seven municipalities are based on current 2019 rates and do not reflect any proposed fee increase for 2020. All of our current 2019 permit fees, with the exception of Group C Residential House, are below the average of the seven municipalities surveyed. However, it should be noted that the City of Burlington has two permit fees for a residential house. For a house with a total area of 300 m<sup>2</sup> the fee is \$13.16 per m<sup>2</sup>, for a house over 300 m<sup>2</sup> the fee is \$16.97 per m<sup>2</sup>. In Appendix "C" the lower fee was used for comparison purposes; if the higher fee had been used, then the average for a residential house would have been \$15.53 per m<sup>2</sup> and would have put Hamilton's existing 2019 fee of \$15.50 per m<sup>2</sup> for a residential house below the average of all seven municipalities.

Staff are also proposing several housekeeping amendments in order to clarify the intent of the By-law.

Increasing the permit fees to cover the reasonable and necessary costs associated with the expected rise in expenses from 2019 to 2020 will ensure these costs, associated with the administration and enforcement of the *Building Code Act, 1992*, are covered by the users of the system with no reliance placed on the general levy for its operation.

**ALTERNATIVES FOR CONSIDERATION**

The alternative would be to maintain the current fees, however, this could result in having to transfer additional funds from the Building Stabilization Fund which would go

**SUBJECT: Increase to Permit Fees under the Building By-law (PED19224) (City Wide) - Page 4 of 4**

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against the Building Division's mandate of administering and enforcing the *Building Code Act, 1992* as a fully cost-recovered and self-funded program within the City. Maintaining the current fees would also go against Council's direction given on May 18, 2010, (Report PED10050(a)) to the Building Division to adjust permit fees in January of every year to reflect budgetary increases in the cost of operations.

**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.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Proposed Building By-law Amendment

Appendix "B" – Existing and Proposed Fees for 2020

Appendix "C" – Permit Fee Comparison

JMC:ll

**Authority:** Item , Planning and  
Economic Development  
Committee  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON**

**BY LAW NO. 19-**

**To Amend By-law No. 15-058**

**A By-law Respecting Building Permits and Related Matters**

**WHEREAS** Council of the City of Hamilton desires to amend By-law No. 15-058, the Building By-law, to change Building Permit Fees;

**AND WHEREAS** public notice has been given and a public meeting held as required for this By-law, in addition to other public consultation;

**AND WHEREAS** section 7 of the *Building Code Act, 1992* authorizes Council of the City of Hamilton to pass by-laws concerning the issuance of permits and related matters;

**AND WHEREAS** sections 8, 9, and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 3, 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the financial management of the municipality, the economic, social, and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws to impose fees or charges on persons for services provided done by or on behalf of the City of Hamilton;

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

1. Schedule "A" of By-law No. 15-058 is deleted and replaced with Schedule "A" attached to and forming part of this By-law.
2. This By-law comes into force on January 1, 2020.



**SCHEDULE "A" TO BUILDING BY-LAW NO. 15-058****RESPECTING CLASSES OF PERMITS AND FEES****PERMIT FEES**

1. Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where SI = Service Index for the applicable Classification under Section 3 below of the work proposed, and A = floor area in m<sup>2</sup> of work involved.

2. (a) Permit fees shall be rounded off to the nearest full dollar.
- (b) Where the permit fee is in excess of \$50,000 an applicant may elect to pay 55% of the full permit fee at the time of building permit application and the balance at the time of permit issuance.
- (c) Fees noted in this Schedule are subject to Harmonized Sales Tax (H.S.T.) where applicable.

**CLASSES OF PERMITS AND FEES**

3. Permit fees shall be calculated using the following table:

**TABLE 1 – CLASSES OF PERMITS AND FEES**

<b>Minimum Fee</b>	
Minimum fee for processing and issuance of permits, except where specifically noted otherwise in this By-law	\$252
<b>Group A (Assembly Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$23.57
Portable Classrooms	\$376 (flat fee)
Shell only	\$20.46
Finishing only	\$5.35
Non-Residential – Outdoor Patio	\$189 (flat fee)

<b>Group B (Institutional Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$28.17
Shell only	\$22.53
Finishing only	\$6.23
<b>Group C (Residential Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$15.87
Apartment buildings	\$15.87
Hotels, Motels	\$20.98
<b>Group D (Business and Personal Services)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$15.84
Office Buildings (up to 10 storeys) (Finishing only)	\$5.07
Office Buildings (up to 10 storeys) (Finished)	\$20.91
Office Buildings (more than 10 storeys) (Shell only)	\$19.15
Office Buildings (more than 10 storeys) (Finishing only)	\$5.38
Office Buildings (more than 10 storeys) (Finished)	\$24.52
<b>Group E (Mercantile)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Retail (Shell only)	\$12.99
Retail (Finishing only)	\$4.39
Retail (Finished)	\$17.39
<b>Group F (Industrial)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Industrial (Shell only)	\$7.88
Industrial (Finishing only)	\$4.31
Industrial (Finished)	\$12.20

<b>Group F (Industrial) (continued)</b>	<b>Service Index (SI) \$/m<sup>2</sup> unless otherwise indicated</b>
Parking Garages	\$7.19
Gas Stations	\$13.12
<b>Subsurface Works (in addition to the regular permit fee)</b>	<b>Flat Fee Unless otherwise indicated</b>
Foundation Permits	
Residential under Part 9 of Division B of the Building Code	\$392
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1200 m <sup>2</sup> )	\$975
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1200 m <sup>2</sup> )	\$2,926
Excavation and Shoring	\$10.82 per linear metre
New water service (low density residential only)	\$162
New water service when included with a complete building permit application for a new building (low density residential only)	\$145
New sewer service (low density residential only)	\$162
New sewer service when included with a complete building permit application for a new building (low density residential only)	\$145
<b>Designated Structures</b>	<b>Flat Fee</b>
Communication Tower, Crane Runway, Retaining Wall, Silos	\$453
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$453
Pedestrian Bridge/Walkway	\$453
Satellite Dish (face area equal to or greater than 5 m <sup>2</sup> )	\$453
Outdoor Public Spa	\$928
Outdoor Public Swimming Pool	\$1,837

<b>Fire Protection Systems</b> (stand alone – excludes relocation of components for existing system)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Electromagnetic Locks/Electric Strikes	\$214 each (maximum \$642)
Fire Alarm System	\$376 (flat fee)
Emergency Lighting/Exit Signs	\$376 (flat fee)
Sprinkler System	\$0.62
Standpipe System	\$376 (flat fee)
Combined Sprinkler and Standpipe System	\$0.62 (minimum \$376)
<b>Mechanical Systems</b> (stand alone)	Flat Fee
Commercial Cooking Exhaust System	\$376
<b>Demolition</b> (complete or partial building – not issued under Demolition Control By-law)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Residential – single/two family dwelling and townhouses	\$0.47
Accessory structures to a residential use or partial demolition of a single/two family dwelling and townhouses	\$0.47 (\$162 minimum)
Non-residential and multi residential	\$0.47 (\$402 minimum)
<b>Plumbing Devices</b> (stand alone)	Flat Fee
Backflow Preventer	
For first premise or zone device	\$252
For each additional premise or zone device	\$162
Backwater Valve	\$252
Grease/Oil Interceptor	\$252



<b>Renewable (Green) Energy Systems</b>	<b>Flat Fee</b>
Geothermal System for a Single/Two Family Dwelling	\$453
Geothermal System for all other Buildings	\$607
Solar Collector for a Single/Two Family Dwelling	\$252
Solar Collector for all other Buildings	\$453
Wind Turbine	\$453
<b>Sewage Systems</b>	<b>Flat Fee</b>
To construct a sewage system pursuant to the provisions of the Act	\$876
To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the Act	\$536
Sewage System Maintenance Inspection Program	\$246
<b>Signs</b>	<b>Flat Fee</b>
Ground Sign with a sign area of less than or equal to 2.5 m <sup>2</sup>	\$225
Ground Sign with a sign area of greater than 2.5 m <sup>2</sup> and up to 4.0 m <sup>2</sup>	\$397
Ground Sign with a sign area greater than 4.0 m <sup>2</sup>	\$794
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$397
Billboard	\$794
<b>Other Classifications</b> (not previously listed)	<b>Service Index (SI) \$/m<sup>2</sup> unless otherwise indicated</b>
Accessory structures, garage, storage shed, new basement, cold cellar, unenclosed canopies, air supported structures	\$5.69
Farm Buildings	\$2.91
Greenhouses	\$1.74 (Maximum \$5,734)

<b>Other Classifications</b> (not previously listed) (continued)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Tents	\$1.89 (Maximum \$402)
Temporary Structures	
Sales Offices	\$15.51
Construction Trailers	\$12.27
Stages	\$252 (flat fee)
Other Structures (intended to be used for less than 6 months)	\$252 (flat fee)
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.64
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$3.51
Exterior barrier free access in existing single and two family dwellings	\$0.00
Re-roofing without any structural changes (except for buildings containing less than 4 dwelling units or townhouses)	\$0.30
<b>Administrative Fees</b>	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$162 (per hour of review time)
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	\$162
For each additional hour, or part thereof, of review time	\$162
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$586
For each additional hour, or part thereof, of review time	\$162
Applicable Law Review Review and consultation for Applicable Law requirements	\$248

Administrative Fees (continued)	Flat Fee
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$162 (per hour of review time)
Change of Use Permit Change of use Permit with no construction	\$252
Conditional Permit Fee Review and approval of Conditional Permit Agreements/Undertakings	10% of permit fee (minimum \$1,056, maximum \$3,696)
Fire Watch/Fire Plan Review and approval of Fire Watch/Fire Plans during construction	\$528
Limiting Distance Agreements For Review and approval of Limiting Distance Agreements under the Ontario Building Code	\$571
Occupancy Permit of an Unfinished Building Occupancy inspection prior to completion as per Subsection 1.3.3 of Division C of the Building Code	\$162 (per unit)
Permit or Application Extensions Extension of a building permit or permit application where no revisions are required	\$162
Pre-Consultation Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted	\$162 (per hour of review time)
Premature/Additional Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required	\$214 (per inspection)
Stock Plans Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted	\$410
Suspended Permit Where an inspection is requested for a Permit that has been suspended	\$214 (per inspection)

Administrative Fees (continued)	Flat Fee
Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required.	\$162

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Building Code render it impossible to determine the permit fee on the basis of the classifications noted in this Schedule, the permit fee payable shall be 1% of the prescribed value as determined by the Chief Building Official under Subsection 6.1 of this By-law, subject to a minimum fee as per Section 3 of this Schedule.
5. The total fees under this Schedule and Schedule "C" shall be paid prior to the issuance of a permit.
6. **INTERPRETATION**

In addition to referring to the Act and the Building Code in determining the fees under this By-law, the Chief Building Official may have regard to the following explanatory notes as may be needed in the calculation of permit fees:

- (a) Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (but excluding residential garages);
- (b) In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (e.g. tenant space);
- (c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations;
- (d) Except for interconnected floor spaces, no deduction is made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, and similar openings);
- (e) Unfinished basements for single family dwellings, semis, duplexes and townhouses are not included in the floor area;
- (f) Attached garages and fireplaces are included in the permit fee for individual dwelling units;
- (g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;

- (h) Corridors, lobbies, washrooms, lounges, and similar areas are to be included and classified according to the major classification for the floor area on which they are located;
- (i) The occupancy categories in the Schedule correspond with the major occupancy classifications in the Building Code. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories shall be used and the floor area associated with the major occupancy;
- (j) For Rack Storage use apply the square footage charge for industrial for the building;
- (k) A temporary building is considered to be a building that will be erected for not more than one year; and,
- (l) Where a change of use permit is subject to a fee based on floor area, "floor area" shall mean the total floor space of all storeys subject to the change of use.

**Existing and Proposed Fees for 2020**  
(\$ per square metre unless otherwise noted)

<b>Classes of Permits and Fees</b>	<b>Existing 2019 Fee</b>	<b>Proposed 2020 Fee (2.4% Increase)</b>
Minimum Fee	\$246	\$252
<b>Group A (Assembly Occupancies)</b>		
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$23.02	\$23.57
Portable Classrooms	\$367 (flat fee)	\$376 (flat fee)
Shell Only	\$19.98	\$20.46
Finishing Only	\$5.22	\$5.35
Non-Residential - Outdoor Patio	\$185 (flat fee)	\$189 (flat fee)
<b>Group B (Institutional Occupancies)</b>		
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$27.51	\$28.17
Shell Only	\$22.00	\$22.53
Finishing Only	\$6.08	\$6.23
<b>Group C (Residential Occupancies)</b>		
Single Family Dwelling, Semi, duplex, row house, townhouse	\$15.50	\$15.87
Apartment Buildings	\$15.50	\$15.87
Hotels, Motels	\$20.49	\$20.98
<b>Group D (Business and Personal Services)</b>		
Office buildings (up to 10 storeys) (Shell only)	\$15.47	\$15.84
Office Buildings (up to 10 storeys) (finishing only)	\$4.95	\$5.07
Office Buildings (up to 10 storeys) (finished)	\$20.42	\$20.91
Office Buildings (more than 10 storeys) (shell only)	\$18.70	\$19.15
Office Buildings (more than 10 storeys) (finishing only)	\$5.25	\$5.38
Office Buildings (more than 10 storeys) (finished)	\$23.95	\$24.52

<b>Classes of Permits and Fees</b>	<b>Existing 2019 Fee</b>	<b>Proposed 2020 Fee (2.4% Increase)</b>
<b>Group E (Mercantile)</b>		
Retail (Shell only)	\$12.69	\$12.99
Retail (finishing only)	\$4.29	\$4.39
Retail (finished)	\$16.98	\$17.39
<b>Group F (Industrial)</b>		
Industrial (Shell Only)	\$7.70	\$7.88
Industrial (Finishing Only)	\$4.21	\$4.31
Industrial (Finished)	\$11.91	\$12.20
Parking Garages	\$7.02	\$7.19
Gas Stations	\$12.81	\$13.12
<b>Subsurface Works (in addition to the regular permit fee)</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
Foundation Permits		
Residential under Part 9 of Division B of the Building Code	\$383	\$392
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1 200 m <sup>2</sup> )	\$952	\$975
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1 200 m <sup>2</sup> )	\$2,857	\$2,926
Excavation and Shoring	\$10.57 per linear metre	\$10.82 per linear metre
New water service (low density residential only)	\$158	\$162
New water service when included with a complete building permit application for a new building (low density residential only)	\$142	\$145
New Sewer Service (low density residential only)	\$158	\$162
New sewer service when included with a complete building permit application for a new building (low density residential only)	\$142	\$145

<b>Classes of Permits and Fees</b>	<b>Existing 2019 Fee</b>	<b>Proposed 2020 Fee (2.4% Increase)</b>
<b>Designated Structures</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
Communication Tower, Crane Runway, Retaining Wall, Silos	\$442	\$453
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$442	\$453
Pedestrian Bridge/Walkway	\$442	\$453
Satellite Dish (face area equal to or greater than 5 m <sup>2</sup> )	\$442	\$453
Outdoor Public Spa	\$906	\$928
Outdoor Public Swimming Pool	\$1,794	\$1,837
<b>Fire Protection Systems (Stand Alone - excludes relocation of components for an existing system)</b>		
Electromagnetic Locks/Electric Strikes	\$209 each (maximum \$627)	\$214 each (maximum \$642)
Fire Alarm System	\$367 (Flat Fee)	\$376 (Flat Fee)
Emergency Lighting/Exit Signs	\$367 (Flat Fee)	\$376 (Flat Fee)
Sprinkler System	\$0.61	\$0.62
Standpipe System	\$367 (Flat Fee)	\$376 (Flat Fee)
Combined Sprinkler and Standpipe System	\$0.61 (minimum \$367)	\$0.63 (minimum \$376)
<b>Mechanical Systems (Stand Alone)</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
Commercial Cooking Exhaust System	\$367	\$376
<b>Demolition (complete or partial building - not issued under Demolition Control By-law)</b>		
Residential - Single/Two Family Dwelling and Townhouses	\$0.46	\$0.47
Accessory structures to a residential use or partial demolition of a single/two family dwelling and townhouses	\$0.46 (\$158 minimum)	\$0.47 (\$162 minimum)
Non-Residential and Multi-Residential	\$0.46 (\$393 minimum)	\$0.47 (\$402 minimum)



<b>Classes of Permits and Fees</b>	<b>Existing 2019 Fee</b>	<b>Proposed 2020 Fee (2.4% Increase)</b>
<b>Plumbing Devices (Stand Alone)</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
Backflow Preventer		
For First premise or zone device	<b>\$246</b>	<b>\$252</b>
For each additional premise or zone device	<b>\$158</b>	<b>\$162</b>
Backwater Valve	<b>\$246</b>	<b>\$252</b>
Grease/Oil Interceptor	<b>\$246</b>	<b>\$252</b>
<b>Renewable (Green) Energy Systems</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
Geothermal System for a Single/Two Family Dwelling	<b>\$442</b>	<b>\$453</b>
Geothermal System for all other buildings	<b>\$593</b>	<b>\$607</b>
Solar Collector for a Single/Two Family Dwelling	<b>\$246</b>	<b>\$252</b>
Solar Collector for all other buildings	<b>\$442</b>	<b>\$453</b>
Wind Turbine	<b>\$442</b>	<b>\$453</b>
<b>Sewage Systems</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
To construct a sewage system pursuant to the provisions of the Act	<b>\$855</b>	<b>\$876</b>
To construct a Class 5 sewage system or to repair a sewage system pursuant to the provisions of the Act	<b>\$523</b>	<b>\$536</b>
Sewage System Maintenance Inspection Program	<b>\$240</b>	<b>\$246</b>
<b>Signs</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
Ground Sign with a sign area of less than or equal to 2.5 m <sup>2</sup>	<b>\$220</b>	<b>\$225</b>
Ground Sign with a sign area greater than 2.5 m <sup>2</sup> and up to 4.0 m <sup>2</sup>	<b>\$388</b>	<b>\$397</b>
Ground Sign with a sign area greater than 4.0 m <sup>2</sup>	<b>\$775</b>	<b>\$794</b>
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	<b>\$388</b>	<b>\$397</b>
Billboard	<b>\$775</b>	<b>\$794</b>

<b>Classes of Permits and Fees</b>	<b>Existing 2019 Fee</b>	<b>Proposed 2020 Fee (2.4% Increase)</b>
<b>Other Classifications (not previously listed)</b>		
Accessory structures, garage, storage shed, new basement, cold cellar, silo, unenclosed canopies, air supported structures	<b>\$5.56</b>	<b>\$5.69</b>
Farm Buildings	<b>\$2.84</b>	<b>\$2.91</b>
Greenhouses	<b>\$1.70 (maximum \$5,600)</b>	<b>\$1.74 (maximum \$5,734)</b>
Tents	<b>\$1.85 (maximum \$393)</b>	<b>\$1.89 (maximum \$402)</b>
Temporary Structures		
Sales Offices	<b>\$15.15</b>	<b>\$15.51</b>
Construction Trailers	<b>\$11.98</b>	<b>\$12.27</b>
Stages	<b>\$246 (flat fee)</b>	<b>\$252 (flat fee)</b>
Other Structures (intended to be used for less than 6 months)	<b>\$246 (flat fee)</b>	<b>\$252 (flat fee)</b>
Residential Greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	<b>\$4.53</b>	<b>\$4.64</b>
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	<b>\$3.43</b>	<b>\$3.51</b>
Exterior barrier free access in existing single and two family dwellings	<b>\$0.00</b>	<b>\$0.00</b>
Re-roofing without any structural changes	<b>\$0.29</b>	<b>\$0.30</b>

Classes of Permits and Fees	Existing 2019 Fee	Proposed 2020 Fee (2.4% Increase)
<b>Administrative Fees</b>	<b>Flat Fee</b>	<b>Flat Fee</b>
<b>Additional Plan Review (Resubmission)</b>		
Where a non-compliant resubmission is submitted above and beyond the first resubmission	<b>\$158 (per hour of review time)</b>	<b>\$162 (per hour of review time)</b>
<b>Additional Permit Fee (Revision)</b>		
Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	<b>\$158</b>	<b>\$162</b>
For each additional hour or part thereof of review time	<b>\$158</b>	<b>\$162</b>
<b>Alternative Solution</b>		
Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	<b>\$572</b>	<b>\$586</b>
For each additional hour or part thereof of review time	<b>\$158</b>	<b>\$162</b>
<b>Applicable Law Review</b>		
Review and consultation for applicable law requirements	<b>\$242</b>	<b>\$248</b>
<b>Building Code Compliance Letters</b>		
Written requests for information concerning a building's compliance with the current Building Code	<b>\$158 (per hour of review time)</b>	<b>\$162 (per hour of review time)</b>
<b>Change of Use Permit</b>		
Change of use Permit with no construction	<b>\$246</b>	<b>\$252</b>
<b>Conditional Permit Agreement/Undertaking</b>		
Review and approval of Conditional Permit Agreement/Undertaking	<b>10% of permit fee (Minimum \$1,031, Maximum \$3,609)</b>	<b>10% of permit fee (Minimum \$1,056, Maximum \$3,696)</b>
<b>Fire Watch/Fire Plan Review</b>		
Review and approval of Fire Watch/Fire Plans during construction	<b>\$516</b>	<b>\$528</b>

Classes of Permits and Fees	Existing 2019 Fee	Proposed 2020 Fee (2.4% Increase)
<b>Administrative Fees</b> (continued)	<b>Flat Fee</b>	<b>Flat Fee</b>
<b>Limiting Distance Agreements</b>		
For review and approval of Limiting Distance Agreements under Sentence 3.2.3.1.(8), 9.10.14.2.(4) or 9.10.15.2.(4), of Division B, of the Building Code	<b>\$558</b>	<b>\$571</b>
<b>Occupancy Permit of an Unfinished Building</b>		
Occupancy Inspection prior to completion as per Subsection 1.3.3, Division C of the Building Code	<b>\$158 (per unit)</b>	<b>\$162 (per unit)</b>
<b>Permit or Application Extensions</b>		
Extension of building permit or permit application where no revisions are required	<b>\$158</b>	<b>\$162</b>
<b>Pre-Consultation</b>		
Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted	<b>\$158 (per hour of review time)</b>	<b>\$162 (per hour of review time)</b>
<b>Premature/Additional Inspections</b>		
Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required	<b>\$209 (per inspection)</b>	<b>\$214 (per inspection)</b>
<b>Stock Plans</b>		
Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted	<b>\$400</b>	<b>\$410</b>
<b>Suspended Permit</b>		
Where an inspection is requested for a permit that has been suspended	<b>\$209 (per inspection)</b>	<b>\$214 (per inspection)</b>
<b>Transfer of Permit</b>		
Where ownership changes on a property and there are no other changes to the project or the professional services required	<b>\$158</b>	<b>\$162</b>

## Permit Fee Comparison

Municipality <sup>1</sup>	Group A Restaurant	Group B Institutional	Group C Residential House	Group D Offices (2 Storeys)	Group E Retail (Finished)	Group F Industrial Building (3000 m <sup>2</sup> ) (Finished)
Brampton (2019)	\$16.88	\$21.40	\$14.08	\$16.32	\$16.32	\$10.71
Burlington (2019) <sup>2</sup>	\$24.01	\$27.28	\$13.16	\$23.53	\$23.59	\$9.78
Cambridge (2019)	\$28.52	\$30.35	\$15.39	\$24.00	\$17.01	\$10.66
Kitchener (2019)	\$24.76	\$26.37	\$12.81	\$20.99	\$14.75	\$8.40
Mississauga (2019)	\$23.87	\$26.52	\$16.94	\$21.27	\$17.75	\$13.27
Oakville (2019)	\$32.20	\$33.10	\$17.15	\$23.85	\$23.85	\$16.35
Toronto (2019)	\$28.61	\$30.44	\$17.16	\$22.62	\$19.20	\$15.73
<b>Average (2019 Fees)</b>	<b>\$25.55</b>	<b>\$27.92</b>	<b>\$15.24</b>	<b>\$21.80</b>	<b>\$18.92</b>	<b>\$12.13</b>
<b>Hamilton (Existing 2019 Fees)</b>	<b>\$23.02</b>	<b>\$27.51</b>	<b>\$15.50</b>	<b>\$20.42</b>	<b>\$16.98</b>	<b>\$11.91</b>
<b>Hamilton (Proposed 2020 Fees)</b>	<b>\$23.57</b>	<b>\$28.17</b>	<b>\$15.87</b>	<b>\$20.91</b>	<b>\$17.39</b>	<b>\$12.20</b>

**Notes:**

1. The permit fees provided for the above noted municipalities are based on 2019 rates and do not reflect any proposed fee increase for 2020.
2. The City of Burlington has two permit fees for a residential house. For a house with a total area of up to 300 square metres the fee is \$13.16 per square metre, for a house over 300 square metres the fee is \$16.97 per square metre. In the table the lower fee was used for comparison purposes, if the higher fee had been used then the average for a residential house would have been \$15.79 which would have put Hamilton's existing 2019 fee for a residential house below the average of all seven municipalities.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283 Melanie Schneider (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Draft Plan of Subdivision Application 25T-201804, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner** to establish a Draft Plan of Subdivision on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be **APPROVED** pursuant to By-law No. 07-323 subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision application 25T-201804 prepared by IBI Group and certified by S.D. McLaren, dated September 19, 2019, consisting of four development blocks (Blocks 1-4) and a road widening block (Block 5) attached as Appendix "B" to Report PED19226;
  - (ii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
  - (iii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201804, attached as Appendix "C" to Report PED19226, be received and endorsed by City Council;

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 2 of 18**

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- (iv) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council; and,
- (v) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED19226.
- (b) That **Draft Plan of Condominium Application 25CDM-201902, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner** to establish a Draft Plan of Condominium (Common Element) to create a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be **APPROVED** pursuant to By-law No. 07-323 subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201902 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, in favour of 94 maisonette dwellings and 42 townhouse dwellings, attached as Appendix "D" to Report PED19226; and,
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201902, attached as Appendix "E" to Report PED19226, be received and endorsed by City Council.

## EXECUTIVE SUMMARY

The purpose of the Draft Plan of Subdivision application (25T-201804) is to create five separate blocks:

- Three blocks for three storey stacked townhouses (Blocks 1-3);
- One block for three storey maisonettes with a private condominium road (Block 4); and,
- One block for a road widening (Block 5).

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 3 of 18**

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The purpose of the Draft Plan of Condominium application (25CDM-201902) is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 136 Parcels of Tied Land (POTL), as final approved under Site Plan Control application DA-18-079. The condominium road will provide two accesses to North Service Road. The subject lands are to be developed with 94, three storey maisonettes with frontage onto the private condominium road and 42, three storey townhouse units with frontage onto North Service Road.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) conform to Zoning By-law No. 3692-92, as amended by By-law No. 18-139. The applications are consistent with and will implement Site Plan Control application DA-18-079, which received final approval on June 26, 2019.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow (2019) and comply with the Urban Hamilton Official Plan (UHOP).

**Alternatives for Consideration – See Page 18**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Subdivision and a Draft Plan of Condominium (Common Element).

**HISTORICAL BACKGROUND**

**Proposal:**

The subject lands are bound by the North Service Road to the west, Lakeview Drive to the north, Fruitland Road to the east and the Q.E.W to the south (see Appendix “A” to Report PED19226). The subject lands were previously vacant and are being developed for 94 maisonette dwellings and 42 townhouse dwellings with access onto a private road network. The site is currently under construction, in accordance with Site Plan Control application DA-18-079.

