



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 21-017  
**Date:** November 2, 2021  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:  
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:  
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

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**PLANNING COMMITTEE  
MINUTES**

**21-016**

**October 19, 2021**

**9:30 a.m.**

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

**Present:** Councillors J.P. Danko (Chair)  
J. Farr (2<sup>nd</sup> Vice Chair), M. Pearson, L. Ferguson, M. Wilson and  
J. Partridge

**Absent with Regrets:** Councillor B. Johnson - Personal

**Also in Attendance:** Councillor E. Pauls

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

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21194) (City Wide) (Item 7.1)**

**(Pearson/Wilson)**

That Report PED21194 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

- 2. Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191) (Ward 11) (Item 7.2)**

**(Pearson/Ferguson)**

That Report PED21191 respecting Appeal of Rural Hamilton Official Plan

Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook), be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

- 3. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) (Item 7.3)**

**(Partridge/Pearson)**

That Report PED21199 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown), be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

- 4. Noise Control By-law Update (PED21166) (City Wide) (Item 10.1)**

**(Wilson/Pearson)**

- (a) That the legislative changes to the City of Hamilton Noise Control By-law 11-285 regarding the prohibition of noise in connection with the delivery of goods described in Report PED21166, detailed in the proposed amending By-law, attached as Appendix "A" to Report PED21166, be approved;
- (b) That the amending By-law to regulate noise and to amend Noise Control By-law 11-285, attached as Appendix "A" to Report PED21166, which has



been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**5. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) (Item 10.2)**

**(Farr/Partridge)**

That Staff be directed to withdraw the appeal letter respecting Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton, which was filed by staff against the decision of the Committee of Adjustment to the Ontario Land Tribunal, which will allow the Committee of Adjustment's decision to permit a maximum building height of 108.0 metres on the subject site.

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

CONFLICT - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. Municipal Law Enforcement Weekly Updates to Council (Item 11.1)**

**(Farr/Ferguson)**

WHEREAS, Municipal Law Enforcement provides weekly updates to Council respecting enforcement activities;

WHEREAS, these updates include weekly Covid - 19 enforcement, CCMLE Concerns Received for 19 different Bylaws to date, Current LBS Enforcement Priorities and Hotspots and Parks Penalties list.

THEREFORE BE IT RESOLVED:

That Municipal Law Enforcement staff be requested to include Encampment Enforcement in these weekly updates, to include: tickets issued, calls for enforcement/complaints, and the number of encampment sites (including the number of tents at each site) in each of the six step process and the expedited process that follows the six step process.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**FOR INFORMATION:**

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

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

**1. COMMUNICATIONS (Item 5)**

5.1 Chris Erl respecting Election Signs

Recommendation: Be received.

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

6.2 Delegation Requests respecting Encampment Enforcement (Item 11.1) (For today's meeting)

(a) Virtual Delegations:

(iii) Janice Brown - Moved to 6.2(b)(viii)  
 (iv) Lukas Iafrates - Moved to 6.2(b)(iii)  
 (vi) Marie Valentine - Moved to 6.2(b)(iv)

\*Added Virtual Delegations:

(vii) Paul McDonald  
 (viii) Ted Pudney  
 (ix) Janice Warner

(b) Pre-recorded Delegations:

- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

- 6.3 Matt Johnston respecting Appeal for 44 Hughson Street (Item 10.2)  
(For today's meeting) - WITHDRAWN

**(Pearson/Ferguson)**

That the agenda for the October 19, 2021 meeting be approved, as amended.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 8 Councillor John-Paul Danko
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

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

Councillor Wilson declared a conflict with Item 10.2 respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198), as her spouse is a Corporate Board Member of Fengate Capital.