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 4 of 18**

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2017 Planning Act Applications and By- Law No. 18-139

In 2017 applications for an Official Plan Amendment and Zoning By-law Amendment were made to the City of Hamilton. The purpose of the applications were to permit a residential development for 84 and 96 Lakeview Drive consisting of two phases. Phase one was for a townhouse and maisonette development consisting of 136 dwelling unit with specific modifications requested for permitted uses, minimum front yard and minimum side yard (flankage) setbacks, minimum distance between buildings on the same lot, maximum density, maximum building height, privacy area depth, minimum landscaped open space, permitted yard encroachments and parking requirements. The phase two portion applied to the land to the north, and was for a 6 storey multiple dwelling. The applications were heard at the May 1, 2018 Planning Committee (Report PED18085) and approved. By-law 18-139 implemented the site specific Residential Multiple "RM3-64" Zone, Modified, which was passed by Council on May 23<sup>rd</sup>, 2018.

Site Plan Control Application DA-18-079 and DA-19-053

On June 26, 2019, Site Plan Control application DA-18-079 received Final Approval for the development of 94 maisonette and 42 townhouse dwelling units on the subject lands. The units are currently under construction.

The owner has also obtained conditional approval of Site Plan Control application DA-19-053 for the adjacent lands to the north. Site Plan Control application DA-19-053 proposes to establish a 140 unit, 6 storey multiple dwelling which was conditionally approved on May 17, 2019. The Site Plan for the development to the north contemplates a shared access to the lands which are subject of these applications, as such, it has been determined that joint use agreements will be required.

Draft Plan of Subdivision

The purpose of Draft Plan of Subdivision application 25T-201804 is to establish five separate blocks:

- Block 1 is to be developed for 15 of the POTL's in the form of three storey townhouse dwellings;
- Block 2 is to be developed for 15 POTL's in the form of three storey townhouse dwellings;
- Block 3 is to be developed for 12 POTL's in the form of three storey townhouse dwellings;
- Block 4, is to be developed for a common element condominium, containing the private condo road, sidewalks, visitor parking, outdoor amenity area, landscaping and centralized mailboxes. Block 4 also contains 94 POTL's which will be three storey maisonette dwellings; and,

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 5 of 18**

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- Block 5, is for the purposes of a road widening dedication of 0.029 in area along North Service Road.

The POTL's identified above will be created through Part Lot Control Applications PLC-19-018 and PLC-19-019.

### Draft Plan of Condominium

The purpose of Draft Plan of Condominium (Common Element) application 25CDM-201902 is to establish the following common elements:

- a private condominium road network;
- sidewalks;
- landscape areas;
- outdoor amenity areas;
- visitor parking areas; and,
- centralized mailboxes.

The Common Element features are in favour of 136 POTL's. The condominium road will provide two accesses to North Service Road in accordance with the approved site plan.

### **Chronology:**

<u>April 16, 2018:</u>	Draft Plan of Subdivision application 25T-201804 received.
<u>May 8, 2018:</u>	Draft Plan of Subdivision application 25T-201804 deemed complete.
<u>May 25, 2018:</u>	Notice of Complete Application and Preliminary Circulation sent to 63 property owners within 120 m of the subject lands.
<u>June 8, 2018:</u>	Public Notice Sign installed on site.
<u>April 2, 2019:</u>	Draft Plan of Condominium (Common Element) application 25CDM-201902 received.
<u>April 23, 2019:</u>	Draft Plan of Condominium (Common Element) application 25CDM-201902 deemed complete.
<u>May 17, 2019:</u>	Notice of Complete Application and Preliminary Circulation sent to 63 property owners within 120 m of the subject lands.
<u>May 24, 2019:</u>	Public Notice Sign updated for 25CDM-201902.

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September 23, 2019: Revised Draft Plan of Subdivision and Draft Plan of Condominium submitted for review.

November 6, 2019: Public Notice Sign updated with Public Meeting date.

November 15, 2019: Notice of Public Meeting circulated to 63 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 84 and 96 Lakeview Drive (Stoney Creek)  
(See Location Map attached as Appendix "A" to Report PED19226)

**Owner / Applicant:** DeSantis Rose Joint Venture Inc. c/o: Gabe DeSantis

**Agent:** IBI Group, c/o: Jared Marcus

**Property Description:**

<u>Lot Frontage:</u>	+/- 290 m (North Service Road)
<u>Lot Depth:</u>	+/- 135 m (irregular)
<u>Lot Area:</u>	+/- 2.825 ha

**Servicing:** Full municipal services

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Maisonette and townhouse dwellings (under construction)	Multiple Residential "RM3-64" Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single detached dwellings, 6 Storey Multiple dwelling	Single Residential "R2" Zone and Mixed Use Medium Density "C5" Zone
<b>South</b>	QEW/ industrial uses	Prestige Business Park (M3) Zone

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<b>East</b>	Vacant, commercial uses and multiple dwellings	Arterial Commercial C7, 327 Zone and Highway Commercial HC-(H) Zone
<b>West</b>	Bayview West Park, open space, single detached dwellings	Open Space (OS) Zone, Neighbourhood Park (P1) Zone and Single Residential "R3" Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (PPS 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.

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

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies within the PPS. The following policy of the PPS applies:

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

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

- Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- In an area of sandy soil in areas of clay or stone; and,
- Along historic transportation routes.

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These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1 - 2 archaeological report (P064-071) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. Staff concur with the recommendations made in the report, and the archaeology condition for the subject applications has been met. Through a letter dated November 30, 2005, Provincial interest has been signed off by the Ministry.

As the application for a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) comply with the UHOP, which implements Provincial policy and planning direction, it is staff's opinion that the applications are:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 within the UHOP. The lands are also subject to a site specific policy, known as USCN-6. The following policies, amongst others, also apply to the subject applications.

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

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

- a) residential dwellings, including second dwelling units and housing with supports;
- b) open space and parks;

**Medium Density Residential**

E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

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E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses. E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

USCN-6

1.0 Notwithstanding Policy E.3.5.7 of Volume 1, on the lands designated Neighbourhoods, located at 84 and a portion of 96 Lakeview Drive, for medium density residential uses, the net residential density shall be between 40 units per hectare and 100 units per hectare."

The proposed development complies with the above-noted policy goals as the proposed form of townhouses contributes to a compact urban form and complete community and contributes to a range of housing types. The lands are also subject to a site specific policy known as "USCN-6", which allows for a density range of 40-100 units per hectare for medium density residential uses. The townhouse development as approved is calculated at 49 units per hectare and complies with the UHOP.

Noise

"B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.3 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments."

The applicant has submitted a Noise Assessment, dated March 13<sup>th</sup>, 2019, prepared by Valcoustics Canada Ltd, to address the above noted policies. The recommendations of the Noise Assessment indicate that warning clauses be included in all offers and agreements of purchase and sale or lease. The warning clauses are addressed in Condition No. 7 of Appendix "C" to Report PED19226 and in Condition No. 14 of Appendix "E" to Report PED19226. The Noise Assessment also provided updated exterior wall and window specifications which were implemented through the Site Plan Control process to address noise requirements.

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City of Hamilton Staging of Development

"F.1.14.1.1 The division of land shall occur by registered plan of subdivision where:

- a) a new road or an extension to an existing road is required; and,
- b) it is deemed in the public interest for the proper and orderly development of lands.

F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City's staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*."

The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, complies with the UHOP, will not adversely impact upon the transportation system, respects the natural environment and will integrate well with the existing development in the area, being the Bayview Neighbourhood Area.

Road Widening and Daylight Triangles

"C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings. Where a road right-

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of-way is not described in Schedule C-2 – Future Road Widening, the City shall reserve or obtain road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
  - i. existing built form;
  - ii. natural heritage features;
  - iii. an existing streetscape; or,
  - iv. a known cultural heritage resource;

it is not feasible or desirable to widen an existing road allowance to the maximum road widening or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening, or Section C.4.5.7, and that the City's objectives for sustainable infrastructure, complete streets and mobility can be achieved;

C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.”

Lakeview Drive, North Service Road and Fruitland Road are identified as Minor Arterial roads on Schedule C – Functional Road Classification and in accordance with Schedule C-2 – Future Road Widening, have a future right-of-way width of 36.576 m. Neither Lakeview Drive or North Service Road is presently at the ultimate right-of-way width as

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identified in the UHOP. At the February 28, 2018 meeting of City Council, Council approved a reduction to the right-of-way widening dedication for the westerly portion of the subject lands where there is currently an uneven right-of-way. The right-of-way widening has been provided and will be dedicated to the City of Hamilton by way of Condition Nos 1, 2 and 4 of Appendix "C" to Report PED19226.

With respect to the daylight triangle requirements of the UHOP, the City requires conveyance of property for appropriate daylighting triangles and corner rounding on existing roads generally to a measurement of 12.19 m by 12.1.9 m for arterial to collector or arterial roads in the urban context. A daylight triangle at the corner of North Service Road and Lakeview Drive, has been provided and will be dedicated to the City of Hamilton by way of Condition No. 3 of Appendix "C" to Report PED19226.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP.

### **Bayview Neighbourhood Plan**

The subject site is designated "Medium / High Density Residential" in the Bayview Neighbourhood Plan. There are no associated policies for this neighbourhood plan. As the proposed development consists of residential development at a density which falls within the range captured by this designation, it conforms to the Bayview Neighbourhood Plan.

### **Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Multiple Residential "RM3-64" Zone, Modified, in the Stoney Creek Zoning By-law No. 3693-92. This zone permits stacked townhouses, maisonette townhouses or apartments or any combination thereof. The specific modifications consider minimum front yard and minimum side yard (flankage) setbacks, minimum distance between buildings on the same lot, maximum density, maximum building height, privacy area depth, minimum landscaped open space, permitted yard encroachments and parking requirements. The proposal will be developed in accordance with the "RM3-64" Zone, Modified requirements. Furthermore, as a condition of draft plan approval the applicant will be required to demonstrate conformity with the applicable provisions of the Zoning By-law prior to release of the plan for registration (see Condition No. 1 of Appendix "E" to Report PED19226).

### **RELEVANT CONSULTATION**

The following Departments / Agencies have no comments or objections:

- Hydro One Networks Inc;

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 13 of 18**

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- Hamilton Street Rail (HSR); and,
- Recreation – Recreation Division, Healthy & Safe Communities Department.

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

**Canada Post Corporation** has identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements. Conditions addressing these comments have been included as Condition Nos. 12 and 13 in Appendix “C” to Report PED19226 and Condition Nos. 8 to 13 in Appendix “E” to Report PED19226.

**Bell Canada** has required the owner to provide any easements that may be necessary for communication/telecommunication infrastructure. This is included as Condition No. 11 in Appendix “C” and Condition No. 16 in Appendix “E” to Report PED19226.

**Union Gas Ltd.** requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project. This has been included as Condition No. 15 in Appendix “C” and Condition No. 15 in Appendix “E” to Report PED19226.

**Ministry of Transportation** requires that prior to final approval, a stormwater management and traffic impact study be prepared and lastly the owner must enter into a legal agreement with MTO to assume financial responsibility for the construction of all associated highway improvements. The conditions for a stormwater management report and traffic impact study were satisfied through Site Plan Control application DA-18-079. Condition No. 14 in Appendix “C” to Report PED19226 addresses the requirement for an agreement to assume financial responsibility for the construction of all associated highway improvements.

**Healthy Environments Division, Healthy and Safe Communities Department** have requested a Pest Control Plan focusing on rats and mice during the construction phase of the development proposal. This condition was cleared on November 8, 2018 through the Site Plan Control application DA-18-079. Healthy and Safe Communities also requested a dust management plan, which obtained clearance through Site Plan Control application DA-18-079 on June 5, 2019.

**Recycling and Waste Disposal Section, Public Works Department** has reviewed the development and noted that the site is eligible for municipal waste collection subject to meeting the City’s requirements. Prior to occupancy, the future residents will be required to enter into an Agreement for On-Site Collection of Municipal Solid Waste in order to begin waste collection on private property. Note No. 2 in Appendix “C” to Report PED19226 informs the owner that waste collection is subject to the City’s Solid Waste Management By-law 09-067, and Condition No. 8 i) in Appendix “E” to Report

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PED19226 warns purchasers that City Waste Management may not be available to residents.

**Transportation Planning** require that a Traffic Signals, Traffic Signs and Pavement Markings Plan be submitted, and reiterate that Block 5 shall be dedicated to the City. Their conditions are included as Condition Nos. 1, 2, 3 and 4 in Appendix “C” of Report PED19226. A Pavement Markings Plan was submitted as part of Site Plan Control application DA-18-079 and has been approved.

**Growth Planning** have indicated joint use agreements will be required for the proposed six storey dwelling to the north of the site. Condition No. 10 of Appendix “C” and Condition No. 17 of Appendix “E” of Report PED19226 addresses this requirement. In addition, if final approval is not received, Growth Planning has provided comments regarding lapsing timelines through Note # 1 of Appendix “C” to Report PED19226 and Note # 1 of Appendix “E” to Report PED19226. Standard conditions addressing land titles registration, mailing address unit numbers, and registration of condominium agreements are included as Conditions Nos. 2-4 of Appendix “E” to Report PED19226 there is also a standard Condition No. 8 (ii) of Appendix “E” which ensures that no grade alteration will occur within 0.45 metres of the property line.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 63 property owners within 120 m of the subject property on May 25, 2018 for the Draft Plan of Subdivision and on May 17, 2019, for the Draft Plan of Condominium (Common Element) application.

Furthermore, a Public Notice Sign was posted on the property on May 24, 2019, and updated on November 6, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given on November 15, 2019, in accordance with the requirements of the *Planning Act*.

Due to the extensive previous approval process per Report PED18085, it was determined a public consultation strategy was not required. However, public notice of the application and the public meeting, as noted above was given in accordance with the requirements of the *Planning Act* and the UHOP. To date, no public submissions have been received regarding the subject applications.

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow (2019);
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal establishes condominium tenure for a form of development permitted under the City of Stoney Creek Zoning By-law No. 3692-92 as amended by By-law 18-139. It will implement the approved Site Plan Control Application DA-18-079, which provides for a form of development that is compatible with surrounding land uses.
  
2. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
  - (a) It is consistent with the Provincial Policy Statement, A Place to Grow Plan, and with the general intent of the Urban Hamilton Official Plan, including the Bayview Neighbourhood Plan;
  - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
  - (c) It complies with the applicable policies of the Urban Hamilton Official Plan;
  - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
  - (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
  - (f) The proposed subdivision can be adequately serviced by the current road network;
  - (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of stacked townhouse dwellings and maisonette townhouse dwellings;
  - (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;

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- (i) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

3. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking spaces and centralized mailboxes, as shown on the attached plan, marked as Appendix "D" to Report PED19226. The private condominium road will provide access to North Service Road. All units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces and landscaped areas. A total of 136 maisonette and townhouse dwelling units will have access from the private condominium road network and will hold an interest in the Common Element Condominium Corporation. The applicant will be required to demonstrate zoning conformity prior to registration of the Draft Plan of Condominium (Common Element) as provided by Condition No. 1 of Appendix "E" to Report PED19226. Staff are supportive of the Draft Plan of Condominium (Common Element) and recommend its approval.
4. The subject lands are to be developed in accordance with the final approved Site Plan Control application DA-18-079 and the Plan of Condominium (Common Element) shall be developed in accordance with the approved Site Plan (Condition No. 5 of Appendix "E" to Report PED19226).
5. The land proposed for the common element condominium and the lots for all of the maisonette and townhouse dwelling units will be created through Part Lot Control Applications PLC-19-018 and PLC-19-019. In this regard, final approval and registration of the common element condominium cannot occur until such time as the Part Lot Control Applications are approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 6 of Appendix "E" to Report PED19226). The applicant has submitted Part Lot Control Applications, PLC-19-018 and PLC-19-019 which are currently under review.
6. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium (Common Element) approval. This Agreement will ensure that the tenure of the proposed common

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elements (as shown on the Draft Plan of Condominium (Common Element) included in Appendix “D” to Report PED19226) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual maisonette and townhouse lots are not sold until the condominium has been registered as a Common Element Condominium under the *Condominium Act* (Condition No. 7 of Appendix “E” to PED19226).

7. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking, which has been included as Condition No. 8 i) and iii) of Appendix “E” to Report PED19226.
8. The subject lands are intended to function with the abutting lands to the north. As such, a Joint Use Agreement is required with the City as a condition of Draft Plan of Subdivision approval for the lands to the north in order to permit any necessary easements to the satisfaction of the Senior Director of Growth Management. This is included as Condition No. 10 of Appendix “C” to Report PED19226.
9. The Engineering Approvals section is supportive of these applications and have provided the following information.

The property is subject to a right-of-way widening on North Service Road and Lakeview Drive and is also required to dedicate a 12.19 m x 12.19 m daylight triangle (as per the UHOP) at the intersection of the widened limit of Lakeview Drive and Fruitland Road. The applicant is also required to dedicate sufficient lands to the City at the northwest corner of the property at North Service Road and Lakeview Drive. Condition Nos.1 to 4 of Appendix “C” to Report PED2019226 address road widening and daylighting triangle dedications.

North Service Road currently has a rural cross section and is located within the urban boundary. The applicant will be required to pay their proportionate share for the future urbanization of North Service Road as per the City’s “New Roads Servicing Rate” which is included as Condition No. 5 of Appendix “C” to Report PED2019226. The urbanization of North Service Road also requires that the owner provide engineering design and cost estimate schedules for the installation of sidewalk on the south side of Lakeview Drive from North Service Road to Fruitland Road, which is included as Condition No. 6 of Appendix “C” to Report PED2019226.

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**ALTERNATIVES FOR CONSIDERATION**

Should the Draft Plan of Subdivision not be approved, the applicant / owner could develop the lands as a rental development. Should the proposed Draft Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium development or as a rental development.

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

**Community Engagement and Participation**

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

**Healthy and Safe Communities**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Plan of Subdivision

Appendix “C” – Special Conditions of Draft Plan of Subdivision

Appendix “D” – Draft Plan of Condominium (Common Element)

Appendix “E” – Recommended Conditions of Draft Plan of Condominium

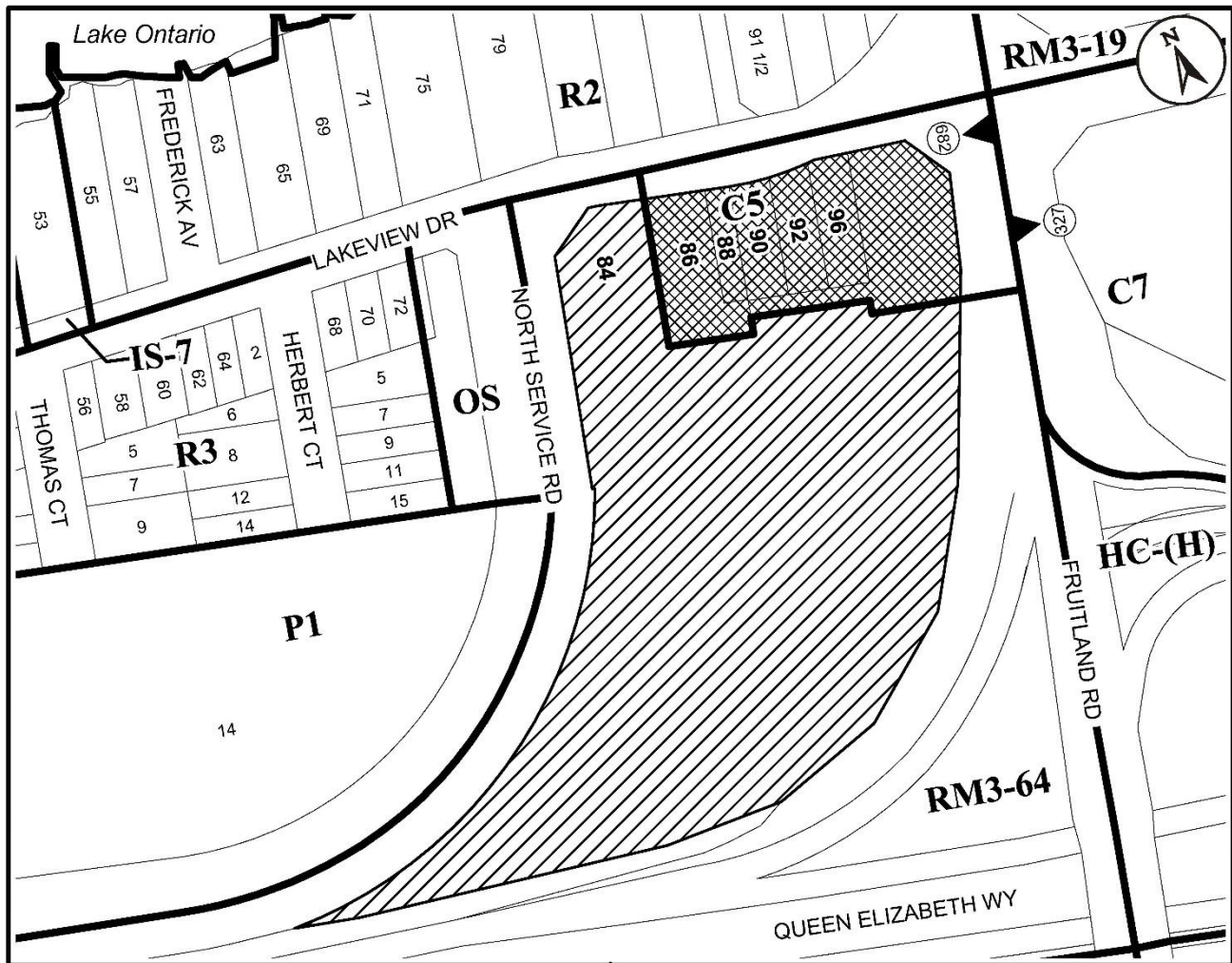
YR:jvr

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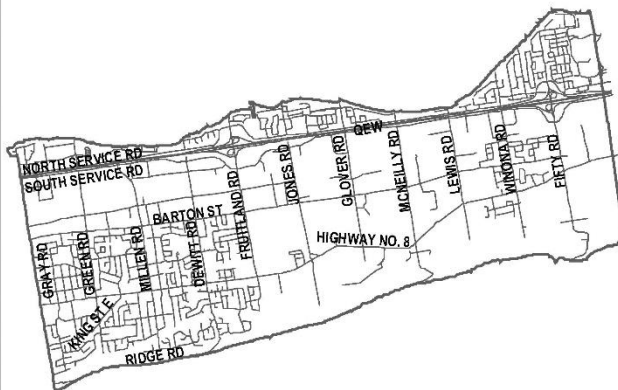
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● Site Location



Key Map - Ward 10

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25T-201804 / 25CDM-201902

Date:  
October 21, 2019

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MS/AL

### Subject Property



84 - 96 Lakeview Drive



Lands owned by the owner not subject to applications 25T-201804 & 25CDM-201902





### **Special Conditions for Draft Plan of Subdivision Approval for 25T-201804**

That this approval for the Draft Plan of Subdivision, 25T-201804, prepared by IBI Group and certified by S. Dan McLaren, O.L.S., dated September 19, 2019, consisting of four development blocks (Blocks 1-4) and one block for a road widening (Block 5) be received and endorsed by City Council with the following special conditions:

#### **Development Engineering:**

1. That, **prior to registration of the final plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public right-of-way by the Owner's certificate on the plan, to establish the ultimate widened limit of North Service Road at 36.576 metres, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
2. That, **prior to registration of the final plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public right-of-way by the Owner's certificate on the plan, to establish the widened limit of Lakeview Drive at 18.29 metres from the centreline of the original road allowance, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
3. That, **prior to registration of the final plan of subdivision**, a 12.19m x 12.19m daylight triangle is established on the final plan of subdivision at the intersection of the widened limit of Lakeview Drive and Fruitland Road to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
4. That, **prior to registration of the final plan of subdivision**, sufficient land is dedicated to the City at the northwest corner of the property (at North Service Road and Lakeview Drive for road widening) to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
5. That, **prior to registration of the final plan of subdivision**, the Owner pay their proportionate share for the future urbanization of North Service Road (excluding the cost of sidewalk) based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
6. That, **prior to registration of the final plan of subdivision**, the Owner shall include in the engineering design and cost estimate schedules for the draft plan lands installation of sidewalk on the south side of Lakeview Drive from North Service Road to Fruitland Road, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.

**Development Planning:**

7. That in event the proposed noise control measures do not fully achieve the MOE's recommended sound level limits for residential land uses, and a slight noise level excess remains, that the owner agrees to the inclusion in the Subdivision Agreement the following noise warning clause:

"Purchasers are advised that despite the inclusion of noise/vibration measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants."

8. That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

**Growth Planning:**

9. The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
10. That **prior to registration of the plan of subdivision**, the owner enter into a Joint Use Agreement and register any necessary easements for the proposed multiple storey condominium north of the site to the satisfaction of the Senior Director of Growth Management.

**Bell Canada:**

11. That **prior to registration of the plan of subdivision**, the owner, grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation.

**Canada Post:**

12. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale or lease agreements, a statement that advises the prospective purchaser:
  - a. That the home / business mail delivery will be from a designated Centralized Mail Box.
  - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

13. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- c. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - d. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - e. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - f. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - g. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

**Ministry of Transportation:**

14. That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all associated highway improvements.

**Union Gas:**

15. That **prior to registration of the plan of subdivision**, the owner / developer provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

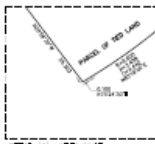
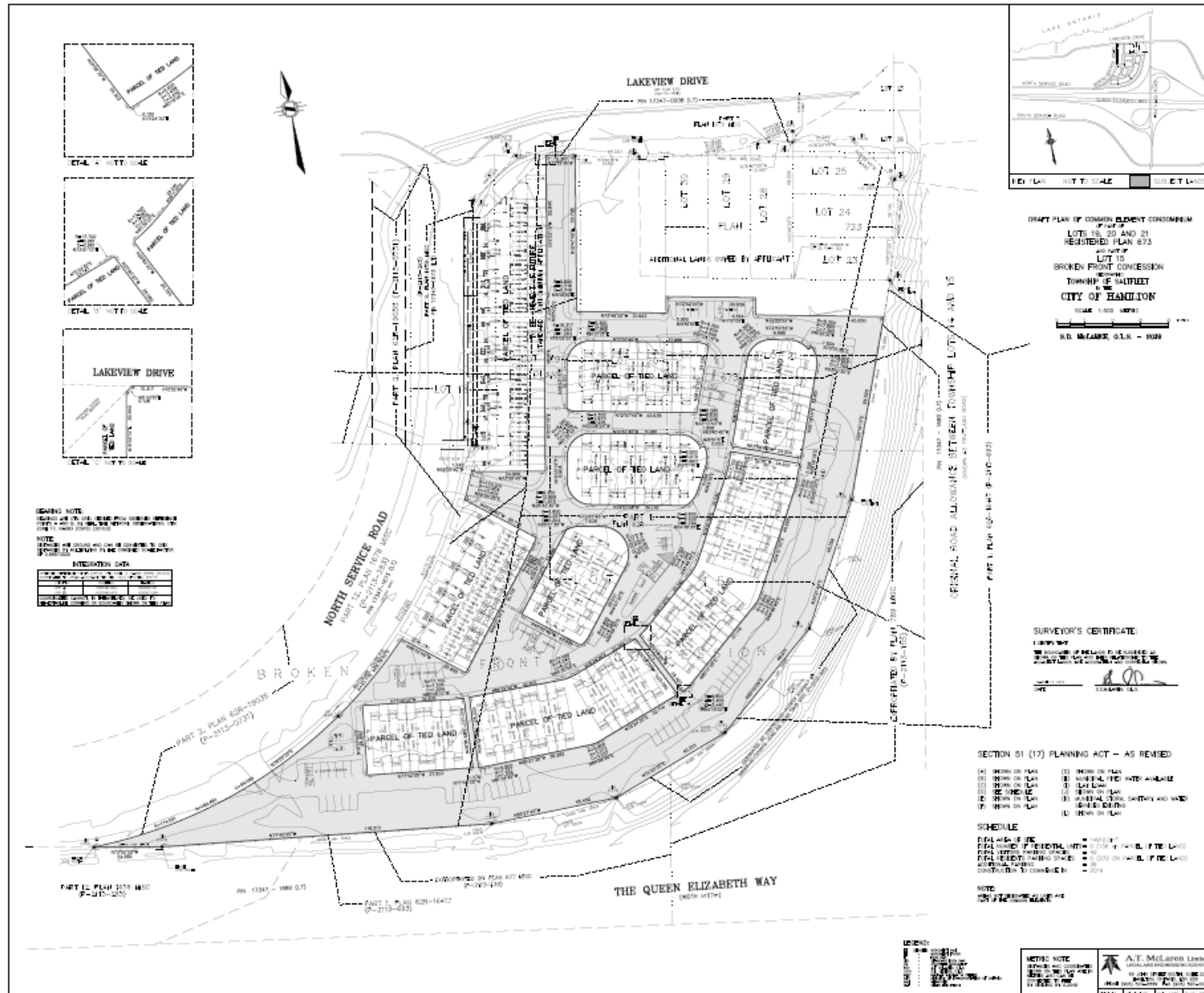
**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

**Recycling and Waste Disposal:**

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to

compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email [wastemanagement@hamilton.ca](mailto:wastemanagement@hamilton.ca) or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.