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

**(i) October 5, 2021 (Item 4.1)**

**(Farr/Partridge)**

That the Minutes of the October 5, 2021 meeting be approved, as presented.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 8 Councillor John-Paul Danko
- YES - Ward 2 Councillor Jason Farr

YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(d) CONSENT ITEMS (Item 5)**

**(i) Chris Erl respecting Election Signs (Added Item 5.1)**

**(Wilson/Pearson)**

That the correspondence from Chris Erl respecting Election Signs, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

**(i) Various Delegation Requests (Item 6.1 – 6.2)**

**(Partridge/Pearson)**

That the following Delegation Requests be approved for today's meeting:

6.1 Robert Cooper respecting Election Signs

6.2 Delegation Requests respecting Encampment Enforcement (Item 11.1)

(a) Virtual Delegations:

- (i) Denise Hancock
- (ii) Julie Lieff
- (v) Dakota Devenyi
- (vii) Paul McDonald
- (viii) Ted Pudney
- (ix) Janice Warner

(b) Pre-recorded Delegations:

- (i) Maria del Carmen Orlandis-Habsburgo

- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

- (i) Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191) (Ward 11) (Item 7.2)**

Charlie Toman, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

**(Partridge/Pearson)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 2.

- (ii) **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) (Item 7.3)**

Rino Dal Bello, Senior Planner – Urban Team, addressed the Committee with the aid of a PowerPoint presentation.

**(Partridge/Danko)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

**(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko 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 and Zoning By-law Amendments before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (i) **Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1173 and 1203 Old Golf Links Road (PED21197) (Ward 12) (Item 9.1)**

No members of the public were registered as Delegations.

Melanie Schneider, Planner 2, addressed the Committee with the aid of a PowerPoint presentation.

**(Ferguson/Farr)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson

Franz Khloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

**(Pearson/Farr)**

That the delegation from Franz Khloibhofer with AJ Clarke & Associates, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Pearson)**

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Pearson)**

- (a) That Urban Hamilton Official Plan Amendment application UHOPA-19-02, by 2008042 Ontario Inc., Owner, to amend Schedule “B” – Natural Heritage System to remove a Linkage and recognize the location of the existing watercourse, to amend Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features to recognize the location of the existing watercourse, to amend Schedule “E-1” – Urban Land Use Designations to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Open Space”, to amend the Meadowlands Mixed Use Secondary Plan to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Natural Open Space” and to modify the Site Specific Policy – Area A to permit a multiple dwelling with a maximum density of 93 units per hectare, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21197, 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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment application ZAC-19-002, by 2008042 Ontario Inc., Owner, to further modify the Mixed Use Medium Density (C5, 329, H86) Zone and for a change in zoning on a portion of the lands from the Mixed Use Medium Density (C5, 329, H86) Zone to the Conservation / Hazard Lands (P5) Zone to permit a six storey, 101 unit multiple dwelling and to recognize the location of an existing watercourse, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21197, 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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.



**(Ferguson/Pearson)**

That the recommendations in Report PED21197 be **amended** by adding the following sub-section (c):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Farr)**

That Report PED21197, **as amended**, be DEFERRED to a future Planning Committee meeting to allow the Ward Councillor, staff, and the applicant to review and reconsider the proposal.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(ii) Robert Cooper respecting Election Signs (Added Item 9.2)**

Robert Cooper addressed the Committee respecting Election Signs.

**(Ferguson/Pearson)**

That the Delegation from Robert Cooper respecting Election Signs, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson

NOT PRESENT - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

**(iii) Delegation Requests respecting Encampment Enforcement (Item 11.1) (Added Item 9.3)**

The following delegation was not in attendance when called upon:

(a)(v) Dakota Devenyi

The following delegations addressed the Committee respecting Encampment Enforcement:

(a) Virtual Delegations:

- (i) Denise Hancock
- (ii) Julie Lieff
- (vii) Paul McDonald
- (viii) Ted Pudney
- (ix) Janice Warner

(b) Pre-recorded Delegations:

- (i) Maria del Carmen Orlandis-Habsburgo
- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

**(Partridge/Pearson)**

That the above Delegations respecting Encampment Enforcement, be received.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 8 Councillor John-Paul Danko
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

**(Ferguson/Pearson)**

That the Committee Recess from 12:55 p.m. to 1:10 p.m.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(h) DISCUSSION ITEMS (Item 10)**

- (i) Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) (Item 10.2)**

Joe Buordolone, Planning Technician I, addressed the Committee with the aid of a PowerPoint presentation.

**(Farr/Ferguson)**

That the staff presentation be received.