**ISSUING NOTE**  
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**NOTE**  
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**INTERESTED PARTIES**

NAME	ADDRESS	DATE

**DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM**  
 OF PART OF  
 LOTS 19, 20 AND 21  
 REGISTERED PLAN 873  
 AS PART OF  
 LOT 15  
 BROKEN FRONT CONFESSION  
 TOWNSHIP OF HAMILTON  
 CITY OF HAMILTON  
 SCALE: 1:500 (AS SHOWN)  
 S.D. McLEAREN, O.L.S. - 0028

**SURVEYOR'S CERTIFICATE**  
 I, the undersigned, being duly sworn, depose and say that I am a duly qualified and licensed Professional Engineer in the Province of Ontario, and that I am the author of the above-mentioned plan, and that the same is a true and correct copy of the original plan as the same appears on my files, and that I have not been furnished with any information which would require me to amend the same, and that I have not been furnished with any information which would require me to amend the same, and that I have not been furnished with any information which would require me to amend the same.

*[Signature]*  
 T. McLEAREN

- SECTION 51 (17) PLANNING ACT - AS REVISED**
- |                |                |
|----------------|----------------|
| (X) DRAFT PLAN | (X) DRAFT PLAN |
| (X) DRAFT PLAN | (X) DRAFT PLAN |
| (X) DRAFT PLAN | (X) DRAFT PLAN |
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**SCHEDULE**

FEEL - SCALE OF 1:500	1:500 (AS SHOWN)
FEEL - SCALE OF 1:1000	1:1000 (AS SHOWN)
FEEL - SCALE OF 1:2000	1:2000 (AS SHOWN)
FEEL - SCALE OF 1:5000	1:5000 (AS SHOWN)
FEEL - SCALE OF 1:10000	1:10000 (AS SHOWN)

**NOTE:**  
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**A.T. McLaren Limited**  
 1000 SHEPPARD AVENUE EAST, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1T5  
 TEL: (416) 291-1111  
 FAX: (416) 291-1112  
 WWW.ATMCLAREN.COM

**Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-201902, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner,** to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at located at 84 and 96 Lakeview Drive (Stoney Creek), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 18-139, or in the event the City of Hamilton has repealed and replaced the City of Stoney Creek Zoning By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the M-Plan for Subdivision (25T-201804) be registered on title of the subject lands prior to the final approval of Plan of Condominium, to the satisfaction of the Senior Director of Growth Management.
3. That prior to registration, the owner submit a list to the Growth Planning Section, indicating the mailing address unit number of each residential unit, to the satisfaction of the Senior Director of Growth Management.
4. That the Owner enters into and registers on title the condominium agreement incorporating the approved plan of condominium and related conditions to the satisfaction of the Senior Director of Growth Management.
5. That the subject lands be developed in accordance with approved Site Plan Application DA-18-079 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
6. That the owner shall receive final approval of Part Lot Control Applications PLC-19-018 and PLC-19-019, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
7. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.

8. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
  - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.
  - (ii) Purchasers are advised that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
  - (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
  - (iv) The home mail delivery will be from a Community Mail Box.
9. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
10. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
11. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
12. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
13. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans.



Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.

14. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, as described in the report titled "84 & 96 Lakeview Drive/ Hamilton Noise Assessment", dated December 22, 2016, with an addendum titled "Addendum to the Environmental Noise Assessment", dated March 13, 2019 to the satisfaction of the Senior Director of Growth Management:

- (i) All Units (except 125-131):

Warning Clause "A":

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Warning Clause "B":

This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

- (ii) Units 125-131:

Warning Clause "A":

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Warning Clause "C"

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the

indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

15. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
16. That the owner will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
17. That the owner enter into a Joint Use Agreement and register any necessary easements for the proposed multiple storey condominium north of the site to the satisfaction of the Senior Director of Growth Management.
18. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

#### NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Melanie Schneider (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Zoning By-law Amendment Application ZAC-18-055, by Maria Puzzo (c/o Turkstra Mazza Associates, Owner)**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, Holding (Block 2) to the “RT-30-S/1789” (Street – Townhouse) District, Modified in the City of Hamilton Zoning By-law No. 6593, to permit the development of four street townhouse dwellings fronting onto Springvalley Crescent, as shown on Appendix “A” to Report PED19232, be **Approved** on the following basis:
- i) That the draft By-law, attached as Appendix “B” to Report PED19232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and comply with the Urban Hamilton Official Plan.

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 2 of 12**

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- (b) That the Gourley Neighbourhood Plan be amended to redesignate the subject lands from “Single and Double” to “Attached Housing”.

### **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified (Block 2) to the “RT-30-S/1789” (Street – Townhouse) District, Modified, to permit the development of four street townhouse dwellings fronting onto Springvalley Crescent, on the subject lands located at 112 Springvalley Crescent (Hamilton). Modifications requested by the applicant to the “RT-30” District include front and side yard setbacks, balcony projections, manoeuvring space, and parking stall size. The applicant will require future Consent for Severance applications to create the four lots for the proposed street townhouses.

The proposed Zoning By-law Amendment has merit and can be supported since the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and complies with the Urban Hamilton Official Plan, subject to the recommended Neighbourhood Plan Amendment to redesignate the subject lands from “Single and Double” to “Attached Housing”.

### **Alternatives for Consideration – See Page 11**

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

Financial: N/A

Staffing: N/A

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

### **HISTORICAL BACKGROUND**

#### **Background:**

The subject property is located on the east side of Springvalley Crescent, south of the Lincoln Alexander Parkway, and were previously municipally known as 808 West 5<sup>th</sup> Street, now known as 112 Springvalley Crescent. The lands affected by this proposal are 710 square metres in size and were created through a Consent to Sever application which was finalized on May 27, 2019, including all associated conditions.

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 3 of 12**

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**UHOPA-14-006 / ZAC-07-091 / 25T-200717**

The Fontana Gardens Phase 3 Subdivision established the road network for Springvalley Crescent and was approved by Council on June 25, 2014. Block 3 of the subject lands (see Appendix “A” to Report PED19232) was part of a remnant parcel as a result of aligning Springvalley Crescent with the Gourley Neighbourhood Plan. This Block was transferred to the City and zoned “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified. The lands were being held by the City to ensure orderly development occurs. The lands have been sold to adjacent lands for land assembly. An additional portion of this remnant block, south of the subject lands, has yet to be sold to the adjacent landowner for future development purposes. The Holding provision in the “D-H/S-1706” District prohibits development activity until:

- (a) The lands zoned “D-H/S-1706” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding, Modified have been appropriately assembled with lands located adjacent to West 5<sup>th</sup> Street to ensure comprehensive and orderly development to the satisfaction of the Director of Planning.

Block 3 has been assembled with lands located at 808 West 5<sup>th</sup> Street (Block 2 on Appendix “A” to Report PED19232).

**HM/B-18:130**

This property was subject to Consent for Severance application HM/B-18:130 to sever the lands affected by this development proposal from the existing single detached dwelling facing West 5<sup>th</sup> Street. This application was approved by the Committee of Adjustment on December 6, 2018 and deemed final and binding on January 2, 2019. All conditions were met on May 27, 2019, including assigning the new address of 112 Springvalley Crescent.

**Zoning By-law Amendment (ZAC-18-055)**

The applicant is proposing a change in zoning to a site specific “RT-30” (Street - Townhouse) District to permit four street townhouse dwellings fronting onto Springvalley Crescent. Modifications to the “RT-30” District are proposed to address front and side yard setbacks, parking stall size, manoeuvring, and yard encroachments.

Further Consent for Severance applications will be required to establish lots for each street townhouse dwelling.

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 4 of 12**

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**Chronology:**

<u>October 31, 2018:</u>	Application ZAC-18-055 received.
<u>November 8, 2018:</u>	Application ZAC-18-055 deemed complete.
<u>November 28, 2018:</u>	A Public Notice sign was established on the property.
<u>November 29, 2018:</u>	Notice of Complete Application and Pre-Circulation was mailed to 67 property owners within 120 metres of the subject property.
<u>September 18, 2019:</u>	Public Notice sign updated to reflect the date of Public Meeting.
<u>September 27, 2019:</u>	Circulation of Notice of Public Meeting to 67 property owners within 120 metres of the subject property.

**Details of Submitted Application**

<b><u>Owner:</u></b>	Maria Puzzo (c/o Turkstra Mazza Associates)						
<b><u>Agent:</u></b>	A.J. Clarke & Associates c/o Spencer Skidmore						
<b><u>Location:</u></b>	112 Springvalley Crescent (Previously 808 West 5 <sup>th</sup> Street)						
<b><u>Property Description:</u></b>	<table> <tr> <td><u>Frontage:</u></td> <td>25.96 metres</td> </tr> <tr> <td><u>Lot Depth:</u></td> <td>29.92 metres</td> </tr> <tr> <td><u>Area:</u></td> <td>0.071 hectares</td> </tr> </table>	<u>Frontage:</u>	25.96 metres	<u>Lot Depth:</u>	29.92 metres	<u>Area:</u>	0.071 hectares
<u>Frontage:</u>	25.96 metres						
<u>Lot Depth:</u>	29.92 metres						
<u>Area:</u>	0.071 hectares						

**Servicing:** Full municipal services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single detached dwelling	"C" (Urban Protected Residential, etc.) District, "D-H/S-1706" (Urban Protected Residential, One

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 5 of 12**

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and Two Family Dwellings, etc.) District, Holding, Modified

**Surrounding Lands:**

<b>North</b>	Multiple dwelling	“E” (Multiple Dwellings, Lodges, Clubs, etc.) District
<b>East</b>	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
<b>South</b>	Single detached dwelling, semi detached dwellings	“C” (Urban Protected Residential, etc.) District, “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District
<b>West</b>	Semi detached dwellings	“D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow (Growth Plan). The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

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

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 6 of 12**

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

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

1) Within 100m of a Historic Transportation Corridor.

Notwithstanding current surface conditions, this criteria defines the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. As part of this application, a Stage 1-2 (P389-0346-2018) archaeological report for the subject property was submitted to the City and the Ministry of Tourism, Culture and Sport. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

As the application for a change in zoning complies with the UHOP and the relevant policies in the PPS, 2014, it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

### **Urban Hamilton Official Plan**

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

#### **Neighbourhoods**

“E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.

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

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

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 7 of 12**

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- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposed development consists of four street townhouse dwellings and is considered a low density housing form. The configuration of the development results in a net residential density of 22 units per hectare, with garages recessed along the front façade of the development to ensure that parking and garages are not the dominant feature. Further, the applicant will be maintaining the minimum lot frontage of 6.0 metres, with the overall massing of the development to be in keeping with the established character of Springvalley Crescent, comprised of a range of housing forms and lots widths approximately 6.0 metres wide for street townhouse dwellings to 8.0 metres for semi detached dwellings. The proposed townhouses will provide a transition, being two storeys in height, from the semi detached dwellings to the south and the multiple dwelling located at the north easterly bend of Springvalley Crescent to provide a scale and massing that is compatible with the surrounding context. This is consistent with the transition on the opposite side of the multiple dwelling which transitions to street townhouse dwellings within a “RT-30” District. Access will be provided from a local road (Springvalley Crescent) instead of West 5<sup>th</sup> Street, which is identified as a Minor Arterial Road.

### Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable and municipal guidelines and standards.

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 8 of 12**

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- 3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
  - d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;”

West 5th Street is identified as a minor arterial road on Schedule “C” - Functional Road Classification in the UHOP. Additionally, the lands are located less than 80 metres from the Lincoln Alexander Parkway. Accordingly, a detailed noise study will be required as part of future Consent for Severance applications to determine what noise mitigation measures are required for each street townhouse dwelling.

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

### **Gourley Neighbourhood Plan**

The subject lands are designated “Single & Double” within the Gourley Neighbourhood Plan.

The proposed built form of street townhouses would be best suited under the “Attached Housing” designation. While the Gourley Neighbourhood Plan currently anticipates attached housing to be located along Garth Street and Stone Church Road West, this proposal will provide for an appropriate transition on Springvalley Crescent between the semi detached dwellings and the existing multiple dwelling surrounding the site. Additionally, there are street townhouse dwelling along the northerly extent of Springvalley Crescent also within the “RT-30” District, to ensure this proposal is consistent with the established neighbourhood. Therefore, staff are supportive of the change in designation to “Attached Housing”.

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

The applicant proposes a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “D-H/S-1706” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified (Block 2) to a site specific “RT-30” (Street - Townhouses) District, which permits street townhouse dwellings. A number of modifications are proposed:

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 9 of 12**

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- Minimum front yard setback of 4.5 metres to a dwelling and 5.8 metres to an attached garage, whereas a minimum front yard setback of 6.0 metres is required;
- Minimum side yard setback of 1.2 metres for a two storey dwelling, whereas a minimum side yard setback of 2.0 metres is required;
- Minimum 5.8 metres of manoeuvring space for a parking space whereas a minimum 6.0 metres of manoeuvring space is required;
- Minimum parking stall size of 3.0 metres by 5.8 metres whereas a minimum parking stall size of 2.7 metres by 6.0 metres is required;
- A maximum balcony projection of 1.5 metres into a front yard from the street line whereas a maximum 1.0 metre projection from the street line is required; and,

An evaluation of the proposed modifications is included in Appendix “D” to Report PED19232.

### **RELEVANT CONSULTATION**

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

- Corporate Assets & Strategic Planning Division, Public Works Department;
- Industrial Park & Airport Development, Growth Management Section; and,
- Transit Strategy & Infrastructure Division, Public Works Department.

**Forestry and Horticulture Section, Public Works Department** have noted that there are no conflicts between the proposed development and existing street trees. All new street trees and associated payments will be collected through the previously approved Consent Application HM/B-18:130.

**Transportation Planning** staff have reviewed the proposal and have identified no concerns with the application. All public sidewalks shall be continuous through each driveway approach. Staff have also indicated standard design requirements, such as minimum separation from utilities and location of curbing.

### **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 67 property owners within 120 m of the subject lands on November 29, 2018. A Public Notice Sign was posted on the property on November 28, 2018 and updated with the Public Meeting date on September 18, 2019. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. No submissions from the public were received as a result of the circulation.

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**Public Consultation Strategy**

As part of the applicant's Public Consultation Strategy, a letter circular was mailed by the applicant in March 2019 to all properties within approximately 130 metres of the subject lands. The circular explained the proposed development and provided direct contact information for the applicant, should members of the public have additional questions regarding the proposal. No responses were received by the City or applicant as a result of this Public Consultation.

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

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow (2019), which encourages compact development within built-up areas;
  - (ii) It complies with and implements the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal represents good planning by, among other things, providing a compatible development that is in keeping with existing development in the surrounding area and uses existing infrastructure.
  
2. The proposed change in zoning from the "D-H/S-1706" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified and the "C" (Urban Protected Residential, etc.) District to a site specific "RT-30" (Street - Townhouses) District will allow for a transitional housing form along Springvalley Crescent between the existing semi detached dwellings and the multiple dwelling to the north. The proposed modifications to the "RT-30" District represent similar modifications permitted throughout the Fontana Gardens Phase 3 Subdivision to ensure that the change in zoning is in keeping with the established character and street edge along Springvalley Crescent in terms of massing, yard setbacks, and parking requirements. The proposed street townhouse dwellings will introduce an additional housing form that is in keeping with the surrounding low to medium density residential uses, consistent with the street townhouses on the north leg of Springvalley Crescent, and the policies of the UHOP. Rationale regarding the proposed modifications to the "RT-30" District are outlined in Appendix "D" to Report PED19232. Based on the foregoing, staff support the proposed Zoning By-law Amendment.

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 11 of 12**

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3. The applicant will be required to submit Consent for Severance applications to create the four lots for street townhouse dwellings. As a condition of approval, the applicant will be required to complete and implement a detailed noise study.
4. A portion of the lands are subject to an H provision until the following requirement has been fulfilled:
  - (a) "The lands zoned "D"- 'H'/S-1706 (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding have been appropriately assembled with lands located adjacent to West 5th Street to ensure comprehensive and orderly development to the satisfaction of the Director of Planning."

The lands subject to the "H" Provision were originally owned by the City of Hamilton and have since been purchased by the owner of, and merged on title with, a portion of the lands previously known as 808 West 5th Street, now 112 Springvalley Crescent. This parcel of land was a remnant block that resulted from the road pattern layout of the Fontana Gardens - Phase 3 Subdivision. Since a portion of this remnant block has now been appropriately assembled with adjacent lands, the "H" Provision is no longer required.
5. The City of Hamilton Site Plan Control By-law No. 15-176 identifies that unless street townhouses are within a Registered Plan of Subdivision, then the development is subject to Site Plan Control. Conditions of approval relating to grading, noise and servicing will be addressed through the future Consent Applications and Consent Agreement. The development will be subject to Site Plan Control.
6. Development Engineering Approvals staff have reviewed the application and the associated Functional Servicing Brief, prepared by A.J. Clarke & Associates, dated October 29, 2018. Minor adjustments are required to the Preliminary Grading Plan which can be further addressed at the Consent Stage. Staff have no further concerns with the development proposal from an engineering perspective.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the "D-H/S-1706" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified and the "C" (Urban Protected Residential, etc.) District. A Holding Removal Zoning By-law Amendment application would be required to remove the 'H' Provision from the lands to allow future development to proceed. The lands could be developed for a single detached dwelling.

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**SUBJECT: Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) - Page 12 of 12**

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

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - Location Map

Appendix “B” - Draft Zoning By-law

Appendix “C” - Concept Plan

Appendix “D” - Zoning Modification Chart

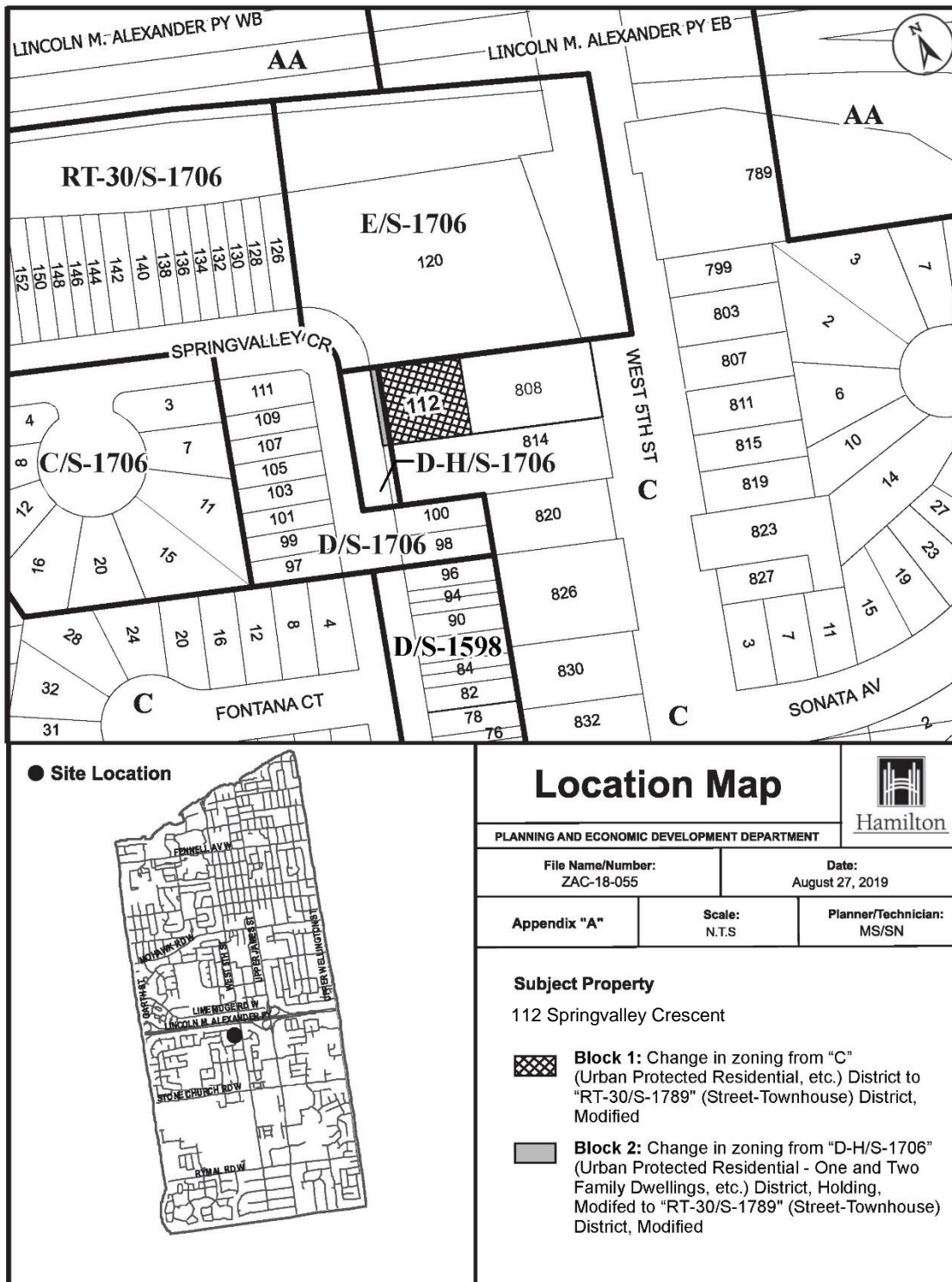
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Appendix "A" to Report PED19232  
Page 1 of 1



● Site Location



### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-18-055

Date:  
August 27, 2019



Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MS/SN

#### Subject Property

112 Springvalley Crescent

-  **Block 1:** Change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30/S-1789" (Street-Townhouse) District, Modified
-  **Block 2:** Change in zoning from "D-H/S-1706" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified to "RT-30/S-1789" (Street-Townhouse) District, Modified

**Appendix “B” to Report PED19232  
Page 1 of 4**

**Authority:** Item ,  
Report (PED19XXX)  
CM:  
Ward: 8

**Bill No.**

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

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 112 Springvalley Crescent**

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

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

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

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

**WHEREAS**, the council of the City of Hamilton in adopting Item \_\_\_\_\_ of Report 19-\_\_\_\_\_ of the Planning Committee, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

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

1. That Sheet No. W17c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended as follows:
  - a) By changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “RT-30/S-1789” (Street – Townhouses) District, Modified (Block 1); and,



**Appendix “B” to Report PED19232**  
**Page 2 of 4**

- b) By changing the zoning from the “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified to the “RT-30/S-1789” (Street – Townhouses) District, Modified (Block 2);

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

2. That the “RT-30/S-1789” (Street – Townhouses) District, Modified, provisions as contained within Section 10F of Zoning By-law No. 6593 applicable to the subject lands (Blocks 1 and 2), be modified to include the following special requirements:
- a) Notwithstanding Subsection 10F(4)(a), a front yard depth of not less than 4.5 metres to the dwelling and 5.8 metres to an attached garage shall be provided.
  - b) Notwithstanding Subsection 10F(4)(c) ii), 1.2 metres for a Street Townhouse Dwelling, not exceeding two storeys in height.
  - c) Notwithstanding Subsection 18(3)(vi)(cc)(i), into a required front yard not more than 1.5 metres, provided that no such projection shall be closer to a street line than 1.5 metres.
  - d) Notwithstanding Table 6 of Subsection 18A(1)(f) for a 90 degree Parking Angle, a minimum 5.8 metre of required manoeuvring space aisle width shall be provided.
  - e) Notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide and 5.8 metres long.
  - f) Notwithstanding Section 18A(29), where a parking space for a townhouse dwelling or maisonette dwelling is covered and attached or enclosed within the dwelling unit, the entrance to the parking space shall be located not less than 5.8 metres from the entrance to the individual driveway.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “RT-30/S-1789” (Street – Townhouses) District, Modified, subject to the special requirements referred to in Section 2.
4. That Sheet No. W17c of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as “RT-30/S-1789” (Street – Townhouses) District, Modified.
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*.

**Appendix "B" to Report PED19232**  
**Page 3 of 4**

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAC-18-055

Appendix "B" to Report PED19232  
Page 4 of 4



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 19- _____</p> <p>to Amend By-law No. 6539</p>	<p><b>Subject Property</b> 112 Springvalley Crescent</p> <p> Block 1: Change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30/S-1789" (Street - Townhouse) District, Modified</p> <p> Block 2: Change in zoning from "D-H/S-1706" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified to "RT-30/S-1789" (Street-Townhouse) District, Modified</p>
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Scale: N.T.S	File Name/Number: ZAC-18-055	
Date: August 27, 2019	Planner/Technician: MS/SN	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		





**Site Specific Modifications to the “RT-30” (Street - Townhouse) District**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum front yard depth	6.0 metres	4.5 metres to the dwelling and 5.8 metres to an attached garage	The proposed modification is intended to establish a front yard depth in keeping with the setbacks established within the Fontana Gardens Ph 3 Subdivision, per amending By-law No. 14-158. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum side yard abutting a wall that is not a party wall	2.0 metres – not exceeding two storeys in height	1.2 metres – not exceeding two storeys in height	The proposed modification acknowledges massing and setbacks that are consistent with the established character of Springvalley Crescent. The modification will continue to allow adequate access to rear yards and space for drainage purposes. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum maneuvering Space Aisle Width and Location of entrance to a parking space within attached garage for a townhouse dwelling	6.0 metre	5.8 metre	The proposed modification is a result of the modified front yard in keeping with the remainder of the street scape. Due to the angle of the subject lands, the most southerly unit has a minimum setback of 5.8 metres between the garage and the front property line. The proposed modification is in keeping with the semi detached dwellings west and south of the subject lands and will continue to provide necessary maneuvering space for a range of vehicles as the parking stall size will remain unchanged. Based on the foregoing, the modification is reasonable and supported by staff.
Balcony projection	May project into a required front yard not more than 1.0 metre, provided that no such projection shall be closer to a street line than 1.5 metres.	May project into a required front yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres.	The proposed modification is a result of the modified front yard in keeping with the established streetscape character. The proposed balconies will provide for additional outdoor amenity space and allows for flexibility in the design of the proposed street townhouse dwellings. Based on the foregoing, the modification is reasonable and supported by staff.
Parking stall size	Every required parking space, other than a parallel parking space, shall have	Every required parking space, other than a parallel parking space, shall have	The proposed modification has been requested to acknowledge the configuration of the proposed garages where the required parking spaces are located. The modification is consistent with Zoning By-law No. 05-200 which requires stall sizes to be 3.0 metres by 5.8 metres. Since it has been demonstrated that this stall size can accommodate a range of vehicles, the modification is deemed reasonable and supported by staff.

	dimensions not less than 2.7 metres wide and 6.0 metres long	dimensions not less than 3.0 metres wide and 5.8 metres long	
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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>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Temporary Use By-law to amend certain regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8, and Part of 14)
<b>WARD(S) AFFECTED:</b>	Wards 1, 8, and Part of 14
<b>PREPARED BY:</b>	Timothy Lee (905) 546-2424 Ext. 1249
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

That Report PED19176(a) (City Initiative CI-19-D – Amendments to Section 19 – Residential Conversion for Wards 1, 8, and part of 14) to establish a Temporary Use By-law, by amending specific provisions of Section 19 – Residential Conversion regulations in City of Hamilton Zoning By-law No. 6593 with respect to lot area, unit size and parking (Ward 1 east of Highway 403 only), to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of an accessory dwelling in single detached and two family dwellings, as part of the on-going Low Density Rental Housing Licensing Pilot Project and Zoning By-law Reform project, applicable to Wards 1, 8, and portions of 14, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “A” to Report PED19176(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed modifications in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019) and complies with the Urban Hamilton Official Plan;

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**SUBJECT: Temporary Use By-law to amend certain regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8, and part of 14) - Page 2 of 9**

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- (c) That, in the event that updated Secondary suite regulations in Zoning By-law No. 05-200, applicable to the pilot project area, are not in force and effect, then staff report back on the effectiveness of the temporary use by-law in July, 2022, being 30 months after adoption of the By-law and recommendations on whether to further extend the by-law, or make the changes permanent or cease the pilot project.