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

CONFLICT - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

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

- (i) General Manager's Update (Added Item 13.1)**

Jason Thorne, General Manager of Planning and Economic Development, and Steve Robichaud, Director of Planning and Chief Planner, congratulated Shannon McKie, Senior Project Manager – Urban Team, on being awarded the West End Homebuilders Association's Women in Industry Young Contributor Award.

**(Ferguson/Farr)**

That the General Manager's Update, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

**(i) Closed Session Minutes – October 5, 2021 (Item 14.1)**

**(Ferguson/Partridge)**

- (a) That the Closed Session Minutes dated October 5, 2021, be approved, as presented; and,
- (b) That the Closed Session Minutes dated October 5, 2021, remain private and confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 CONFLICT - Ward 10 Councillor Maria Pearson

**(k) ADJOURNMENT (Item 15)**

**(Pearson/Farr)**

That there being no further business, the Planning Committee be adjourned at 2:02 p.m.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge

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YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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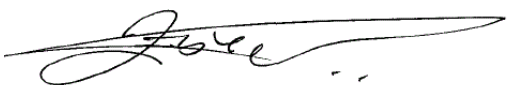
Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 2, 2021
<b>SUBJECT/REPORT NO:</b>	Public Notices at Infill Construction Sites (PED21202) (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

That the draft By-law attached as Appendix "A" to Report PED21202, requiring public notices to be posted at infill construction sites, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted on April 1, 2022.

## EXECUTIVE SUMMARY

The purpose of this report is to respond to concerns raised by the public regarding residential infill construction related nuisance issues in existing residential neighbourhoods. Staff have noted that the public is sometimes faced with confusion when they encounter issues on a residential infill construction site including who to contact if there is a concern. Additionally, those living close to these infill developments are interested in knowing what is being proposed in their neighbourhood.

To address these concerns the Building Division is proposing a new by-law that would require the installation of a public notice on all proposed residential infill construction and demolition sites in order to provide the public with information on what is being built or demolished in their neighbourhood. The proposed by-law is not intended to regulate construction, rather it has the purpose of providing key information regarding the project such as the builder contact information and a graphic illustration of the proposed construction.

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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: Public Notices at Infill Construction Sites (PED21202) (City Wide) -  
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**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not applicable.

Staffing: Not applicable.

Legal: The recommendation has no legal implications.

**HISTORICAL BACKGROUND**

Currently, the only public information posted on an infill construction site is the building permit placard which provides only basic information about the residential project. The Building Code does not authorize the inclusion of additional information on the permit placard. As a result, the public has limited information to help them understand the construction project and who to contact to resolve issues if they arise.

As background information, under the *Building Code Act* the Chief Building Official has a statutory duty to issue a building permit if all applicable law, as defined by the Ontario Building Code, has been met. A municipal by-law cannot interfere with this process, or conflict with the requirements of the *Building Code Act* or the Ontario Building Code. Accordingly, the proposed by-law requiring public notice at infill construction sites is not intended to regulate construction, rather its purpose is to provide key information regarding a proposed residential infill project to the public. The proposed public notice requirements are intended to run parallel with the building permit process as a separate and distinct municipal requirement.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Municipal Act, 2001*.

**RELEVANT CONSULTATION**

Legal Services has been consulted.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The proposed infill notice by-law (attached as Appendix “A” to this report) would apply to the following projects:

- Construction of a new house on a vacant lot;

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- Demolition of an existing house and construction of a new house on an existing lot;
- Demolition of an existing house where there is no proposed construction of a replacement house;
- The construction of an addition, or additions, to an existing house where the combined total area of the additions is 100 square metres or more; and
- The construction of a detached secondary dwelling unit.

Note that the public notice requirement would not apply to a new house in a plan of subdivision registered five years or less from the date of construction of the new house, or to a new house in an agricultural or open space zone. The intent is for it to apply to established neighbourhoods.