## **EXECUTIVE SUMMARY**

This Report is a follow up report to the original staff report that was brought forward to the September 17, 2019 Planning Committee and considered at the October 1, 2019 Planning Committee [(See Appendix “B” of PED19176(a))]. A summary of comments raised by delegates and Committee members during the Public Meeting and is presented below. The issues/questions are:

- Should the former Ward 8 (now portions of Ward 14) be added to the draft Temporary Use By-law? (See Section 1 – Page 4)
- Rather than a Temporary Use by-law, should the changes to the Section 19 Zoning By-law regulations be permanent instead of temporary to provide certainty for homeowners? (Section 2 – Page 5)
- How is parking affected when each dwelling unit has several habitable rooms (e.g. bedrooms)? (Section 3 – Page 5)
- Should there be a minimum size or bedroom requirement for the accessory dwelling? Will excessively small units affect the liveability of the units? (Section 4 – Page 6)
- Should there be a limit to how large the accessory dwelling unit should be constructed to avoid the creation of large accessory dwelling units with multiple number of rooms combined with the principle unit containing multiple bedrooms? (Section 5 – Page 7)
- Should more than one accessory dwelling unit be permitted (e.g. two accessory dwelling units) within existing buildings since some existing properties have been converted illegally to have more than one accessory dwelling unit? (Section 6 – Page 8)

Responses to each question is found under the Analysis and Recommendations section of Report PED19176(a).

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**SUBJECT: Temporary Use By-law to amend certain regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8, and part of 14) - Page 3 of 9**

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Based on a review and assessment of the feedback received, staff are not recommending any changes to the original proposed Temporary Use By-law presented with the exception of expanding the limits of the pilot project to now include a portion of Ward 14 that reflect the former Ward 8 boundary into the draft By-law (See Schedule “A” of Appendix “A” to Report PED19176).

**Alternatives for Consideration – See Page 9**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-law for a 3-year period. An extension of up to another 3 years may be approved. There are no *Planning Act* restrictions on the number of times a Temporary Use By-law is granted an extension.

Subsection 34(19.1) of the *Planning Act* restricts appeals of any by-law passed under Section 34 relating to second dwelling units provided the Official Plans contain policies on secondary dwelling units. Both the UHOP and City of Hamilton Official Plan contain such policies. A Temporary Use by-law is passed under Subsection 34 and therefore no appeals of the by-law are permitted under the Planning Act.

A Public Meeting was previously scheduled on the September 17, 2019 Planning Committee affecting Wards 1 and 8 only but the matter was deferred to the October 1, 2019 Planning Committee to deliberate on the proposed Temporary Use By-law.

A Notice of Public Meeting was posted in the Hamilton Spectator on November 15, 2019 for only the Hamilton portion of Ward 14 that reflects the former Ward 8 boundary. A Public Meeting is being held at the December 3, 2019 Planning Committee to ensure residents in Ward 14 affected by the revised Temporary Use By-law have an opportunity to provide feedback on the proposed By-law.

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**SUBJECT: Temporary Use By-law to amend certain regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8, and part of 14) - Page 4 of 9**

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## **HISTORICAL BACKGROUND**

### **Introduction of the Draft Temporary Use By-law in the October 1, 2019 Planning Committee**

A Public Meeting was scheduled on September 17, 2019 but was deferred to the October 1, 2019 Planning.

Report PED19176 provided rationale for the proposed amendments to specific regulations in Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593. The draft By-law originally covered only Wards 1 and 8 to align with the Rental Housing Licensing Pilot Project study area. The draft By-law has since been revised to include Ward 14 but only to the extent of former City of Hamilton.

A summary of the comments received at the Planning Committee and the responses are contained in the Analysis and Rationale for Recommendations Section of this Report.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The proposed Temporary Use By-law will serve as a bridge between the existing in-effect regulations and future Second Dwelling Unit regulations to be added to Hamilton Zoning By-law No. 05-200. The proposed Temporary Use By-law is consistent with the Provincial Policy Statement 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019). The draft By-law also conforms to the Urban Hamilton Official Plan (UHOP) and the former City of Hamilton Official Plan as it provides additional housing opportunities.

For more information on Policy Implications and Legislative Requirements of the proposed Temporary Use By-law, please refer to PED19176 (Appendix “B” to Report PED19176(a)).

## **RELEVANT CONSULTATION**

The following Sections and Departments were consulted:

*Licensing and By-law Services, Planning and Economic Development Department*

*Investment In Affordable Housing Section, Healthy and Safe Communities Department*

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

A response to comments and feedback from the October 1, 2019 Planning Committee is presented below. Report PED19176 is attached as Appendix “B” to PED19176(a))

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**SUBJECT: Temporary Use By-law to amend certain regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8, and part of 14) - Page 5 of 9**

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and it provides more information on the nature of the proposed Temporary Use By-law, and rationale for each proposed amendment.

In summary, the only revisions made to the Temporary Use By-law are to add the former Hamilton portion of Ward 14.

## **1.0 Adding the Hamilton Portion of Ward 14 to the Temporary Use By-law**

### *Issue:*

The former Ward 8 boundary (stretching from the Ancaster/Hamilton border to Garth Street, and from the Niagara Escarpment to the Glanbrook/Hamilton border) should be added to the Pilot Project. The original intention was to ensure the entire rental housing market area catering to Mohawk College students was captured in the Pilot Project.

### *Response:*

The proposed Temporary Use By-law has been revised and now includes portions of Ward 14 from the Ancaster/Hamilton former municipal border to Garth Street, and from the Niagara Escarpment to the southerly Ward boundary (See Schedule “A” of Appendix “A” in Report 19176(a)) which was the original intent of the Licensing By-law Pilot Project area.

However, as the original draft Temporary Use By-law only included lands in Wards 1 and 8, a Notice of Public Meeting and Statutory Public Meeting, as required by the *Planning Act*, for the former Hamilton portions of Ward 14 is necessary. Notice was given in the Hamilton Spectator on Friday, November 15, 2019.

## **2.0 Making the By-law Permanent and not Temporary**

### *Issue:*

A concern was raised that the proposed By-law is temporary and was not a permanent amendment to the regulations. The temporary nature of the By-law may cause some uncertainty whether the By-law would be extended, or what happens to properties that have met the regulations under the pilot project but the Zoning By-law 05-200 regulations are different. Homeowners and investors may question the need to become compliant to zoning and Pilot Project due to the uncertainty.

### *Response:*

The proposed By-law is a response by the rental housing industry to provide relief to certain regulations in conjunction with the Licensing Pilot Project, as opposed to a staff-initiated Zoning By-law. Further the proposed Temporary Use By-law is intended to serve as a bridge between providing relief to existing regulations in an in-effect Zoning By-law, and future regulations for Second Dwelling Units in Hamilton Zoning By-law No. 05-200.

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In the event the Zoning regulations in the Temporary Use By-law are not carried forward into Zoning By-law No. 05-200, a Special Exception could be created for each property that received a Building Permit during the Pilot Project to create and/or legalize an accessory unit. However, if the same regulations as the Temporary Use By-law are implemented in Zoning By-law 05-200 or if the new Zoning By-law 05-200 regulations are less restrictive than the Temporary Use By-law provisions, then a Special Exception will not be required.

However, as per Recommendation (c) to this Report, should the new Residential Zones in Hamilton Zoning By-law No. 05-200 not be in effect upon the expiration date of the Temporary Use By-law, there is the option to extend the period by another three years.

### **3.0 Parking Requirements for Dwellings containing numerous Bedrooms**

*Issue:*

Under the scenario where an addition or renovation to the basement results in numerous bedrooms being constructed, should the number of required parking space be more than two spaces (one for each dwelling unit)? What happens when there are many bedrooms (e.g. more than 5 or 6)?

*Response:*

Required parking is identified Section 18A(1) of Hamilton Zoning By-law No. 6593. Currently, a single detached dwelling with 8 habitable rooms or less requires two parking spaces which can be parked in tandem.

A single detached dwelling becomes a converted single detached dwelling when an accessory dwelling is constructed. Two parking spaces are required for a converted dwelling. However, vehicles cannot be parked in tandem and must be parked side by side. Two parking spaces are required regardless of how many bedrooms are in each dwelling unit.

No amendments are proposed for parking requirements in Wards 8 and 14 (See Schedule “B” in Appendix “A” of Report PED19176(a)) recognizing the need for parking spaces for the main dwelling and the accessory dwelling.

### **4.0 Minimum Floor Area Size Requirements for an Accessory Dwelling Unit**

*Issue:*

Would the accessory dwelling units be too small despite minimum unit size requirements under the Ontario Building Code (OBC)?

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**SUBJECT: Temporary Use By-law to amend certain regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8, and part of 14) - Page 7 of 9**

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*Response:*

The proposed Temporary Use By-law removes the minimum 65 square metres floor area requirement for both the principal dwelling and accessory dwelling. Removing the minimum requirement is a response by homeowners and affordable housing groups that a minimum floor area is a barrier to creating/legalizing accessory units.

A scan of neighbouring municipal Zoning By-laws reveals that only the Cities of London and Windsor have a minimum floor area requirement (25 and 40 square metres respectively). Other municipalities do not include minimum floor area requirements and instead rely on the OBC for minimum floor size requirements. It is noted that all of these By-laws pre-date Bill 108 and as such these provisions will be required to be reviewed as part of the mandatory Official Plan and Zoning By-law review required by the *Planning Act*.

Minimum Area Requirements	Municipalities
No Minimum Requirement	Guelph, Kitchener, Kingston, Mississauga, Oshawa, Ottawa, Waterloo
Minimum 25 square metres per dwelling unit	London
Minimum 40 square metres per dwelling unit	Windsor

The Building Code sets out minimum room sizes in dwelling units and is dependent on whether the rooms are separated by walls or open concept. For a combined living, dining, kitchen, and in a bachelor unit, the minimum size is 13.5 square metres (145 square feet), not including the bathroom. Regardless of the unit size, in accordance with the Zoning By-law provisions, only one additional dwelling unit can be legally added.

Based on the foregoing, minimum floor area requirements are not contemplated in the draft Temporary Use By-law and no changes to the Temporary Use by-law are proposed.

**5.0 Is there a limit to how large an Accessory Dwelling can be? Can you limit the size by bedroom count?**

*Issue:*

The number of bedrooms that can be accommodated in a dwelling unit was identified as a concern in that dwellings with multiple bedrooms above and beyond what is traditionally provided (i.e. 3 or 4 bedrooms in a detached dwelling) and correspondingly could the number of bedrooms in an accessory dwelling be limited.

*Response:*

Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593 does not include a regulation limiting the maximum floor area of an accessory dwelling.

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A scan of municipal Zoning By-laws reveals the maximum gross floor area generally ranges from 40% to 50% which was intended to ensure that the second dwelling unit is subservient to the principal dwelling. By limiting the floor area then the number of bedrooms would be limited. None of the municipal Zoning By-laws use the number of bedrooms as a measurement of how big an accessory dwelling unit may be.

Municipality	Maximum Percentage Floor Area
Guelph	45% of the total Floor Area of the Building and shall not exceed a maximum of 80 square metres in Floor Area, whichever is lesser.
Kitchener	(Not mentioned)
Kingston	40% of the gross floor area of the principal dwelling unit or 90.0 square metres, whichever is lesser;
London	40% of the combined total gross floor area of the primary dwelling unit and the secondary dwelling unit.
Mississauga	50% of the Gross Floor Area of the dwelling within which it is located.
Oshawa	(Not mentioned)
Ottawa	40% of the gross floor of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.
Waterloo	40% of the Building Floor Area of the building.
Windsor	40% of the total Gross Floor Area or 100 square metres, whichever is lesser.

Staff are not recommending any restriction on the maximum gross floor area or the number of rooms of an accessory dwelling unit in the proposed Temporary Use By-law given that accessory units are only permitted where an existing dwelling and the OBC requirements relating to room size and access are met. Furthermore, a maximum ratio may limit design options to meet OBC requirements.

## **6.0 Increase the Maximum Number of Accessory Dwellings on a Lot**

### *Issue:*

The number of accessory dwelling units permitted on a residential lot based on Bill 108 requirements should be increased to two units plus the principle dwelling unit.

### *Response:*

Bill 108 received Royal Assent in June 2019 and implements regulations released such that all municipalities in Ontario will be required to permit up to two accessory dwelling units on a lot containing a single detached, semi-detached, or street townhouse dwelling. The purpose of the draft Temporary Use By-law, is to amend specific provisions in Section 19 – Residential Conversions, and not amend the number of permitted accessory dwelling units on a lot.

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As the existing residential conversion regulations have been in effect since the early 1990s, the regulations are the first step in implementing Bill 108 Ontario Regulation 299/19 which direct municipalities to permit one accessory unit in a dwelling and an additional accessory unit in a free standing accessory structure. Staff are completing research on Second Dwelling Units within the entire urban area as part of the new Residential Zones project in Hamilton Zoning By-law No. 05-200. Public consultation of the project will commence in early-2020. Based on the foregoing, increasing the number of permitted accessory dwelling units for single detached and two-family dwellings will be addressed in the future new Residential Zones project stage.

### **ALTERNATIVES FOR CONSIDERATION**

- Option 1 – Defer the adoption of the temporary Use By-law until such time as the City wide review has been completed. Staff would address second dwelling units as part of the residential zones in Zoning By-law No. 05-200. Existing zone regulations under Section 19: Residential Conversion would continue to exist.
- Option 2 – Change the length of the proposed Temporary Use By-law to less than 36 months.

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

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

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

### **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” - Draft Zoning By-law – Proposed Temporary Use By-law, to amend certain Section 19 – Residential Conversion regulations in Hamilton Zoning By-law No. 6593.
- Appendix “B” - Staff Report - Accessory Dwelling Units (Pilot Project) Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176)

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Authority:

Wards 1, 8, parts of 14

Bill No.

## CITY OF HAMILTON

### BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 6593 Respecting Second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary.

WHEREAS, Zoning By-law No. 6593 (Hamilton) was enacted on the 25<sup>th</sup> day of July, 1950, which was approved by the Ontario Municipal Board dated the 7<sup>th</sup> day of December, 1951 (File No, P.F.C. 3821);

WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

WHEREAS this By-law adds a Temporary Use expiring three years from the date of the passing of this By-law [DATE TO BE ADDED] respecting a pilot project to modify certain clauses of Section 19 of Zoning By-law No. 6593 respecting Residential Conversion requirements for accessory dwelling units and applying to certain lands within Wards 1, 8, and parts of 14; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan and Hamilton Official Plan;

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

1. That Sheet Numbers W11, W12, W13, W14, W15, W21, W22, W23, W24, W25 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1787 to lands zoned:
  - (i) "C" (Urban Protected Residential) District;
  - (ii) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
  - (iii) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
  - (iv) "DE" (Low Density Multiple Dwellings) District,

on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedule "A1", but excluding lands zoned "D/S-1745" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.



To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.

2. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W21, W22, W23, W24, W25, W26, W27, W27a, W27b, W27c, W27d, W31, W32, W33, W34, W35, W36, W37, W37a, W37b, W37c, W39, W40, W41, W42, W43, W43a, W43b, W43c, W45, W46, W47, W48, W50, W51, and W52 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1788 to lands zoned:
  - a) "B" (Suburban Agriculture and Residential, etc.) District;
  - b) "B-1" (Suburban Agriculture and Residential, etc.) District;
  - c) "B-2" (Suburban Residential) District;
  - d) "C" (Urban Protected Residential) District;
  - e) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
  - f) "R-2" (Urban Protected Residential One and Two Family Dwellings, etc.) District; and,
  - g) "DE" (Low Density Multiple Dwellings) District;
  - h) "DE-2" (Multiple Dwelling) District;
  - i) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
  - j) "E-2" (Multiple Dwellings) District,

on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedules "A2" and "B".

3. "S-1787" and "S-1788"
  - a) That Section 19.(1) – Residential Conversion Requirements provisions for Single Family Detached dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified in Schedules "A1", "A2", and "B", be modified to include the following special requirements:
    - i) That Sections 19.(1)(i) shall not apply.
    - ii) That section 19.(1)(ii) be modified by deleting the number "270" and replacing it with the number "200", so the clause reads as follows:
 

"The applicable zoning district regulations for a single family detached dwelling shall apply, except the minimum lot area shall be 200 m<sup>2</sup>;"
  - b) That Section 19.(2) – Residential Conversion Requirements provisions for single family detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.

on Schedules "A1", "A2", and "B", be modified to include the following special requirements:

- i) That Section 19.(2)(i) shall not apply.
- ii) That Section 19.(2)(v)(1) be modified by deleting the number "270" and replacing it with the number "200", so the clause reads as follows:

"a minimum lot area of 200 m<sup>2</sup> shall be provided and maintained for one to three dwelling units;"

4. "S-1787"

That Sections 19.(1) and (2) – Residential Conversion Requirements provisions for Single Family Detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands (Schedule "A1"), be modified to include the following special requirements:

- a) Notwithstanding any other provisions of this by-law, the parking requirements in Tables 1 and 2 of Sections 18A(1)(a) and (b) shall be deemed to comply upon establishing accessory dwelling unit(s) within an existing legally established accessory dwelling unit in a single family detached dwelling or Two-Family dwellings, in cases where the number and location of the parking spaces for the single family detached dwelling and Two Family dwellings have been legally established existing on the effective date of this by-law.

- 5. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W11, W12, W13, W14, W15, W21, W22, W23, W24, W25, W26, W27, W27a, W27b, W27c, W27d, W31, W32, W33, W34, W35, W36, W37, W37a, W37b, W37c, W39, W40, W41, W42, W43, W43a, W43b, W43c, W45, W46, W47, W48, W50, W51, W52 of the District Maps is amended by adding S-1787 and S-1788 to the lands referred to in Sections 1 and 2 of this By-law.

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

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.

PASSED this XX day of XX, 2019.

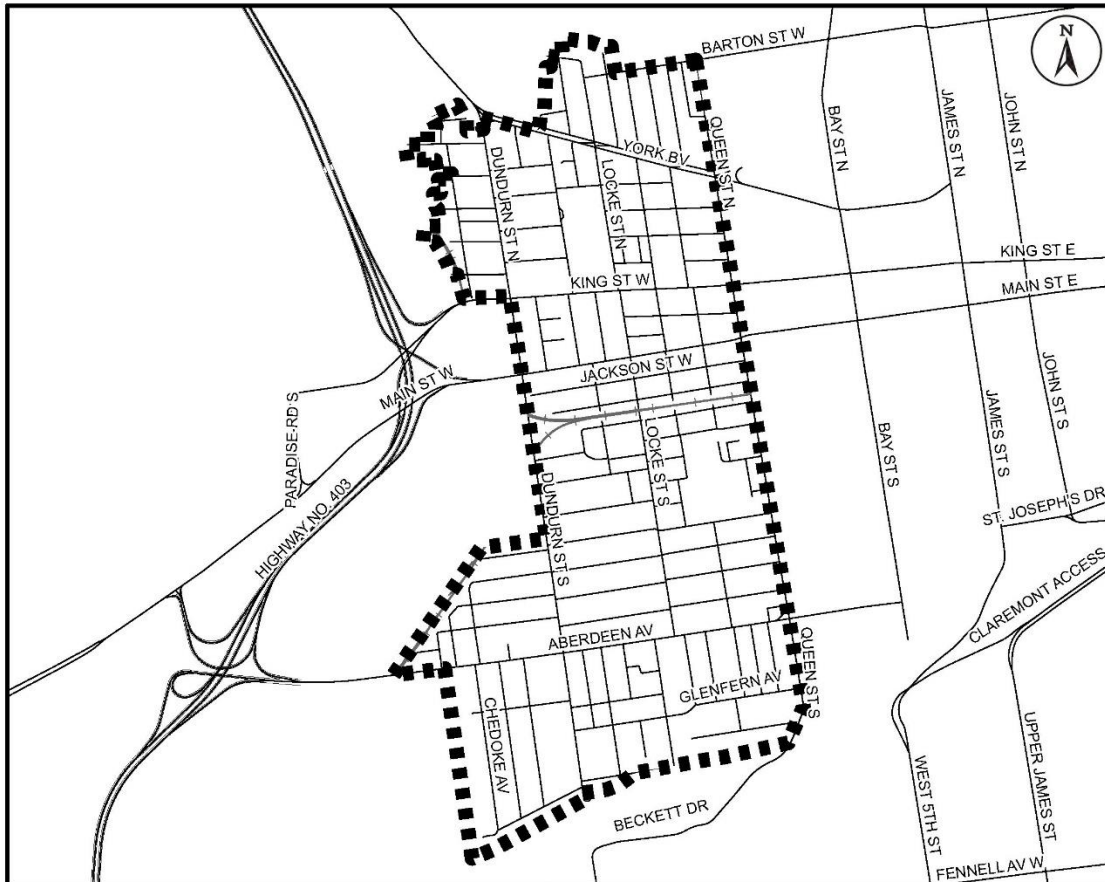
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Fred Eisenberger  
Mayor

---

Andrea Holland  
City Clerk

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.

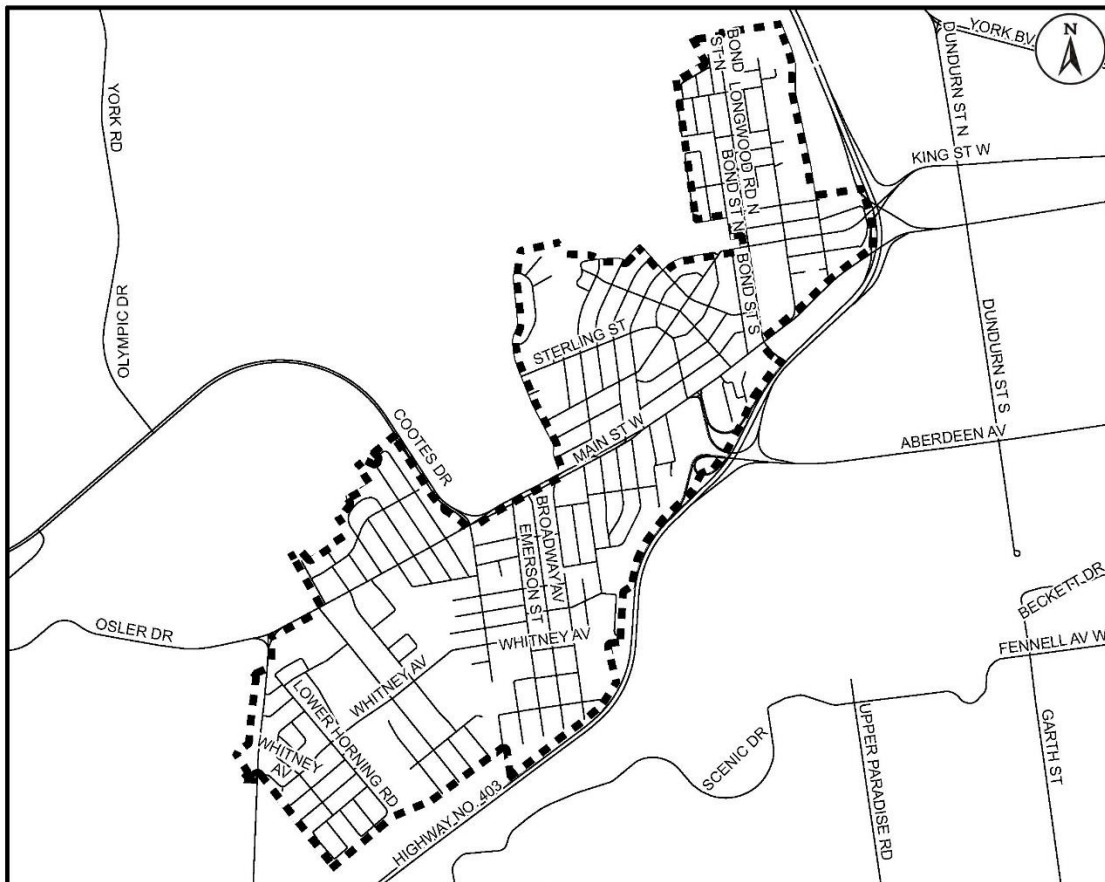


<p>This is Schedule "A1" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A1"</h2> <p>Map forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 6593</p>	<p><b>Subject Area</b></p> <p>■ ■ ■ Geographic Area Subject to By-law No. 19 _____</p> <p>By-law affecting lands zoned: "C" (Urban Protected Residential, etc.) District; "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District; "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and "DE" (Low Density Multiple Dwellings) District</p> <p>By adding Site Specific Number "S-1787".</p>
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Scale: N.T.S.	File Name/Number: CI-19-D	 <b>Hamilton</b>
Date: August 12, 2019	Planner/Technician: TL/VIS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.



This is Schedule "A2" to By-law No. 19-

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

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Mayor

-----  
Clerk

## Schedule "A2"

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

to Amend By-law No. 6593

### Subject Area

■ ■ ■ ■ Geographic Area Subject to By-law No. 19 \_\_\_\_\_

By-law affecting lands zoned:

- "C" (Urban Protected Residential, etc.) District;
- "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
- "E" (Multiple Dwellings, Lodges, Clubs, etc.) District

By adding Site Specific Number "S-1788".

Scale:  
N.T.S.