The public notice for infill construction is intended to act as a first point of information for the public. The proposed public notice would include the following information:

- Site address;
- Builder's name, telephone number and email address;
- Project description, including an illustration of the proposed house;
- Building permit number and date of issuance;
- Building Division contact information; and,
- Information on specific hours when the operation of equipment generating noise in residential areas is permitted

The proposed infill notice by-law would detail the requirements on the size of the public notice, where and when it has to be posted, and when it can be removed. An illustration of the proposed public notice can be found on Schedule A of the proposed by-law which is attached to this report as Appendix "A".

The proposed public notice would also provide general information on how to be a good neighbour covering such areas as tree protection, parking, litter, etc. This has not only been designed to assist in communication with residents, but as a way to communicate directly with everyone else on site including the builder, trades, etc. The objective is to



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encourage good construction practices, so that the infill construction has minimum impact on neighbours.

Additionally, the proposed by-law would also include enforcement and penalty provisions should a residential public notice not be installed and maintained in accordance with the by-law.

Staff are recommending that the proposed by-law comes into effect on April 1, 2022, in order to provide adequate time to develop the required forms and templates, develop a process, train staff, and educate builders on this new requirement.

**ALTERNATIVES FOR CONSIDERATION**

Not applicable.

**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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21202 - Proposed Infill Notice By-law

JMC:ll

**Appendix “A” to Report PED21202  
Page 1 of 15**

**Authority:** Item , Planning Committee  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**A By-law to Regulate Public Notices at Infill Construction Sites**

**WHEREAS** under subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City;

**AND WHEREAS** under subsection 128 (1) of the Act, a local municipality may prohibit and regulate with respect to public nuisances;

**AND WHEREAS** the collection of activities commonly referred to as Infill Housing Projects, involves a series of activities that have a variety of impacts on the surrounding area, such as increased traffic and creation of unusual traffic patterns in the surrounding area, interference with the use of public places, along with increased amounts of noise, waste, odour and dust which due to the sensitive nature of land uses in residential communities are of particular concern and may become or cause public nuisances;

**AND WHEREAS** under subsection 10(1) of the Act, the City may provide any service or thing that the City considers necessary or desirable for the public;

**AND WHEREAS** under subsection 10(2) of the Act, the City may enact by-laws respecting accountability and transparency of the City and its operations;

**AND WHEREAS** under section 425 of the Act, the City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence, and under section 429 may establish a system of fines for offences;

**AND WHEREAS** under section 445 of the Act, the City may make an order requiring the person who contravened, or caused or permitted the contravention, of a by-law or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, or do work to correct the contravention;

**AND WHEREAS** under sections 446 of the Act, the City may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the City may enter upon land at any reasonable time for this purpose;

**Appendix “A” to Report PED21202**  
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**AND WHEREAS** the City currently has a variety of operations and responsibilities which are designed to balance the public interest in the development of housing, with the public interest in the responsible management of the negative impacts on the surrounding area related to some activities related to Infill Housing Projects;

**AND WHEREAS** the required Information Notices will provide the public with clear and accessible information regarding residential Infill Housing Projects, the means by which to obtain more detailed information about the projects, and contact information for Builders of the projects so that the public may easily and directly address any complaints or concerns regarding the manner in which the projects are being carried out to the entity responsible;

**AND WHEREAS** Council has authorized the collection of information by the City regarding residential infill projects, including contact information for the Builders of said projects and the Owners of the properties where such projects take place, for the purpose of production of the Information Notices to be installed and displayed to the public and to enable the City to more efficiently implement its operations regarding Infill Housing Projects;

**AND WHEREAS** keeping the public informed about residential Infill Housing Projects, responsible construction practices, and the City's operations to respond to concerns and address compliance issues are part of the City's strategy to minimize or eliminate the negative impacts related to Infill Housing Projects;

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

**1. DEFINITIONS**

1.1 In this By-law:

“**Builder**” means the person who is responsible for carrying out or causing the carrying out of all demolition and/or construction activities of an Infill Housing Project.