File Name/Number:  
CI-19-D

Date:  
August 12, 2019

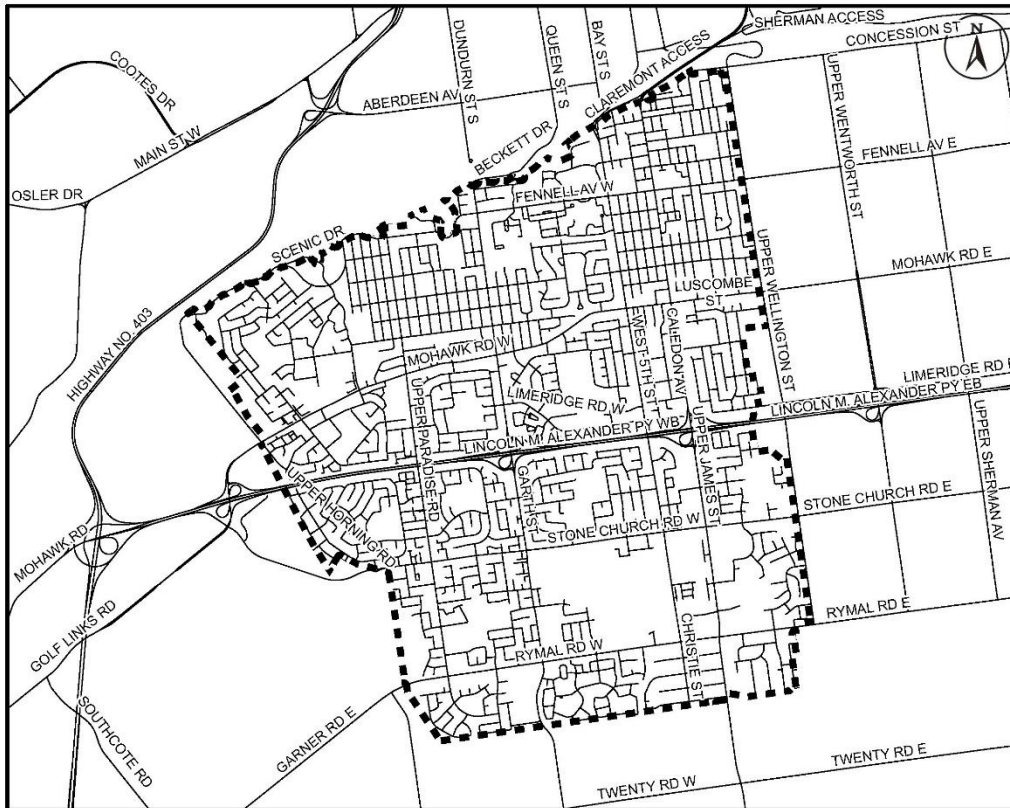
Planner/Technician:  
TL/VVS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.



<p>This is Schedule "B" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<h2 style="margin: 0;">Schedule "B"</h2> <h3 style="margin: 0;">Map forming Part of By-law No. 19-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>		<p><b>Subject Area</b></p> <p>■ ■ ■ ■ Geographic Area Subject to By-law No. 19 _____</p> <p>By-law affecting lands zoned:</p> <ul style="list-style-type: none"> <li>"B" (Suburban Agriculture and Residential, etc.) District;</li> <li>"B-1" (Suburban Agriculture and Residential, etc.) District;</li> <li>"B-2" ( Suburban Residential) District;</li> <li>"C" (Urban Protected Residential, etc.) District;</li> <li>"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;</li> <li>"R-2" (Urban Protected Residential One and Two Family Dwellings, etc.) District;</li> <li>"DE" (Low Density Multiple Dwellings) District;</li> <li>"DE-2" (Multiple Dwelling) District;</li> <li>"E" (Multiple Dwellings, Lodges, and Clubs, etc.) District; and</li> <li>"E-2" (Multiple Dwellings) District</li> </ul> <p>By adding Site Specific Number "S-1788".</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: CI-19-D</p>	<p><b>Hamilton</b></p>
<p>Date: October 4, 2019</p>	<p>Planner/Technician: TL/VLS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton and Hamilton/Glanbrook Municipal boundaries.

*Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

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

Committee: Planning Committee      Report No.: PED19176(a) Date: 12/03/2019

Ward(s) or City Wide: Wards 1, 8, parts of 14      (MM/DD/YYYY)

Prepared by: Timothy Lee

Phone No: 905-546-2424, ext. 1249

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





Hamilton

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

COPY

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 17, 2019
<b>SUBJECT/REPORT NO:</b>	Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176)
<b>WARD(S) AFFECTED:</b>	Wards 1 and 8
<b>PREPARED BY:</b>	Timothy Lee (905) 546-2424 Ext. 1249 Senior Planner, Policy Planning and Zoning By-law Reform
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That Report PED19176 (City Initiative CI-19-D - Accessory Dwelling Units - Pilot Project for Wards 1 and 8) to establish a Temporary Use By-law to amend Section 19 – Residential Conversion zone regulations in City of Hamilton Zoning By-law No. 6593, to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of accessory units in single detached and two family dwellings, as part of the Low Density Rental Housing Licensing Pilot Project in Wards 1 and 8, be received; and,
- (b) That Report PED19176, together with any written submissions and input from delegations of the Low Density Rental Housing Licensing Pilot Project received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending By-law to be presented to a future Planning Committee.

**EXECUTIVE SUMMARY**

Staff of the Licensing and By-law Services Section of the Planning and Economic Development Department were directed to look into a Rental Housing Licensing Pilot Project for Wards 1 and 8 (Planning Committee Report 18-015, December 19, 2018).



**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 2 of 14**

It is proposed, through the Rental Housing Pilot Project, that residential properties with fewer than five rental units will be required to obtain a Rental Business Owner Licence. The licence would be granted once the property demonstrates conformity/compliance with the applicable provisions of Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC) and the Fire Code of Ontario. This compliance/conformity requirement would be achieved through a Building Permit application. Based on preliminary stakeholder feedback on a Rental Housing Licensing regime, a concern has been raised that an unintended consequence will be the removal of existing rental units that do not comply with the in-force zoning provisions. Given that staff are in the process of developing updated zoning provisions for accessory dwelling units for community consultation, the need for an interim measure was identified, which is the nature of Report PED19176. A proposed Temporary Use By-law, attached as Appendix "A" to Report PED19176, to amend Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593 is being recommended by staff as an appropriate interim measure that will enable staff to assess the proposed alternative zoning regulations for accessory dwelling units.

At present, establishing an Accessory Dwelling Unit requires meeting Section 19 – Residential Conversion zone regulations or seek a Minor Variance approval through the Committee of Adjustment, or Rezoning. To assist with the Pilot Project, the proposed Temporary Use By-law (See Appendix "A" to Report PED19176.) amends the conversion regulations associated with a single detached dwelling and two-family dwellings. The proposed amendments ensure rental units are maintained and contribute to housing supply, while integrating with the surrounding community. The Temporary Use By-law is proposed to be in effect for up to 36-months until the completion of the New Residential Zones project which will bring residential zones into Hamilton Zoning By-law No. 05-200, including permitting Second Dwelling Units city-wide.

The proposed Zoning By-law amendments, as listed below, only apply to single detached dwellings and two-family dwellings for Wards 1 and 8:

<b>Existing Regulation</b>	<b>Temporary Exemption</b>
<b>"B", "B-1", "B-2", "C", "D", "R-2", "DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts</b>	
Minimum 65 m <sup>2</sup> for each dwelling unit	No minimum size requirement
Minimum lot area - 270 m <sup>2</sup>	Minimum lot area reduced to 200 m <sup>2</sup>
<b>For lands east of Highway 403 in Ward 1 only</b>	
	Add a new regulation to exempt existing legally established single and two-family dwellings with no parking from the current zoning standards.

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 3 of 14**

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The first step is for Report PED19176 to be received for information for information, and any written submissions and input resulting from the Low Density Rental Housing Licensing Pilot Project be considered and incorporated into a further report, including any zoning by-law changes.

**Alternatives for Consideration – See Page 13**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None

Staffing: None

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-law for a 3 year period with an extension of up to another 3 years.

Subsection 34(19.1) of the *Planning Act* restricts appeals of any by-law passed under Section 34 relating to second dwelling units. A Temporary Use by-law is passed under Subsection 34 and therefore no appeals of the by-law are permitted under the Planning Act.

**HISTORICAL BACKGROUND**

**1.0 Section 19 – Residential Conversion Regulations in Hamilton Zoning By-law No. 6593**

A staff report was brought forward to the January 1991 City of Hamilton Planning and Development Committee which included the *Housing Intensification Strategy Report*. The Strategy Report provided information respecting the opportunity to revise and update the in-force zoning regulations to facilitate the conversion of dwelling units to permit Accessory Units. The Report also identified advantages and disadvantages of residential conversion, including benefits to the community. The report mentioned that Accessory Dwelling Units were a cost-effective solution to increase housing supply by homeowners without governmental investment; Accessory Dwellings were a way to utilize existing hard and soft infrastructure such as roads, sewers, and water services; and, implemented the concept of sustainable development by promoting a more compact urban form. This study resulted in an amendment to the City of Hamilton Zoning By-law No. 6593 and the creation of Section 19 – Residential Conversion Requirements zone regulations which was approved through By-law No. 92-281.

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 4 of 14**

Section 19 of the Zoning By-law allows residential conversions based on Zone Districts. The table below shows Accessory Dwelling Units are permitted in association with Single Detached Dwellings, and Two Family and Multiple Dwellings by Zone Districts.

<b>Single Detached Dwellings (Section 19.1)</b>	<b>Two Family Dwelling, Multiple Dwellings (Section 19.2)</b>
"AA", "B", "B-1", "B-2", "C", "D", "R-2", "DE", "DE-2", "DE-3", "E", "E-2", "E-3" Districts	"DE", "DE-2", "DE-3", "E", "E-2", "E-3" Districts

At the December 18, 2018 Planning Committee meeting, staff was directed to explore a Rental Housing Licensing Pilot Project for Wards 1 and 8 by the Licensing and By-law Services Section of the Planning and Economic Development Department.

The Pilot Project will require residential properties with fewer than five rental units to obtain a Rental Business Owner Licence which would be granted upon review of zone regulations in Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC) and the Fire Code of Ontario through the submission of a Building Permit application.

In response to Council's direction, Planning and Economic Development Department staff have received preliminary feedback from stakeholders that a possible unintended consequence of the Licencing regime would be the removal of rental market housing units that have been created but do not comply with zoning. Specifically, the current minimum unit size (65 m<sup>2</sup>) and the minimum lot area (270 m<sup>2</sup>) have been identified as barriers to the legalization and/or creation of accessory dwelling units. To assist with the Pilot Project and facilitate input, it is proposed a Temporary Use By-law be passed to relax the lot area and unit size requirements. The Temporary Use By-law (See Appendix "A") would amends zone regulations associated with a single detached dwelling and two-family dwellings.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**1.0 Provincial Legislation and regulations**

Bill 108 (More Homes, More Choice Act, 2019) received Royal Assent on June 6, 2019 and is a response by the Provincial Government to increase housing supply. One such method is direct municipalities to permit up to two Second Dwelling Units in single detached, semi-detached, and rowhouses in all municipalities in Ontario through its Official Plans and Zoning By-laws.

In addition, the provincial Government introduced a companion regulation to address parking and age of dwelling unit which the commenting period has recently ended. The proposed Temporary Use By-law provides relief from certain Residential Conversion regulations because of the Pilot Project.

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 5 of 14**

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## **2.0 Provincial Policy**

### 1.1 Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development which the UHOP has implemented. Section 1 – Building Strong Healthy Communities – requires a municipality to include policies in their Official Plan to address affordable housing (Policy 1.4.3.a) and the provision of housing for special needs groups (Policy 1.4.3.b.1.). Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, institutional, recreation, park and open space, and other uses to meet long-term needs.

The proposed Temporary Use By-law is consistent with the PPS in that it allows for Accessory Dwelling Units in single detached dwellings with more flexible Zoning By-law regulations.

### 1.2 Proposed Provincial Policy Statement 2019

The Province released the draft Provincial Policy Statement (2019) on July 22, 2019, and the three-month comment period ends on October 21, 2019. The proposed PPS 2019 proposes to accommodate a mix of residential types such as (additional residential units and housing for older persons) and living arrangements that should be employed in intensification and accommodating supply and range of housing options through intensification.

### 1.3 Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019)

The Growth Plan contains similar policies to the PPS that requires a municipality, though the completion of a Housing Strategy, to identify affordable housing for current and future populations.

Policy 2.2.6.1 a) i) requires that municipalities plan to achieve certain density targets for both inside and outside the built boundary. To achieve these targets, municipalities must identify a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents. This is also identified under Policy 1.2.1: Guiding Principles. This includes second units to serve all sizes, incomes, and ages of households (Policy 2.2.1.4).

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 6 of 14**

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The proposed Temporary Use By-law conforms to the Growth Plan by encouraging the establishment of Accessory Dwelling Units in Hamilton and providing more flexible Zone regulations.

## **2.0 Urban Hamilton Official Plan (UHOP)**

Housing policies in Volume 1 of the UHOP identifies the need for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents (Policy B.3.2.1.1). Further, the goal includes increasing Hamilton's housing stock based on tenure, affordability throughout the urban area of the City (Policies B.3.2.1.4 and B.3.2.1.6).

Additional general housing policies where Policy B.3.2.4.1 states the development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. Residential Intensification policies also speak to integration of new development with the existing neighbourhood and consider scale, bulk, and massing.

Under the general land use provision, Policy C.3.2.2d) and Policy E.3.2.3a) states Second Dwelling Units shall be permitted within single and semi-detached dwellings provided it complies with all applicable policies and the Zoning By-law.

Additional Policies can also be found in respective Secondary Plans in Volume 2 of the UHOP. The proposed Temporary Use By-law conforms to the policies of the UHOP as it provides relief from Zone regulations to simplify establishing Accessory Dwelling Units.

### **2.1 Ainslie Wood Westdale Secondary Plan:**

Accessory Dwelling Units are permitted in the Low Density Residential 2 designation as identified in Policy B.6.2.5.4a)i) and generally development must be compatible with the surrounding existing neighbourhood as directed under Policy B.6.2.5.2a), b), and c).

Existing policies in the Secondary Plan provides further support to the proposed Zoning By-law as Accessory Dwelling Units are a recognized form of housing that is permitted within ground related housing, and general amendments to Section 19 of Hamilton Zoning By-law No. 6593 support these policies to encourage Accessory Dwelling Units to be established.

### **2.2 Strathcona Secondary Plan:**

Under Policy B.6.6.5.2 – General Residential Policies of the Secondary Plan, residential development and infill development shall reflect and enhance the character of the residential areas and provide for a broad range and mix of housing types and

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 7 of 14**

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opportunities in terms of built form and tenure. Under Subsection g), all development proposals shall consider compatibility with adjacent uses including its scale and character of the existing residential neighbourhood.

### **3.0 City of Hamilton Official Plan**

Certain lands affected by the proposed Temporary Use By-law (See Appendix "A") to the north and west of York Boulevard and Queen Street North are not included within the UHOP as there was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the Setting Sail Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP and the Setting Sail Secondary Plan was still under appeal. The lands are currently designated "West Harbour" on Schedule "A" Land Use Concept of the City of Hamilton Official Plan, identifying the area as the West Harbour (Setting Sail) Secondary Plan.

#### 3.1 West Harbour (Setting Sail) Secondary Plan:

Accessory dwellings are considered under Policy A.6.3.3.1.12, as development in the Low Density Residential areas new development in the existing neighbourhood should consider scale, type, and character. The proposed Temporary Use By-law provides certain relief from Residential Conversion Zone regulations while maintaining the intent of the Secondary Plan policy.

### **4.0 Zoning By-laws**

Briefly, the current zone regulations under Section 19 of Hamilton Zoning By-law No. 6593 which area applicable to the Pilot Project area permit accessory units subject to the following requirements:

- One Accessory Dwelling Unit is permitted in a single detached dwelling under Section 19 (1) for "B", "B-1", "B-2", "C", "D", and "R-2" Districts;
- One or more Accessory Dwelling Units are also permitted in Two-Family Dwellings, Three-Family Dwellings, and Multiple Dwellings under Section 19(2) for "DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts;
- Each dwelling unit (i.e. the principal dwelling and the accessory dwelling unit) must have a floor area of at least 65 square metres;
- The minimum lot size shall be 270 square metres;
- The external appearance and character of the dwelling shall be preserved;

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 8 of 14**

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- There shall be no outside stairway other than an exterior exit;
- Parking requirements, access driveway, and manoeuvring space shall be provided in accordance with Section 18A of the Zoning By-law; and,
- A minimum of 50% of the front yard shall be landscaped.

The intent of these regulations is to permit Accessory Dwelling Units based on the minimum lot size requirement and minimum gross floor area of each dwelling unit to meet Ontario Building Code requirements and to maintain the appearance and character of the dwelling.

As part of the proposed Temporary Use By-law (See Appendix "A"), certain Zone regulations are amended to provide relief for homeowners wishing to establish an Accessory Dwelling Units. This Temporary Use By-law is part of the implementation of the Low Density Rental Dwelling Licensing Pilot Project which reduces the number of regulations which should assist landlords in legalizing their Accessory Dwelling Units.

## **RELEVANT CONSULTATION**

The following Sections and Departments were consulted:

*Licensing and By-law Services, Planning and Economic Development Department*

*Investment In Affordable Housing Section, Healthy and Safe Communities Department*

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

### **1.0 Licensing By-law for Low Density Rental Housing Wards 1 and 8 – Pilot Project Area**

The purpose of this Pilot Project, led by the Licensing and By-law Services Section, is to implement a low density rental housing licensing program for buildings containing 5 rental units or less in two Pilot Project areas of Wards 1 and 8. A license shall only be granted upon successful review of the zone regulations under Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC), and the Ontario Fire Code.

To support the Pilot Project, the proposed Temporary Use By-law (See Appendix "A") was initiated to provide relief to certain zone regulations in Section 19 – Residential Conversion Requirements in Hamilton Zoning By-law No. 6593. The recommendation is to receive Report PED19176 and to consider any written submissions and input from delegations received at Planning Committee. This input would be addressed in a future

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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: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 9 of 14**

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report and amending Temporary Use Zoning By-law to be presented to Planning Committee for Consideration. It is anticipated that a report on the Pilot Project will be brought forward to Planning Committee in the near future where the opportunities for written comments and input from delegations will exist.

The following is an analysis of the Zone regulations amended through the proposed By-law.

**2.0 Temporary Use By-law**

Section 19.(1) of Zoning By-law No. 6593 permits Accessory Dwelling Units within existing single detached dwelling based on certain regulations. Similarly, Section 19.(2) permits Accessory Dwelling Units within existing Two-Family Dwellings, Three-Family Dwellings, and Multiple Dwellings. Generally, the same regulations apply to both Sections.

The proposed Temporary Use by-law provides relief to certain zone regulations to facilitate residential conversion of single detached dwelling under Section 19.(1) and single detached dwellings and two family dwellings in Section 19.(2) that have been commonly modified through Minor Variance applications. Examples include reduction in minimum floor area for each dwelling unit and minimum lot size requirements.

*2.1 Existing Zoning By-law regulations and Proposed Amendments*

The following table identifies the existing Zone regulations under Sections 19.(1) and 19.(2) in Hamilton Zoning By-law No. 6593, whether the zone regulation is amended through the proposed Temporary Use By-law, and the rationale for the amendment (or not amended). A more thorough discussion on Parking Requirements and Manoeuvring can be found under Subsection 2.2 of this Report. The draft Temporary Use By-law can be found in Appendix "A" of this Report.

<b>Regulation</b>	<b>Temporary Exemption</b>	<b>Rationale</b>
<b>"B", "B-1", "B-2", "C", "D", "R-2", "DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts</b>		
Minimum 65 m <sup>2</sup> for each dwelling unit  Subsection 19.(1)(i), 19.(2)(i) and 19.2 (v)(2) – in part	Yes	The intent of the minimum floor area of 65 square metres is to ensure the dwelling unit is not too small and undersized.



**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 10 of 14**

Regulation	Temporary Exemption	Rationale
No change to the external appearance (e.g. not adding a door to the front of the house  Sections 19.(1)(iii) and 19.(2)(ii)	No	Limited changes to the external appearance to the front façade facing the street (i.e. windows and doors to meet OBC requirements) but not permitting two doors facing the street.
No outside stairway, except for an exterior exit.  Sections 19.(1)(iv) and 19.(2)(iii)	No	The intent is for dwelling units to be integrated into the neighbourhood fabric. Also addresses the issue of privacy and overlook.
Minimum 50% of front and yards to be landscaped (excludes asphalt, pavers, concrete, gravel, etc.).  Sections 19.(1)(v)(2) and 19.(2)(vi)(2)	No	It is important to balance the need for parking spaces with front yard landscaping to minimize paving over the majority or entire front yards. From a climate change perspective, it is important to maintain as much permeable surface as possible. Also maintains the general appearance of the lot from the street.
<i>Parking and Manoeuvring</i>		
2 spaces per dwelling unit, allowed as tandem  Table 1, Section 18A	Yes – in part	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space. See discussion on parking.
Manoeuvring space (6 m) required, but Manoeuvring space for one dwelling unit may be permitted off-site.  Sections 19.(1)(v)(2) and 19.(2)(vi)(2)	Yes – in part	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space.. See discussion on parking.

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 11 of 14**

<b>Regulation</b>	<b>Temporary Exemption</b>	<b>Rationale</b>
New regulation for certain areas to exempt existing single and two-family dwellings with no parking from the current zoning standards.	To be added	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space.. See discussion on parking.
<b>"B", "B-1", "B-2", "C", "D", and "R-2" Districts</b>		
Minimum lot area for single-detached dwelling 270 m <sup>2</sup> .  Section 19.(1)(ii)	Yes, to reduce lot area to 200 m <sup>2</sup> .	An amendment allows smaller residential lots to also permit an Accessory Dwelling Unit.
<b>"DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts</b>		
Minimum 270 m <sup>2</sup> of lot area for one to three dwelling units.  Section 19.(2)(v)(1)	Yes, to reduce lot area to 200 m <sup>2</sup> .	In these zoning districts, up to two additional dwelling units are permitted provided the lot area is 270 m <sup>2</sup> . An exemption allows smaller lots the opportunity for residential conversion.
Minimum 450 m <sup>2</sup> of lot area for more than three dwelling units.  Section 19.(2)(v)(2)	No	The intent is to provide a minimum lot area to accommodate the building containing more than three dwelling units, associated parking lot and driveway, building setbacks from the property line, and to address issues of privacy and overlook.
Setback requirements of the applicable zoning district in which the residential building is located shall apply to any extensions or enlargements.  Section 19.(2)(iv)	No	The intent is to require a minimum setback from the property line especially for larger residential buildings containing numerous dwelling units. Also address privacy and overlook.

Other zone regulations with respect to encroachment of certain architectural features such as ramps, chimneys, bay windows, ornamental projections, alcoves, and vestibules,

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 12 of 14**

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amongst others, are not part of the proposed Temporary Use By-law and are not listed in the above table.

**2.2 Parking Requirements and Parking Arrangement / Manoeuvring**

Under Section 18A of Hamilton Zoning By-law No. 6593, a single detached dwelling containing 8 habitable rooms (i.e. bedroom, living, study room) or less requires two parking spaces. Further, under Section 18A(14h)(i), the two required parking spaces can be arranged in tandem (i.e. cars can be parked in a single-file on a single-car driveway) but only apply to single detached dwellings.

When a homeowner establishes an Accessory Dwelling Unit within the single detached dwelling through the Section 19 – Residential Conversion zone regulations, the single detached dwelling becomes a converted single detached dwelling containing two dwelling units. Additional rooms in the accessory dwelling unit are not counted as part of the habitable rooms for the single detached dwelling. For the purposes of calculating parking requirements, requirements under Two Family Dwelling are used. Based on Table 1 of Section 18A, the number of required parking spaces for the property remains at two for the property (1 parking space for each dwelling unit). This equates to two required parking spaces.

Whereas tandem parking is permitted for Single Detached Dwellings, tandem parking is not permitted for a converted single detached dwelling containing two dwelling units. For example, cars can be parked in a single file with the presence of a single detached dwelling. However, with a converted single detached dwelling, this permission is lost, and unobstructed manoeuvring must therefore be provided for each vehicle. The following is a table summarizing the various parking requirement and combinations.

	Single Detached Dwelling	Converted Single Detached Dwelling containing two dwelling units
Parking Requirement	2.0 parking spaces	1.0 parking spaces per dwelling unit
Total Number of Parking Spaces Required	2.0 parking spaces	2.0 parking spaces
Tandem Parking?	Yes	No

Generally, newer residential communities, such as in Hamilton Mountain, may be able to accommodate two or more cars on a driveway that are unobstructed and have full manoeuvrability onto the street. For example, a two-car driveway/garage can

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) - Page 13 of 14**

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accommodate two vehicles parked side by side. However, in older communities, such as near the Downtown, where residential lots may not have a driveway onsite, or have a single-car driveway, there is greater difficulty to accommodate the second vehicle that is unobstructed to the street. Variances that have been requested have been for reduction in parking requirements or increase the percentage of paved surface in the front yard to accommodate the second parking spot.

To recognize the unique lot fabric and lack of onsite parking in communities such as Strathcona, (See Schedule "A1" of Appendix "A"), the proposed Temporary Use By-law includes a regulation where parking requirements are deemed to comply for existing legally established single detached dwellings, and where the number and location of the parking spaces are also legally established (See Appendix "A"). In other words, for the purposes of calculating parking requirements, the single detached dwelling use is maintained which also continues to permit tandem parking.

For the remainder of the Pilot Project area (See Schedules "A2" and "B" of Appendix "A"), parking requirements remain status-quo and is not part of the amendment as residential lots are generally wider, and existing driveway may be widened to accommodate the parking space for the accessory dwelling units should additional parking is required while maintaining the minimum landscaped area for the front yard. Further, these are infrequent requests for variances in the remainder of the Pilot Project Area.

The modification to the parking requirements would apply to single detached dwellings in the "B", "B-1", "B-2", "C" and "D" Districts under Section 19.(1), and single detached dwellings and two family dwellings in the "DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts under Section 19.(2) that are legally established with no parking on-site. This exemption does not apply to three family dwellings and multiple dwellings.

## **ALTERNATIVES FOR CONSIDERATION**

- Option 1 – Staff would address second dwelling units as part of the residential zones in Zoning By-law No. 05-200. Existing zone regulations under Section 19: Residential Conversion would continue to exist.
- Option 2 – Change the length of the proposed Temporary Use By-law to less than 36 months.

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

### **Economic Prosperity and Growth**

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

**SUBJECT: Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for  
City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) -  
Page 14 of 14**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" Draft Zoning By-law – Proposed Temporary Use By-law for Second Dwelling Units in Hamilton Zoning By-law No. 6593.

Authority:  
Wards 1, 8  
Bill No.

CITY OF HAMILTON  
BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 6593 Respecting Second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

WHEREAS, Zoning By-law No. 6593 (Hamilton) was enacted on the 25<sup>th</sup> day of July, 1950, which was approved by the Ontario Municipal Board dated the 7<sup>th</sup> day of December, 1951 (File No, P.F.C. 3821);

WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

WHEREAS this By-law adds a Temporary Use expiring three years from the date of the passing of this By-law [DATE TO BE ADDED] respecting a pilot project to modify certain clauses of Section 19 of Zoning By-law No. 6593 respecting Residential Conversion requirements for accessory dwelling units and applying to certain lands within Wards 1 and 8; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan and Hamilton Official Plan;

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

1. That Sheet Numbers W11, W12, W13, W14, W15, W21, W22, W23, W24, W25 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1787 to lands zoned:
  - (i) "C" (Urban Protected Residential) District;
  - (ii) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
  - (iii) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
  - (iv) "DE" (Low Density Multiple Dwellings) District;

on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedule "A1", but excluding lands zoned "D/S-1745" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

2. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W21, W22, W23, W24, W25, W31, W32, W33, W34, W39, W40, W41, W42, W45, W46, W47, W48, W50, W51, and W52 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1788 to lands zoned:
  - a) "B" (Suburban Agriculture and Residential, etc.) District;
  - b) "B-1" (Suburban Agriculture and Residential, etc.) District;
  - c) "B-2" (Suburban Residential) District;
  - d) "C" (Urban Protected Residential) District;
  - e) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
  - f) "DE" (Low Density Multiple Dwellings) District;
  - g) "R-2" (Urban Protected Residential One and Two Family Dwellings, etc.) District; and,
  - h) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedules "A2" and "B".