“**Building Code Act, 1992**” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“**By-law**” means this By-law, to Regulate Public Notices at Infill Construction Sites;

“**City**” means the City of Hamilton;

“**Chief Building Official**” means the Chief Building Official appointed by the Council of the City of Hamilton pursuant to the *Building Code Act, 1992*, and any person authorized by the Chief Building Official to carry out the duties of the Chief Building Official under this By-law;

“**Construction Declaration Form**” means a Declaration Form required to be submitted to the Chief Building Official under this By-law where an application for an Infill Housing Construction Permit has been filed with the Chief Building Official;

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**“Declarant”** means the person who submits a Declaration Form or a revised Declaration Form to the Chief Building Official in accordance with the requirements of this By-law;

**“Declaration Form”** means a Demolition Declaration Form or a Construction Declaration Form required to be submitted to the Chief Building Official under the provisions of this By-law;

**“Demolition Declaration Form”** means a Declaration Form required to be submitted to the Chief Building Official under this By-law where an application for an Infill Housing Demolition Permit has been filed with the Chief Building Official;

**“House”** means a detached or semi-detached house, but shall not include a detached or semi-detached house which is to be built pursuant to a plan of subdivision registered 5 years or less from the date of construction of the new detached or semi-detached house, or for a new detached or semi-detached house in an agricultural or open space zone;

**“Infill Housing”** means demolition and/or construction in any of the following scenarios:

- (a) the construction of a new detached or semi-detached House on a vacant lot;
- (b) the demolition of an existing House and construction of a replacement new House;
- (c) the demolition of an existing House where there is no proposed construction of a replacement new House;
- (d) the construction of an addition or additions to an existing House where the combined total area of the additions is 100 square metres or more; or
- (e) the construction of a detached secondary dwelling unit;

**“Infill Housing Construction Permit”** means an infill housing permit authorizing only construction and not demolition;

**“Infill Housing Demolition Permit”** means an infill housing permit authorizing only demolition and not construction;

**“Infill Housing Permit”** means a permit issued for infill housing including an Infill Housing Construction Permit and an Infill Housing Demolition Permit;

**“Infill Housing Project”** means the infill housing demolition and/or construction work authorized by an Infill Housing Permit on a property;

**“Information Notice”** means the device as described in Schedule A that uses form, graphic, symbols and writing to convey information to the public regarding an Infill Housing Project;

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**Page 4 of 15**

**“Information Notice Template”** means the digital file prepared by the Chief Building Official consisting of the template for the production of the Information Notice;

**“Notice of Violation”** means an order issued by the Chief Building Official requiring a person to discontinue an activity which is in contravention of this By-law, or to do work to correct the contravention;

**“Occupancy Permit”** means an occupancy permit issued by the Chief Building Official pursuant to Article 1.3.3 of Division C of the Ontario *Building Code, 2012*;

**“Owner”** means the registered Owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property;

**“Permit”** means a demolition or construction permit issued by the Chief Building Official under the *Building Code Act, 1992*, but shall not include plumbing, HVAC and mechanical permits;

**“Property”** means the land on which infill housing is authorized under an Infill Housing Permit;

**“Revised Declaration Form”** means the form required to be submitted to the Chief Building Official under this By-law where there has been a change or changes to information provided in the original Construction Declaration Form;

**“Revised Information Notice Template”** means an Information Notice Template prepared by the Chief Building Official under this By-law on the basis of information provided in the Revised Declaration Form; and

**“Street”** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

## **2. ADMINISTRATION**

- 2.1 The Chief Building Official shall be responsible for the administration and enforcement of this By-law.
- 2.2 The Chief Building Official shall collect the information required by this By-law specifically for the purpose of creating and maintaining a record available to the general public.
- 2.3 An Information Notice shall not be considered a “Construction Information Ground Sign” pursuant to the City of Hamilton’s Sign By-law 10-197. For further clarity, the City of Hamilton’s Sign By-law 10-197, as amended, does not apply to an Information Notice.

### **3. INFORMATION NOTICE REGULATIONS**

#### **Requirement to Post Information Notices**

- 3.1 Where an Infill Housing Permit has been issued by the Chief Building Official for an Infill Housing Project, one or more Information Notices shall be erected and displayed on the property in accordance with the provisions of this By-law.
- 3.2 Where an Infill Housing Project requires both an Infill Housing Demolition Permit and an Infill Housing Construction Permit, separate Information Notices shall be erected and displayed on the property in respect of the demolition and construction, respectively, in accordance with the provisions of this By-law.