3. "S-1787" and "S-1788"
  - a) That Section 19.(1) – Residential Conversion Requirements provisions for Single Family Detached dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified in Schedules "A1", "A2", and "B", be modified to include the following special requirements:
    - i) That Sections 19.(1)(i) shall not apply.
    - ii) That section 19.(1)(ii) be modified by deleting the number "270' and replacing it with the number "200", so the clause reads as follows:

"The applicable zoning district regulations for a single family detached dwelling shall apply, except the minimum lot are shall be 200 m<sup>2</sup>;"
  - b) That Section 19.(2) – Residential Conversion Requirements provisions for single family detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

on Schedules "A1", "A2", and "B", be modified to include the following special requirements:

- i) That Section 19.(2)(i) shall not apply.
- ii) That Section 19.(2)(v)(1) be modified by deleting the number "270" and replacing it with the number "200", so the clause reads as follows:

"a minimum lot area of 200 m<sup>2</sup> shall be provided and maintained for one to three dwelling units;"

4. "S-1787"

That Sections 19.(1) and (2) – Residential Conversion Requirements provisions for Single Family Detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands (Schedule "A1"), be modified to include the following special requirements:

- a) Notwithstanding any other provisions of this by-law, the parking requirements in Tables 1 and 2 of Sections 18A(1)(a) and (b) shall be deemed to comply upon establishing accessory dwelling unit(s) within an existing legally established accessory dwelling unit in a single family detached dwelling or Two-Family dwellings, in cases where the number and location of the parking spaces for the single family detached dwelling and Two Family dwellings have been legally established existing on the effective date of this by-law.
5. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W11, W12, W13, W14, W15, W21, W22, W23, W24, W25, W31, W32, W33, W34, W39, W40, W41, W42, W45, W46, W47, W48, W50, W51, W52 of the District Maps is amended by adding S-1787 and S-1788 to the lands referred to in Sections 1 and 2 of this By-law.
  6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.



To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

PASSED this XX day of XX, 2019.

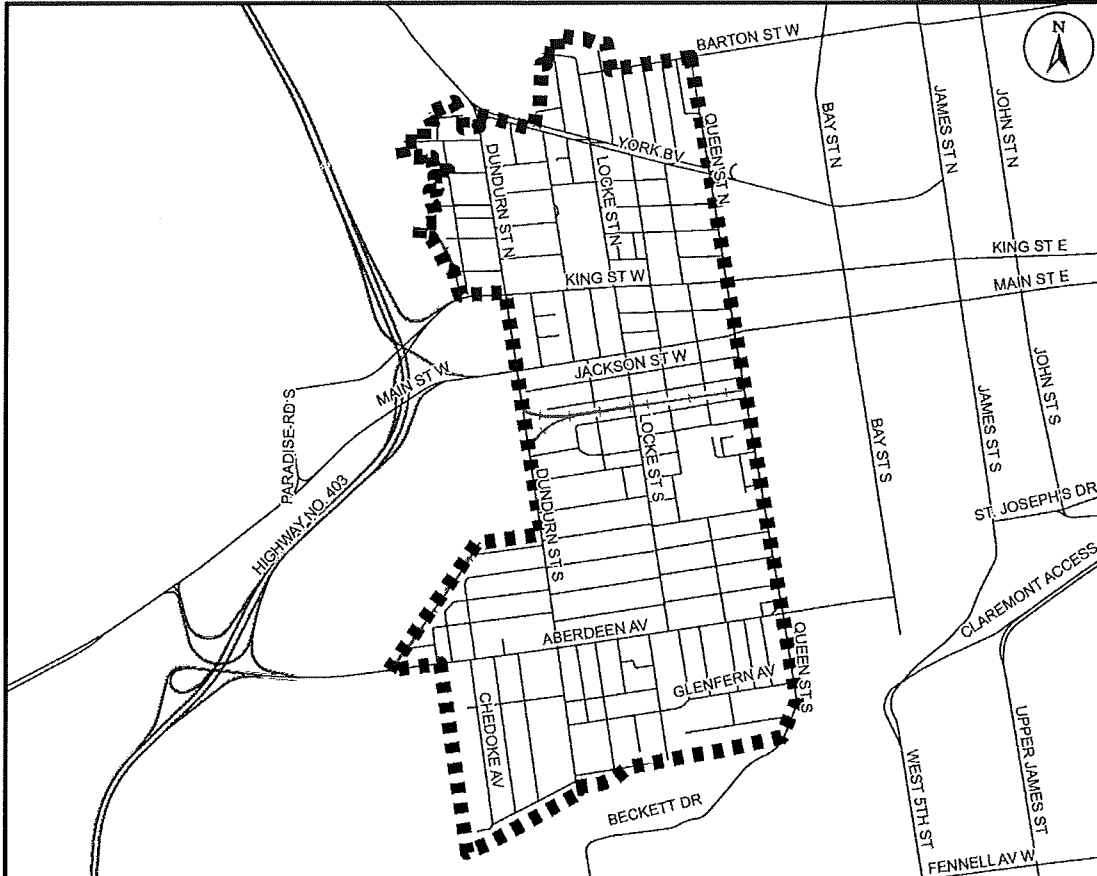
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Fred Eisenberger  
Mayor

---

Andrea Holland  
City Clerk

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "A1" to By-law No. 19-  
 Passed the ..... day of ....., 2019

-----  
 Mayor  
 -----  
 Clerk

**Schedule "A1"**

**Map forming Part of  
 By-law No. 19-\_\_\_\_\_**


**to Amend By-law No. 6593**

**Subject Area**

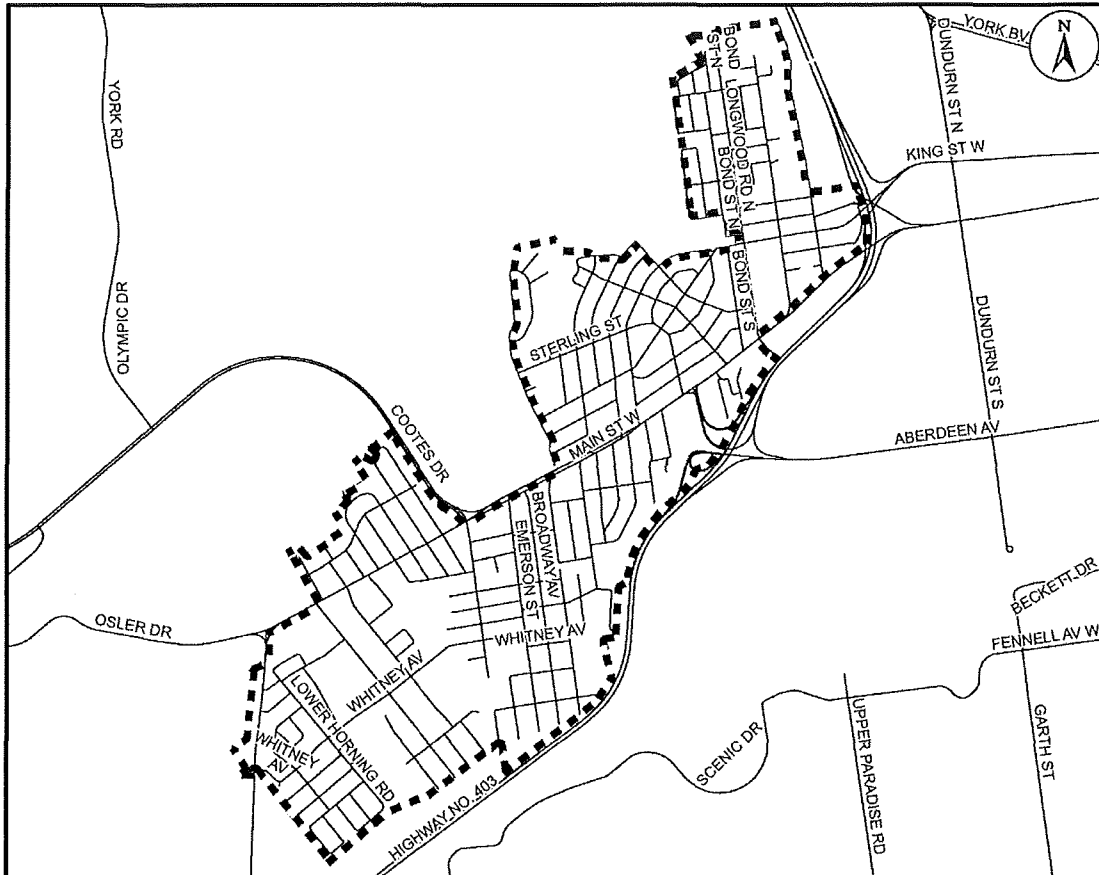
■ ■ ■ ■ Geographic Area Subject to By-law No. 19 \_\_\_\_\_


By-law affecting lands zoned:  
 "C" (Urban Protected Residential, etc.) District;  
 "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;  
 "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and  
 "DE" (Low Density Multiple Dwellings) District

By adding Site Specific Number "S-1787".

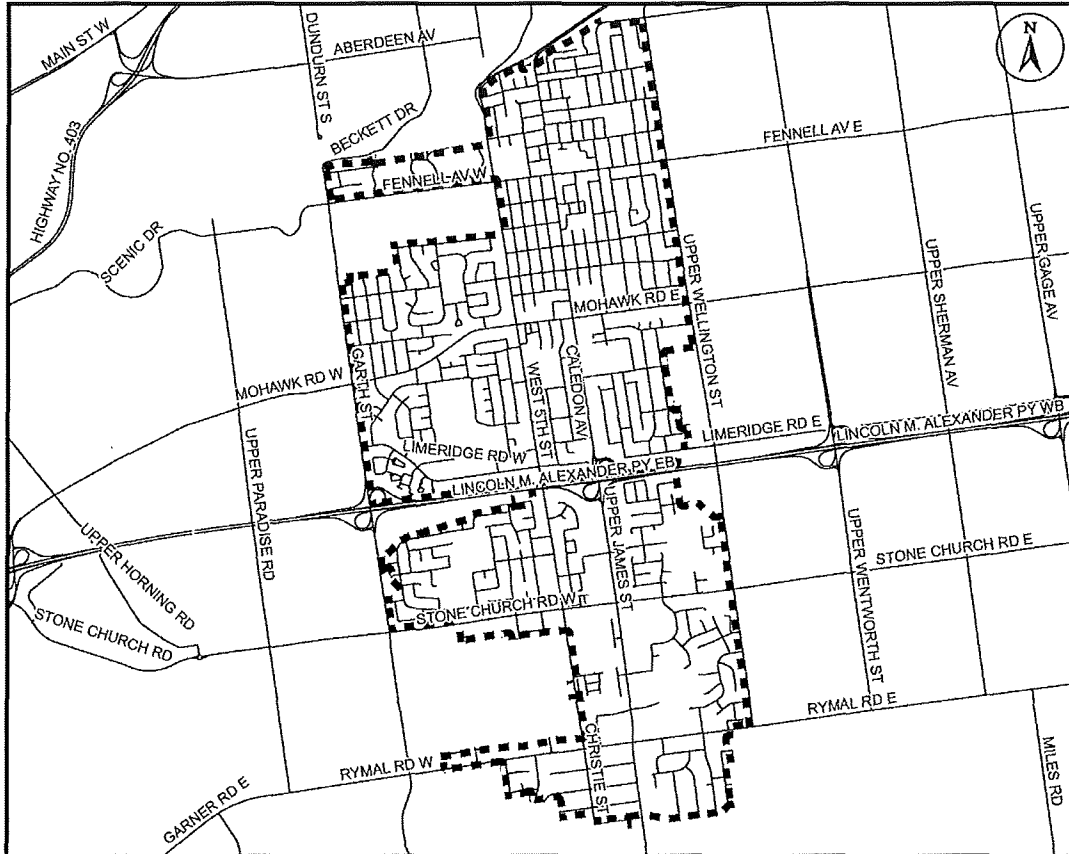
Scale: N.T.S.	File Name/Number: CI-19-D	
Date: August 12, 2019	Planner/Technician: TL/VJS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		


To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



<p>This is Schedule "A2" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>		
<p><b>Schedule "A2"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 19-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>	<p><b>Subject Area</b></p> <p>■ ■ ■ ■ Geographic Area Subject to By-law No. 19 _____</p> <p>By-law affecting lands zoned:</p> <p>"C" (Urban Protected Residential, etc.) District;</p> <p>"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District</p> <p>"E" (Multiple Dwellings, Lodges, Clubs, etc.) District</p> <p>By adding Site Specific Number "S-1788".</p>		
<p>Scale: N.T.S.</p>	<p>File Name/Number: CI-19-D</p>		
<p>Date: August 12, 2019</p>	<p>Planner/Technician: TL/VS</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "B" to By-law No. 19-  Passed the ..... day of ....., 2019		_____ Mayor  _____ Clerk
<p style="text-align: center;"><b>Schedule "B"</b></p> <p style="text-align: center;"><b>Map forming Part of By-law No. 19-_____</b></p> <p style="text-align: center;"><b>to Amend By-law No. 6593</b></p>		<p><b>Subject Area</b></p> <p>■ ■ ■ ■ Geographic Area Subject to By-law No. 19_____</p> <p>By-law affecting lands zoned:                  "B" (Suburban Agriculture and Residential, etc.) District;                  "B-1" (Suburban Agriculture and Residential, etc.) District;                  "B-2" ( Suburban Residential) District;                  "C" (Urban Protected Residential, etc.) District;                  "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;                  "R-2" (Urban Protected Residential One and Two Family Dwellings, etc.) District;                  "DE" (Low Density Multiple Dwellings) District, and,                  "E-2" (Multiple Dwellings) District</p> <p>By adding Site Specific Number "S-1788" .</p>
Scale: N.T.S	File Name/Number: CI-19-D	 <b>Hamilton</b>
Date: August 12, 2019	Planner/Technician: TL/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

October 28, 2019

City of Hamilton Planning Committee  
C/O Lisa Chamberlain, Legislative Coordinator  
City Hall - 71 Main St W  
Hamilton ON L8P 4Y5

Dear Committee Members,

Thank you for your continued support of McMaster University's efforts to provide an adequate supply of safe and affordable student housing.

Although our Main Street and downtown graduate student residences will improve supply and respond to requests from the community to build more university-operated residence space, we recognize that the conversation on student housing cannot be limited to university residences alone.

As you know, many of our students choose to rent off-campus housing from private landlords primarily in the Ainslie Wood and Westdale communities. Although most landlords are responsible and reasonable, there are nevertheless some instances where our students justifiably view certain rental properties as neither safe nor affordable. Dealing with the issues of landlord absenteeism and ensuring safety for students is critically important, as you'll appreciate.

For this reason, McMaster University is pleased to join the McMaster Students Union in support of the proposed rental licensing pilot.

We appreciate that the specifics of this pilot have not yet been fully determined, but we are supportive of pilot studies aimed at helping ensure an adequate supply of safe and affordable student housing. We look forward to reviewing the results of this pilot project to see if it meets these objectives while not further increasing rental costs for our students.

Thank you again for your support in helping to provide safe and affordable student housing in Hamilton.

Sincerely,



David Farrar  
Acting President & Vice-Chancellor  
McMaster University

cc: Councillor Maureen Wilson, Ward I

**Chamberlain, Lisa****8.6(a) (ii)**

**From:** Emily  
**Sent:** November 23, 2019 10:08 AM  
**To:** Chamberlain, Lisa  
**Subject:** Rental bi law pilot

Dear committee members,

My name is Emily Kam and my husband is Tyler Kam. We live in Bonnington at 59 West 1st st and we both are in strong support of passing this new rental by-law project pilot.

I have lived in bonnington for the last 6 years and in such a short time, have seen almost every house that went up for sale sold to a landlord-that then packs in the student renters from overseas. The issue is not with renting per say but with the upkeep and safety of these houses, which then strongly impacts the overall tone of the Neighbourhood. It is so heavily populated with rentals in our area that we have been having many-many issues with garbage,rats, weeds, long grass, parties, noise at all hours, racing young men in cars down our streets,etc. Their are many issues with jamming bodies into such small 1.5 and bungalow houses that are not meant for upwards of 8-10 students, not to mention most units are not legal rentals with proper escapes or up to code

As a strong community member of the newly created Bonnington Betterment Community, I know I speak for the group when I say we want to see some type of regulations/bi-laws/consequences put in place for absentee landlords. Something that will keep the renters, property, and neighbourhood safer and more enjoyable for all. Our area is turning into somewhere homeowners do not want to live anymore. The remainder of us who have not moved are committed to doing our part and desperately want better support in Licencing from the city. This is a step in the right direction.

My husband, I, and many members of the Bonnington Betterment Community that could not be here today implore you to pass this pilot.

Sincerely,  
Emily Kam

'Education must not simply teach work- it must teach life.'

-W.E.B DuBois, 1888



**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>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Animal Adoption Pilot Program (PED18004(b)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Sue Russell (905) 546-2424 Ext. 7999
<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 Animal Services Animal Adoption Program, with an enhancement of one FTE, Animal Adoption Program Coordinator, fully funded by adoption revenue, be referred to the 2020 Budget Deliberation process;
- (b) That the item respecting the Animal Adoption Pilot Program be identified as complete and removed from the Planning Committee Outstanding Business List.

### EXECUTIVE SUMMARY

On February 28, 2018, Council approved Item 11 of Planning Committee Report 18-003 directing staff to commence an 18-month Animal Adoption Pilot Program to assess the impacts the program would have on current operations and the City's rescue partners.

The Adoption Pilot Program has been very successful in adopting 745 pets into permanent homes and transferring over 800 pets into the care of rescue partners. The Adoption Pilot Program generated \$103,048 in new revenue through the collection of adoption fees. There was a significant increase in the financial donations received from the public during the term of the pilot. Donation money provided for the medical treatment needed to prepare the animals for adoption. Rescue partners have expressed support for a permanent municipal adoption service. The public image of Hamilton

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**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 2 of 9**

Animal Services (HAS) has been improved and the City has received accolades for taking the step into providing an animal adoption service at the municipal shelter.

Staff are recommending that animal adoptions be a permanent program within HAS with the addition of an Animal Adoption Program Co-ordinator and that the position be fully funded through Animal Adoption Program Revenue.

**Alternatives for Consideration – See Page 8****FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** One additional FTE is required to successfully manage and co-ordinate the Animal Adoption Program at an estimated cost of \$90,000. The Animal Adoption Pilot Program received \$103,048 in new revenue through the collection of adoption fees over the 18-month pilot period. A permanent Animal Adoption Program should generate approximately \$90,000 annually as Adoption Fees are increased and the popularity of the program expands. There will be no impact on the levy. It should be noted that a total of \$36,167 from the Animal Kindness Donation Program was utilized to cover the cost of medical treatment the animals needed to prepare them for adoption. Using the donation money reduces the City's medical costs associated with the lifesaving and treatment of animals and preparing them for adoptions.

**Staffing:** One additional FTE is required to support current staff in managing and co-ordinating the Animal Adoption and Foster Programs. The Animal Adoption Program Co-ordinator will enhance and expand upon the existing program. A Veterinary Technician position is best suited as the Adoption Co-ordinator to assist in animal health and adoption support.

**Legal:** The City has the authority to adopt out the animals that it impounds. The animal adoption fees have been added to the City's User Fees and Charges for Services, Activities or the Use of Property by-law.

**HISTORICAL BACKGROUND**

On February 11, 2015, Council directed staff to assess the feasibility of establishing a City Animal Adoption Service, in partnership with the Hamilton Burlington Society for the Prevention of Cruelty to Animals (HBSPCA), and report back to the Planning Committee.

On February 28, 2018, Council approved Item 11 of Planning Committee Report 18-003 directing staff to commence an 18-month Animal Adoption Pilot Program to allow a full



**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 3 of 9**

review of the impact an adoption service would have on current operations and the City's animal rescue partners.

The 18-month term for the Animal Adoption Pilot Program is complete and the impacts have been assessed. Staff are recommending the approval of the Animal Adoption Program.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

HBSPCA, Rescue Partners, PetSmart Charities and PetSmart Canada and other Municipal Animal Services (Burlington, Toronto, Brampton and Mississauga) were consulted in the preparation of this Report.

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

The City of Hamilton is one of the few municipalities without an adoption service in a municipal animal shelter. Animals that come into the care of the municipal shelter are lost, found, stray, abandoned or owner surrendered. Without an animal adoption service, the City relies on rescue organizations to take the adoptable animals as the alternative would be euthanasia. The need to implement an Animal Adoption Program was identified in a report approved by Council on February 28, 2018.

Council directed staff to undertake an 18-month Animal Adoption Pilot Program and assess the impact on current operations and rescue partners.

The metrics to be used to measure the 18-month pilot program were;

- number of animals adopted;
- live release rate/euthanasia rate;
- impact on staff, shelter operations and finances; and
- impact on community partners.

**Adoption Pilot Program**

Over the 18-month pilot period, staff were able to find adoptive homes for 745 pets. As part of the adoption protocol, each pet was spayed/neutered, given appropriate vaccinations including rabies, microchipped for identification, dewormed and treated for fleas.

Pets were spayed/neutered to prevent unwanted litters and further breeding. All dogs and cats were vaccinated against rabies to combat the rabies concern facing the City.

**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 4 of 9**

Many pets that came into the shelter required additional medical treatment to prepare them for adoption. The wellbeing of pets is important to potential adopters. Treatments such as teeth extraction, dental cleaning or tumour removal were needed to prevent future medical illness. Funds from The Animal Kindness Donation Program were utilized to prepare the pets medically for adoption. The following medical procedures were performed in during the pilot;

- 282 spay/neuters;
- 917 rabies vaccinations;
- 480 viral tests (FIV for cats, heartworm for dogs); and
- 55 urinalysis/blood panels.

Staff registered each microchip with the microchip company (24 PetWatch) to ensure that the pet would be returned to the owner if lost. This is a step that many pet owners overlook or neglect to complete. Also, dogs were issued a free one-year municipal dog licence. Cats were issued the City's Lifetime Cat Registry tag at no charge. By providing and registering the initial licence the pet's owner information will be readily available to staff if the pet is ever lost. Both licences and microchips are important pieces of identification that reconnects lost pets with their owners and reduces the number of found pets entering the shelter.

Pet owners were also offered 30-day free pet insurance. Pet insurance assists owners with the cost of any unforeseen medical treatment of their new pet. As newly adopted pets are coming from a shelter environment, there is concern of contagious disease or stress related illness that may not present itself at the time of adoption. Encouraging adopters to sign up for the free pet insurance will reduce the number of requests from adopters for the City to pay for post adoption medical treatment of newly adopted pets that may develop unforeseen illnesses.

In addition to opening the municipal shelter doors to adopters, staff took adoptable pets to PetSmart, Stoney Creek, where they could be showcased and seen by the public. This was a very positive initiative as over 300 pets were adopted through this initiative. Staff also attended PetSmart National Adoption Events held over four weekends throughout the year. These events were beneficial in finding adoptive homes for our pets and for promoting the animal related services that the City provides. Expanding adoptions to additional locations has been considered. However, there is not enough staff to manage multiple adoption locations.

**Live Release Rate/Euthanasia Rate**

The City's Live Release Rate (LRR) is a calculation of the number of animals that enter the shelter verses number of animals that leave the shelter through adoption, transfer to rescue partners or owners claiming their pets. HAS provides an end of life service

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**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 5 of 9**

(euthanasia) for pets when owners do not have a veterinarian to euthanize the pet. These pets were not included in this statistic as it is a service provided by the City.

The LRR for 2018 was 92% for dogs and 78% for cats. The LRR from January to August 2019 was 89% for dogs and 81% for cats. Euthanasia of dogs and cats were mainly for poor health or temperament reasons. Shelter statistics are attached to this Report as Appendix "A".

Collaboration with the animal rescue community is key. The City's ability to maintain a high LRR can be attributed to the continued collaboration with rescue partners and the introduction of the adoption pilot. This undertaking is commended by the public and animal welfare community.

**Shelter Closure**

One of the most challenging issues continues to be capacity to care for the volume of animals needing assistance. HAS discontinued the practice of euthanizing healthy animals to create intake space in the shelter for more animals. When the shelter is at capacity, the doors are closed to the intake of more animals.

The shelter continued to experience periods of closure to the intake of more animals during the pilot period. The shelter was closed to the intake of cats on three occasions in 2018 and five occasions in 2019. In 2019, there was also an abundance of rabbits brought into shelter forcing the closure to the intake of rabbits on two occasions.

The introduction of the adoption program assisted with the shelter's ability to stay open for intake. Cats that were ready for adoption were transferred to the offsite location at PetSmart, Stoney Creek, to create open space within the shelter.

The capability for the HBSPCA and rescue partners to take animals is also limited by their capacity of care. During the high season, the HBSPCA was not taking cats or rabbits and rescue partners were at capacity. This further exemplifies the need for an adoption program. There are more animals than adoptive homes.

**Foster Program**

In conjunction with the adoption pilot, a Foster Program was initiated. Fostering allows pets that are too young for adoption or recovering from a medical procedure to stay in a home environment until ready. Foster Team members provide care for bottle feeding kittens, pregnant cats, surgical recovery or pets that are not doing well and shutting down in the shelter environment. Fostering is also beneficial as it allows the pets true personality to come through. Shelters can be a stressful place for pets and they can develop unwanted behaviours or illness that result in making them unadoptable.

**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 6 of 9**

The Foster Program allows the public to assist with the adoption program and the operations of the City's shelter. Team members promote the adoptable pets and the work of HAS. Currently, the Foster Team has 33 members and continually accepting more applicants.

**Impact on Staff & Financial Statistics**

The implementation of the Animal Adoption Pilot Program impacted all staff. Staff understand the need for an adoption program and how it will give the animals a second chance. All staff were encouraged to be involved and take part in different areas of the program. Duties were realigned to accommodate the additional workload of the adoption program.

In addition to caring for the adoption animals, the Animal Care staff were trained on how to conduct adoption interviews and screening. Administrative staff took on the additional workload of legal agreements, documentation, registration and financial transactions associated with the adoption pilot. The Registered Veterinary Technician scheduled surgeries, provided additional medical treatment and monitoring of the adoption animals.

An Animal Adoption Program Co-ordinator is needed to oversee the program, co-ordinate adoptions and public events, develop policies and procedures and manage the Foster Team program. There is a need to develop and enhance the Adoption Program and bring it to the same standards as other municipalities.

Additional revenue sources are available with the implementation of a permanent Animal Adoption Program because the City's municipal shelter will be recognized as a pet friendly shelter. HAS will be eligible to apply for grants from pet food suppliers, veterinary resources, and pet retail companies such as PetValu or PetSmart Charities Canada. Any grants or incentives could alleviate some of financial pressure experienced by the municipal shelter.

**Donations**

HAS have been accepting charitable financial donations from the public since 2012. Donation money goes toward medical costs of shelter animals, providing enrichment and comfort as well as transportation of animals. Yearly donations typically have been between \$2,000 to \$8,000. There was a significant increase in donation money received when animal adoptions were introduced. The Animal Kindness Donation Program received an additional \$51,598 in public donations during the 18-month term of the pilot. A total of \$36,168 was used to medically prepare the pets for the adoption program. Donation money has allowed staff to save more animals where in the past the animal would have been euthanized in order to be fiscally responsible. The public has been very generous in donating to animal enrichment and medical causes.

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**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 7 of 9****Impact on Community Partners/Stakeholders**

Since starting the adoption pilot, staff has seen an increase in the number of rescue groups that work with HAS to save lives. Currently, there are 55 rescue organizations that have signed an operating agreement with HAS. Staff has continued efforts to work respectfully with HBSPCA and our other rescue partners.

During the pilot, staff transferred over 800 pets into the care of rescue partners. Shelter Statistics attached to this Report as Appendix "A" show the number of animals transferred to the HBSPCA and rescue partners.

HAS supports the great work that other organizations are doing in the community. Staff make a conscious effort to transfer any adoptable animals waiting too long for adoption into the care of the rescue organizations. Rescue groups benefit by receiving a pet that is already spayed/neutered, vaccinated and microchipped.

In addition to readily adoptable pets, our rescue partners take on special needs animals such as animals with severe medical issues, animals that need rehabilitation or training, or senior animals looking for a palliative home.

Staff fully support promoting and advising the public to consider adopting from our rescue partners if our adoption program does not have what they are looking for. This has been promoted on the HAS Facebook page.

Staff met with the Director of the HBSPCA to discuss the impact of the Animal Adoption Pilot Program on their organization. No concerns were expressed and the HBSPCA advised that they have formed relationships with other animal organizations in need of assistance.

At the end of the pilot period, staff surveyed some of the rescue partners to determine the impact the program had on their organization. Rescues responded in favour of HAS having a permanent adoption program.

**Constraints**

One of the constraints in operating an adoption program at the 247 Dartnall Road location is the design of the building. The municipal shelter is where apprehended, lost and found and owner surrendered animals are sheltered; security and confidentiality regarding the animals in our care is important. Currently potential adopters are unable to enter the shelter and roam freely to view adoptable animals. The public must be accompanied by a staff member when entering the shelter to view adoptable animals. This process does take up staff time and resources. Efforts are being made to improve this situation by designating public viewing areas within the existing shelter. However, space and finances are limited.

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**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 8 of 9**

Also, HAS shares a building with the HBSPCA but are not affiliated. There continues to be confusion for the public regarding the two entities. At present, the general public is unaware that the City provides animal related services. Efforts are being made to define the roles of each organization and to develop a media campaign to explain the importance of each organization.

**Moving Forward**

The Animal Adoption Program will still maintain a collaborative relationship with rescue partners as this is key to giving pets a second chance. It is estimated that 500 pets could be adopted annually resulting in the net revenue generation of \$90,000 annually. With the addition of a Program Co-ordinator, the focus will be on obtaining grants and subsidies as well as expanding the program into the community. Through promotion and public awareness programs, citizens will learn that their City has taken the necessary step into animal welfare.

The Animal Adoption Pilot has been a successful program and has increased the City's lifesaving potential for the animals brought into the City's care and has created a full-service shelter for the community. There is continuous change and improvement in the animal welfare industry and the City has taken the necessary step to be a part of this movement.

**ALTERNATIVES FOR CONSIDERATION**

An alternative would be to discontinue the Animal Adoption Program and rely solely on outside agencies to take the City's animals. This alternative is not recommended as rescue partners do not have the capacity to take the additional animals. This concern was addressed in the previous report recommending the Animal Adoption Pilot.

An alternative would be to euthanize animals that come into our care and are not claimed by their owner. This alternative would reduce sheltering and medical costs. This alternative is not supported by the public or rescue partners. The public would no longer donate to or support HAS initiatives.

**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.

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**SUBJECT: Animal Adoption Pilot Program (PED18004(b)) (City Wide) - Page 9 of 9**

**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.

**Our People and Performance**

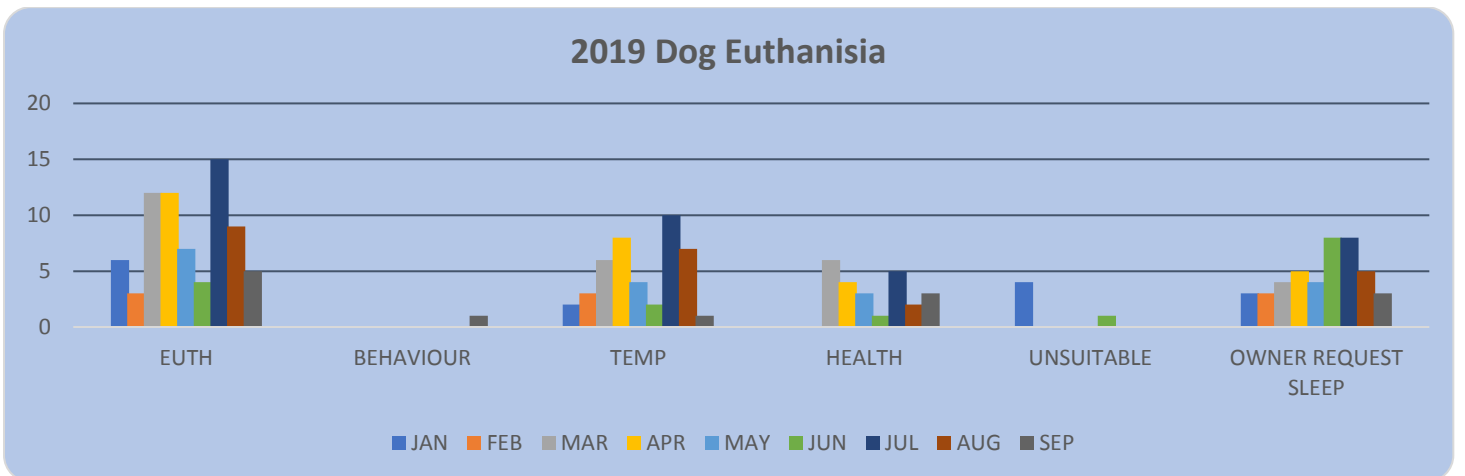
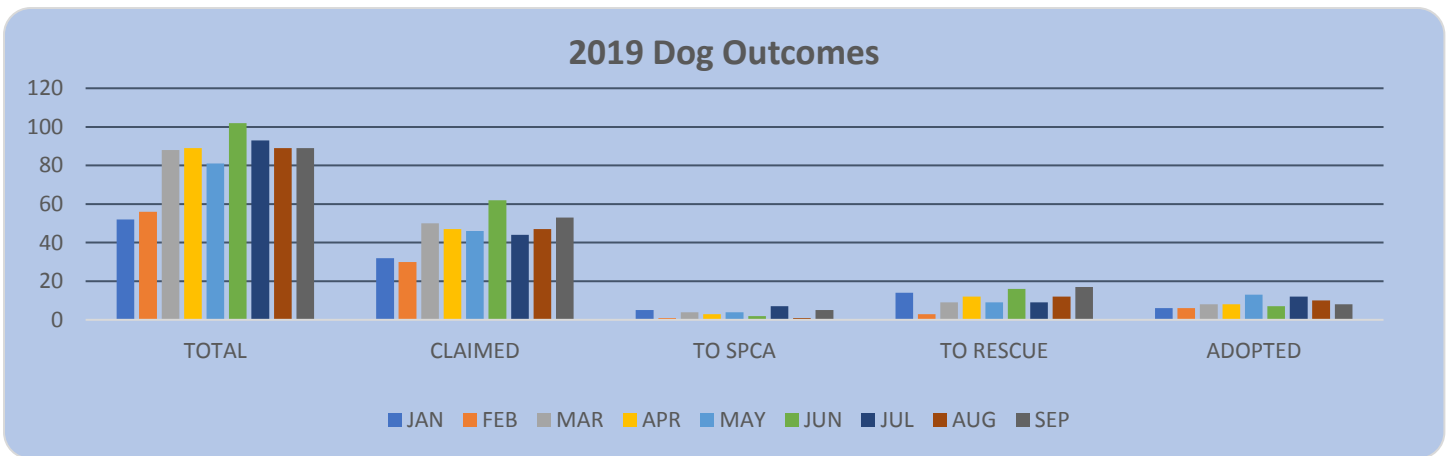
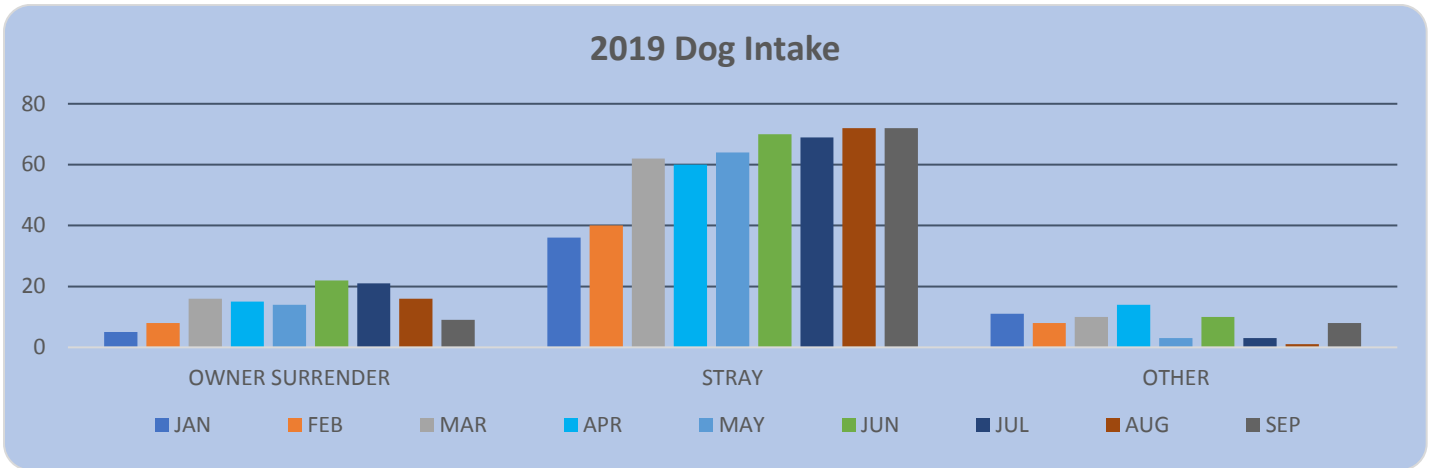
Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

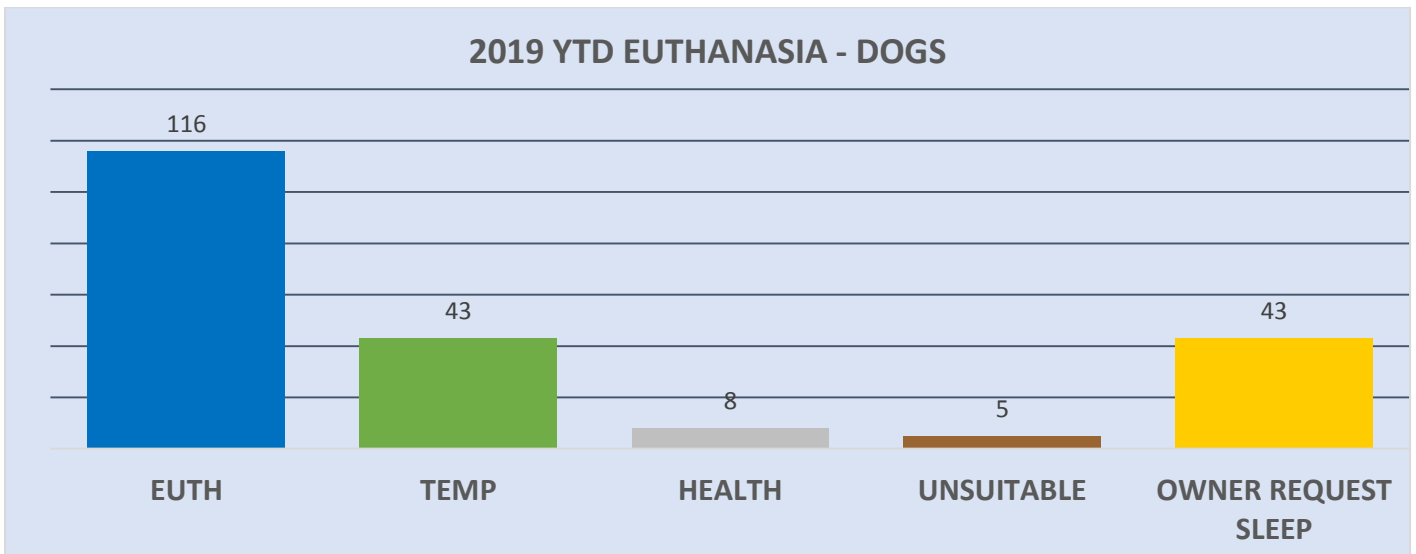
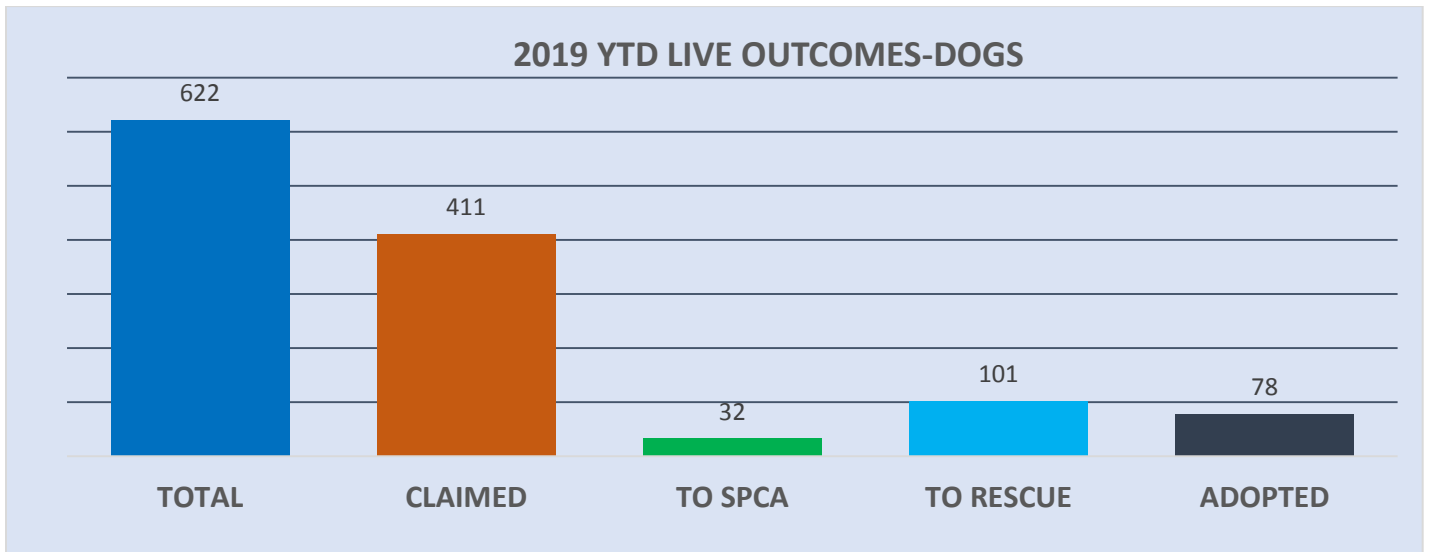
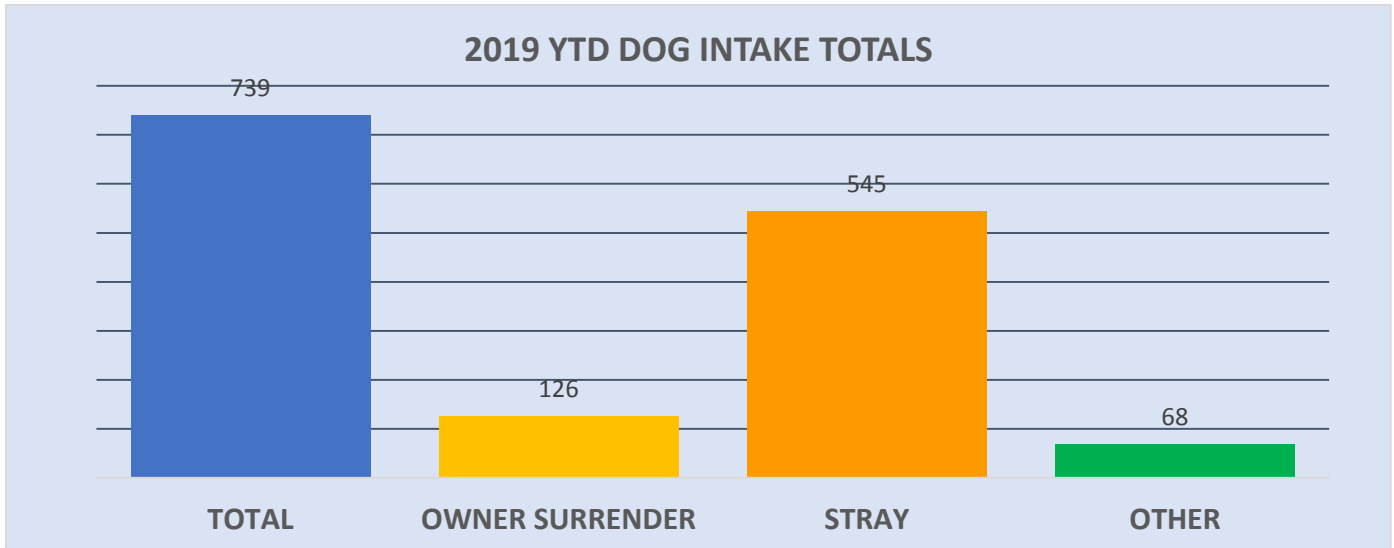
Appendix "A": Animal Services 2018/2019 Shelter Statistics

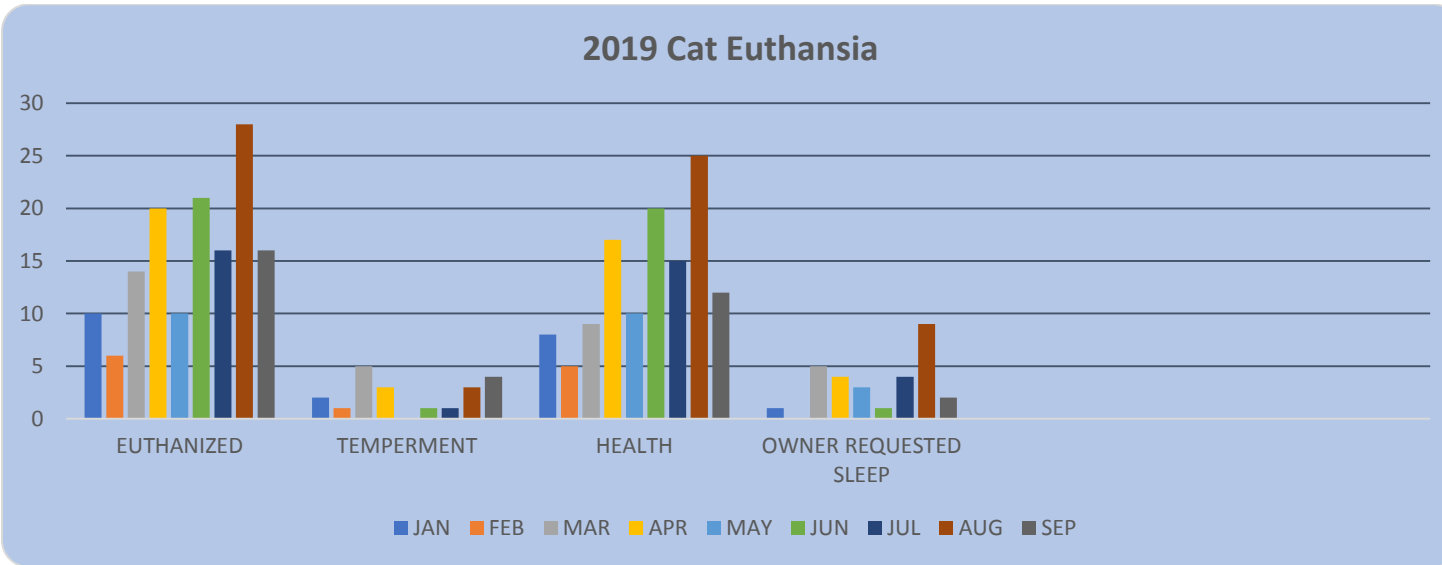
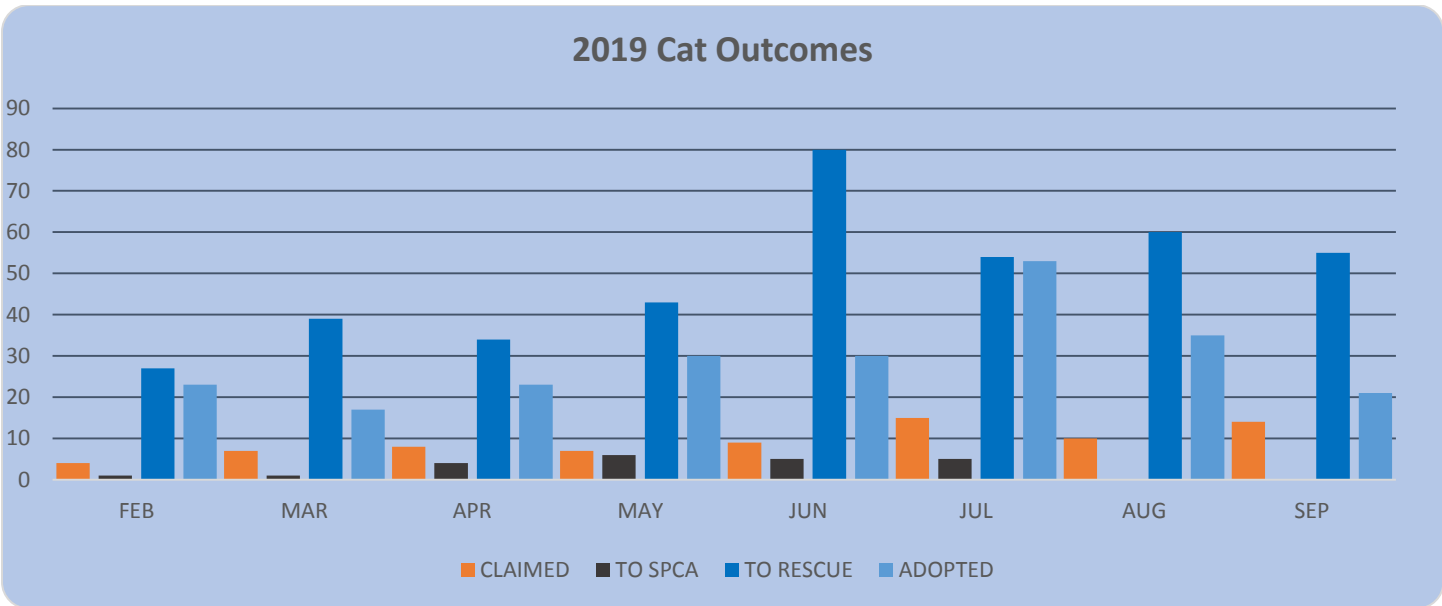
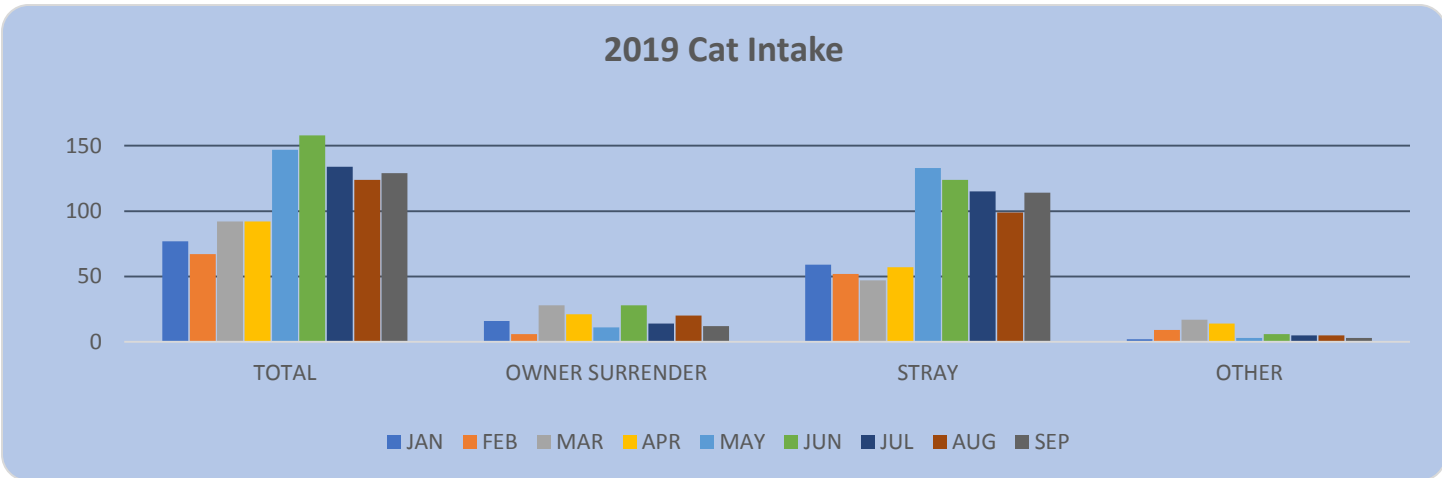
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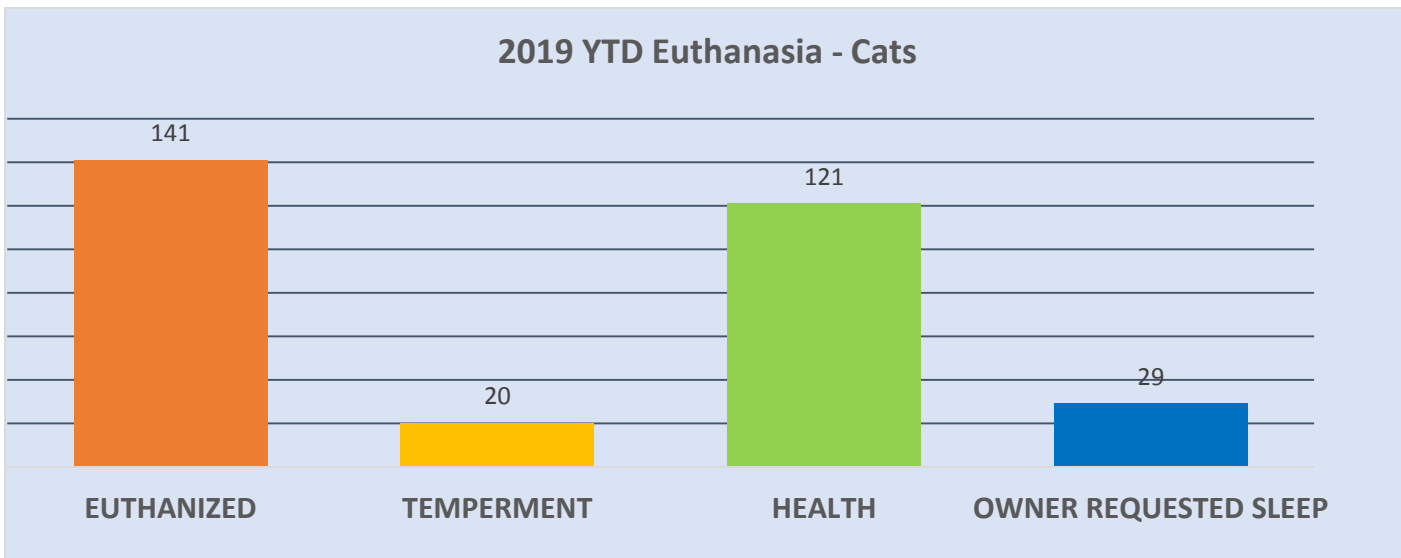
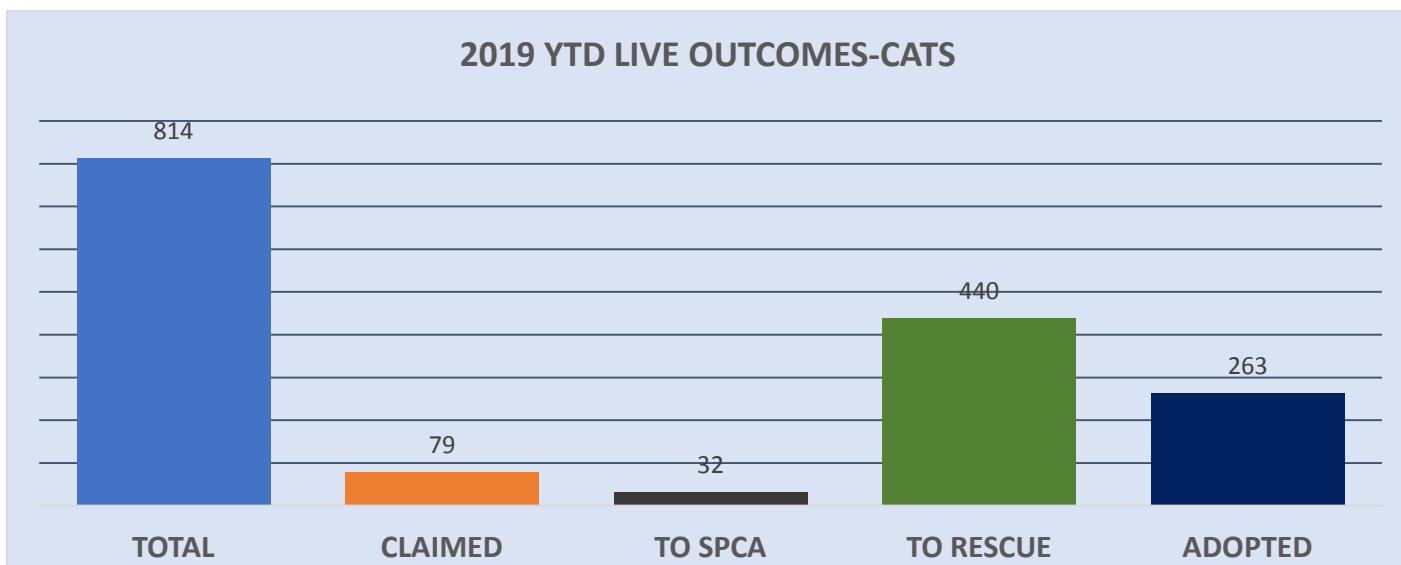
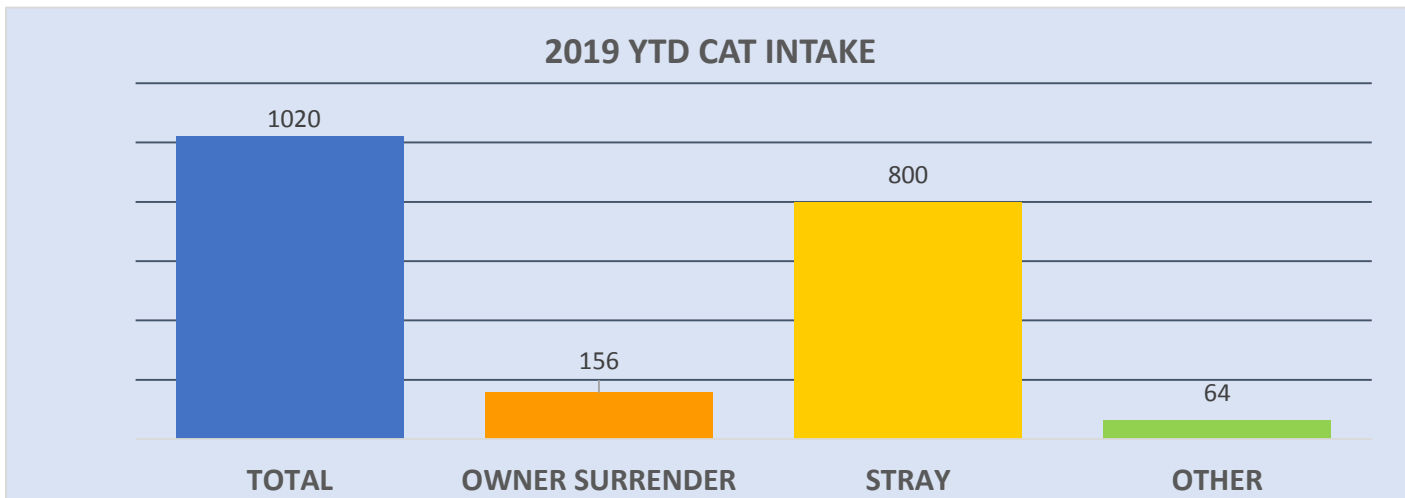
## 2019 Shelter Statistics



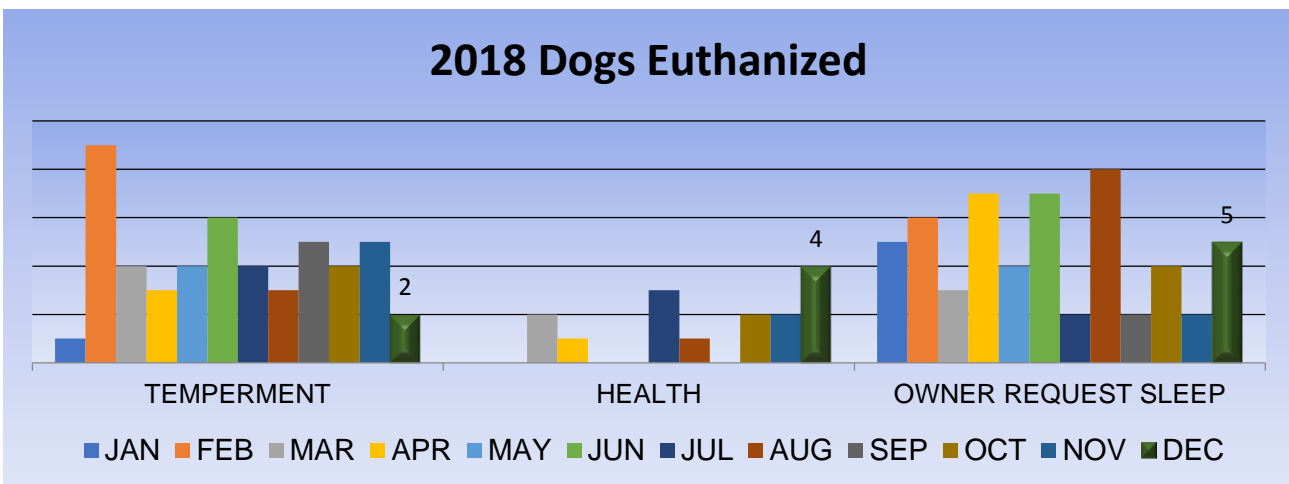
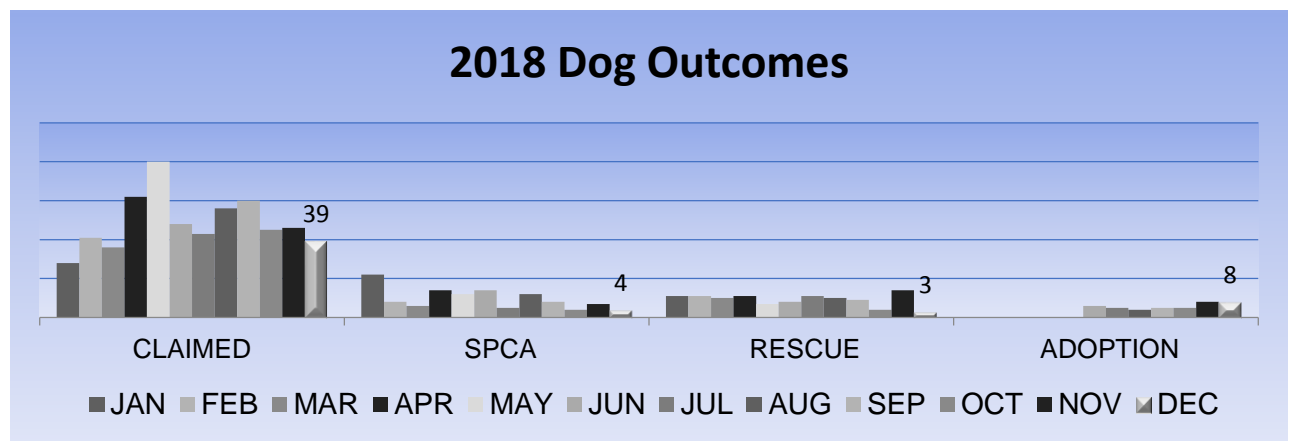
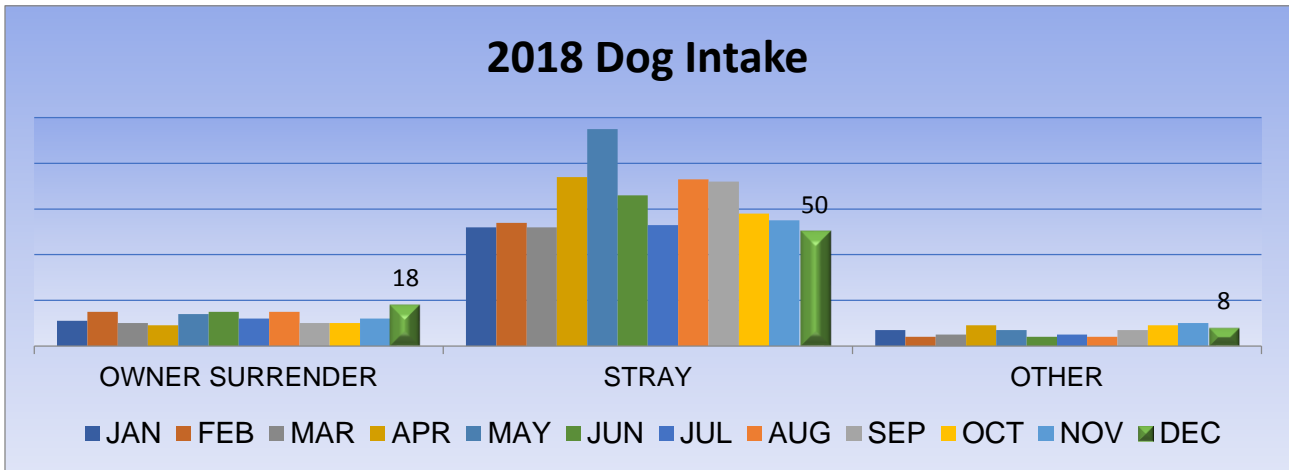


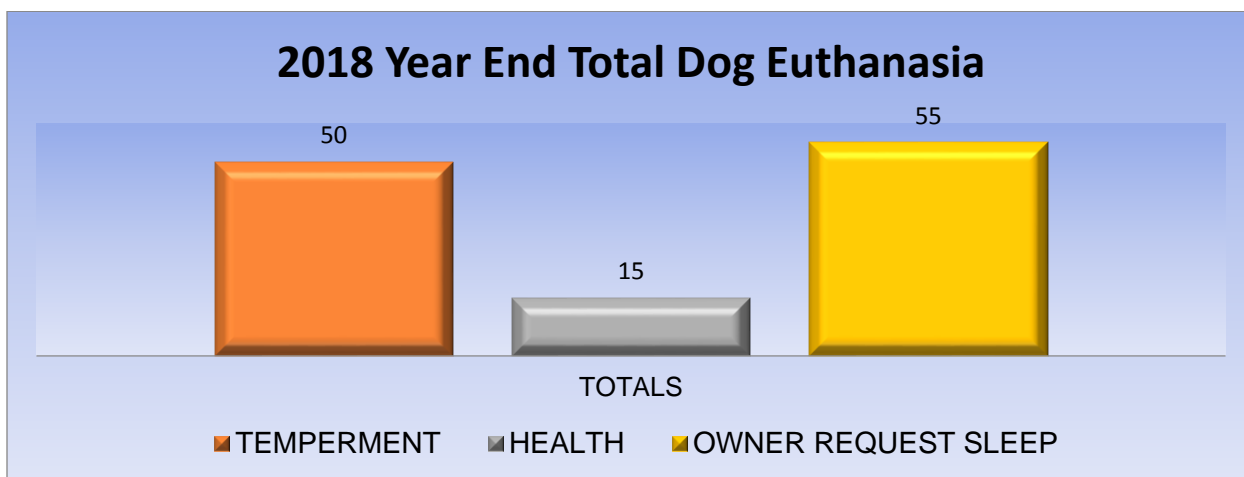
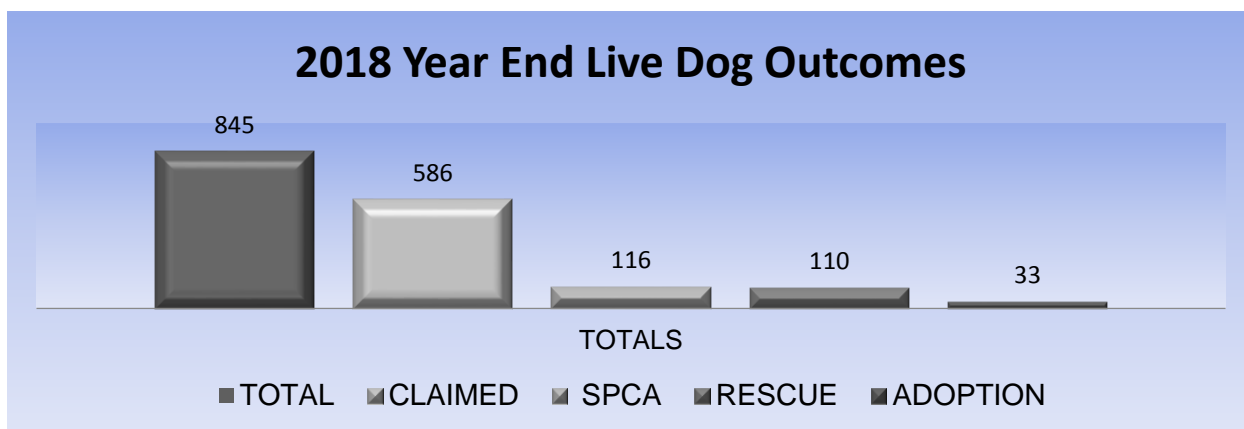
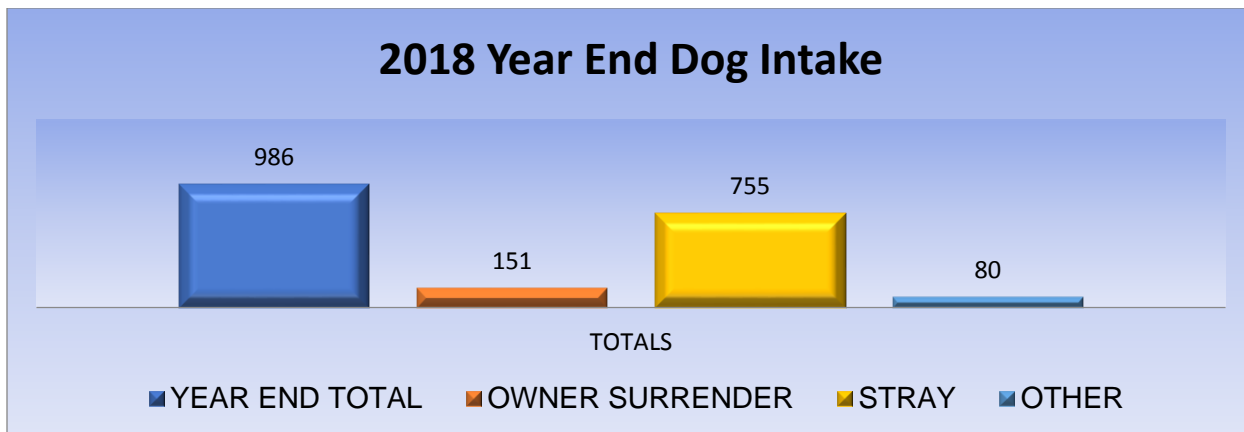




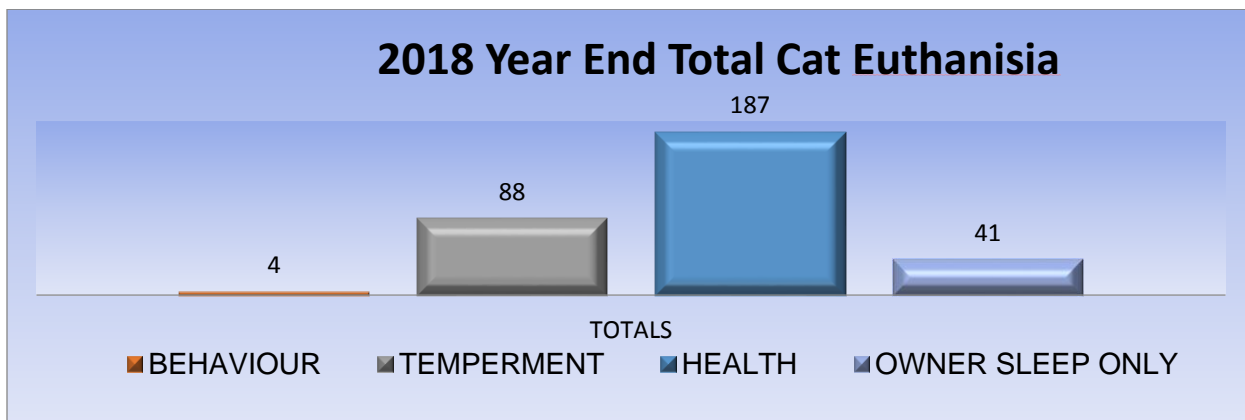
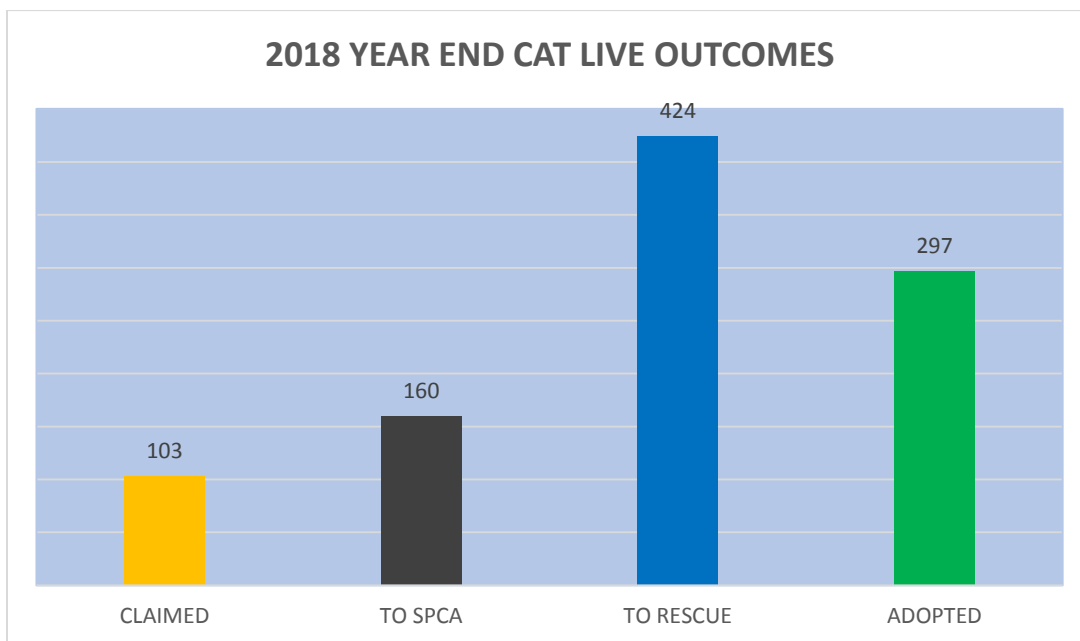
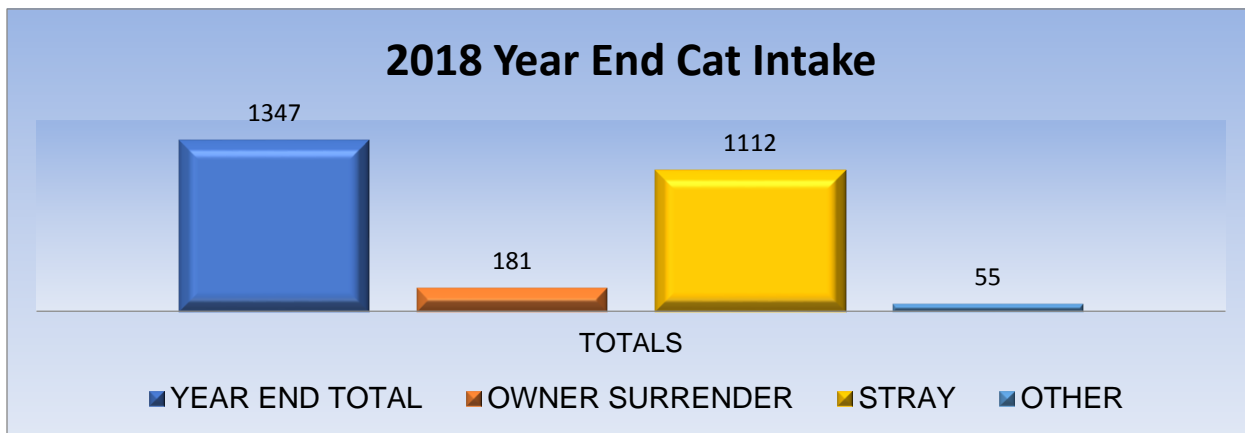


## 2018 Shelter Statistics











**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2019
<b>SUBJECT/REPORT NO:</b>	Request for Access to DC Reserve "110352 Storm – Separated Sewer System" to fund Mewburn Pond (PED19216) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Sally Yong-Lee (905) 546-2424 Ext. 1428
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That the budget for Capital Project "5181580586 SWMF H-24 Mewburn Pond" be increased approximately \$4.3 M (Planning and Procurement are currently negotiating with the low bid to minimize the increase required, as per policy 5.3 (4)) to be funded from DC Reserve "110352 Storm – Separated Sewer System".
- (b) That Contract C15-26-19 (PED) – Mewburn Neighbourhood Stormwater Management Facility be awarded to Rankin Construction Inc. at a negotiated bid price.

### EXECUTIVE SUMMARY

A Master Servicing study was completed in 2004 for the Mewburn and Sheldon Neighbourhoods following the Municipal Engineers Association's Class Environmental Assessment Master Planning Process (Class EA). The study addressed both sanitary and stormwater requirements while integrating planning initiatives such as the proposed land uses and roads.

The study recommended two (2) centralized stormwater management ponds for water quality, quantity and peak flow control. One pond was proposed within the William

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**SUBJECT: Request for Access to DC Reserve “110352 Storm – Separated Sewer System” to fund Mewburn Pond (PED19216) (Ward 8) - Page 2 of 4**

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Connell Park (west side of West 5<sup>th</sup>) and was constructed with the development of the Park in 2018.

The second pond, on the east side of West 5<sup>th</sup> Street, was tendered (Contract No. C15-26-19 (PED)) and closed with the submission of two (2) compliant bids. The tendered project cost is higher in comparison with average stormwater management pond benchmark costs; however, the bid is competitive as there is a 6.9% difference in bid prices.

Planning and Procurement are currently negotiating with the low bid to minimize the increase required, as per policy 5.3 (4). In order to award the tender, an increase is required to Capital Project “5181580586 SWMF H-24 Mewburn Pond” of approximately \$4.3 M.

**Alternatives for Consideration – See Page 4**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** In order to award the tender, an increase is required to Capital Project “5181580586 SWMF H-24 Mewburn Pond” of approximately \$4.3 M. The current budget of Capital Project “5181580586 SWMF H-24 Mewburn Pond” is \$2.13 M.

The pond is eligible to be 100% funded from DC Reserve “110352 Storm – Separated Sewer System”. The current balance in the reserve is only \$0.4 M. Through the 2019 DC Background Study staff was directed to split the DC calculation for the storm service between the combined sewer system and the separated sewer system. The previously used citywide “110304 Storm DC Reserve”, which will be phased out and allocated to the new combined and separated storm reserves in a future report by Finance staff, has over \$15 M once all reserve commitments are accounted for.

**Staffing:** N/A

**Legal:** N/A

**HISTORICAL BACKGROUND**

A Master Servicing study was completed in 2004 for the Mewburn and Sheldon Neighbourhoods following the Municipal Engineers Association’s Class Environmental Assessment Master Planning Process (Class EA). The study addressed both sanitary and stormwater requirements while integrating planning initiatives such as the proposed land uses and roads.

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**SUBJECT: Request for Access to DC Reserve “110352 Storm – Separated Sewer System” to fund Mewburn Pond (PED19216) (Ward 8) - Page 3 of 4**

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The study recommended two (2) centralized stormwater management ponds for water quality, quantity and peak flow control to minimize downstream flooding while matching the available pipe capacity of the existing storm sewer on Upper James Street. The first stormwater management pond located on the west side of West 5<sup>th</sup> Street was integrated within the William Connell Park and constructed in 2018. The second Mewburn stormwater management pond is required to complete the stormwater management for the entire development area.

The Mewburn stormwater pond was tendered (Contract No. C15-26-19 (PED)) and closed with the submission of two (2) compliant bids. The tendered project cost is higher in comparison with average stormwater management pond bench mark costs; however, the bid is competitive as there is a 6.9% difference in bid prices.

Planning and Procurement are currently negotiating with the low bid to minimize the increase required, as per policy 5.3 (4).

The City currently has a number of Draft Approved applications that are actively being considered for development that would require this pond including Eden Park Estates Phase 2, Sheldon’s Gate, 1125 West 5<sup>th</sup> Street, and 1155 West 5<sup>th</sup> Street.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

The following City Departments/Division was consulted in the development of this report:

- Corporate Services – Financial Planning, Administration & Policy, Capital Budgets were consulted with respect to identification of a funding source.
- Corporate Services - Financial Services and Taxation, Procurement were consulted with respect to adherence to the Procurement Policy.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The cost of the Mewburn stormwater pond cost, as tendered is higher in comparison with average stormwater management pond bench mark costs and is attributed to:

- a) Removal of rock;
- b) Relocation of a sanitary sewer that currently traverses through the pond;

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**SUBJECT: Request for Access to DC Reserve “110352 Storm – Separated Sewer System” to fund Mewburn Pond (PED19216) (Ward 8) - Page 4 of 4**

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- c) Removal of excess soil off site. Surplus fill material is generally absorbed within the development lands when a pond is constructed as part of a Plan of Subdivision;
- d) Extension of the existing 1500 mm diameter storm sewer to the pond outlet structure; and,
- e) Confined working corridor which affects productivity.

The low bid is competitive with a 6.9% price difference to the next bid.

### **ALTERNATIVES FOR CONSIDERATION**

Should Council not wish to approve the recommendation made in this Report for additional funds needed to award tender C15-26-19 (PED) – Mewburn Neighbourhood Stormwater Management Facility tender will be cancelled. The project will be deferred, and additional funding will be requested as part of the 2021 Capital Budget process. The project will be re-tendered in 2021.

This alternative is not recommended as this will result in delays in allowing new development to proceed in both the Sheldon and Mewburn neighbourhoods.

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

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#### **Built Environment and Infrastructure**

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### **APPENDICES AND SCHEDULES ATTACHED**

N/A

SYL:sd

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# CITY OF HAMILTON

## MOTION

PLANNING COMMITTEE DATE: DECEMBER 3, 2019

**MOVED BY COUNCILLOR C. COLLINS.....**

**SECONDED BY COUNCILLOR .....**

### **Demolition Permit for 758 Beach Boulevard**

That the Chief Building Official be authorized and directed to issue a demolition permit for 758 Beach Boulevard, without having to issue a building permit for the replacement dwelling at the same time, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act*, subject to the following conditions:

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