#### **Demolition Declaration Form**

- 3.3 On the same date that an application for an Infill Housing Demolition Permit is filed with the Chief Building Official, a Demolition Declaration Form shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official, and the Declarant shall pay the fee prescribed in the City's Fees and Charges By-law, as amended.
- 3.4 The Demolition Declaration Form shall contain the following information:
  - (a) The municipal address of the property;
  - (b) The name of the Owner of the property, and where the Owner is a corporation, the name of an officer of the corporation responsible for the property;
  - (c) A working contact phone number and contact e-mail address for the Owner, both of which shall at all times be active and reliable, and where the Owner is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.4 (b);
  - (d) The name of the Builder, and where the Builder is a corporation, the name of an officer of the corporation responsible for the Infill Housing Project;
  - (e) A working contact phone number and contact e-mail address for the Builder, both of which shall at all times be active and reliable, and where the Builder is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.4 (d); and
  - (f) Any other information required and prescribed by the Chief Building Official.

#### **Construction Declaration Form**

- 3.5 At any time following the filing of an application for an Infill Housing Construction Permit with the Chief Building Official but no later than the date of issuance of the

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**Page 6 of 15**

Infill Housing Construction Permit, a Construction Declaration Form shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official, and the Declarant shall pay the fee prescribed in the City’s Fees and Charges By-law, as amended.

- 3.6 Notwithstanding Subsection 3.5, where no Builder has assumed responsibility for the Infill Housing Project as at the date of issuance of the Infill Housing Construction Permit such that construction of the Infill Housing Project will not yet be commencing, the Construction Declaration Form shall be submitted to the Chief Building Official within 24 hours of a Builder assuming responsibility for the Infill Housing Project.
- 3.7 The Construction Declaration Form shall contain the following information:
- (a) The municipal address of the property;
  - (b) A description of the Infill Housing Project;
  - (c) The name of the Owner of the property, and where the Owner is a corporation, the name of an officer of the corporation responsible for the property;
  - (d) A working contact phone number and contact e-mail address for the Owner both of which shall at all times be active and reliable, and where the Owner is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.7(c);
  - (e) The name of the Builder, and where the Builder is a corporation, the name of an officer of the corporation responsible for the Infill Housing Project;
  - (f) A working contact phone number and contact e-mail address for the Builder, both of which shall at all times be active and reliable, and where the Builder is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in Subsection 3.7(e);
  - (g) The decision file numbers and decision dates of any decision of the Committee of Adjustment, Ontario Municipal Board, and/or Local Planning Appeal Tribunal, pertaining to the Infill Housing Project; and
  - (h) Any other information required and prescribed by the Chief Building Official.
- 3.8 The Construction Declaration Form shall be accompanied by a rendering of the building at the property as it is expected to look following the completion of the Infill Housing Project, and the rendering shall meet the following requirements:
- (a) shall be in black and white;
  - (b) shall consist of a line drawing of the front and rear elevation of the Infill Housing Project; and

- (c) in a minimum resolution of 300 dpi.

### **Preparation and Delivery of the Information Notice Template**

- 3.9 Where the Chief Building Official is satisfied that the Declaration Form contains all the required information, the Chief Building Official shall prepare an Information Notice Template in a design prescribed by the Chief Building Official.
- 3.10 Where the Declaration Form submitted to the Chief Building Official is a Demolition Declaration Form, the Information Notice Template shall contain the following information:
  - (a) The Infill Housing Demolition Permit application number;
  - (b) The municipal address of the property;
  - (c) The name of the Builder and the contact phone number and e-mail address for the Builder;
  - (d) Reference to Hamilton Building's website;
  - (e) Hamilton Building Inspections Contact Phone Number; and
  - (f) Any other information required by the Chief Building Official.
- 3.11 Where the Declaration Form submitted to the Chief Building Official is a Construction Declaration Form, the Information Notice Template shall contain the following information:
  - (a) The Infill Housing Construction Permit number;
  - (b) The date of issuance of the Infill Housing Construction Permit;
  - (c) The municipal address of the property;
  - (d) The name of the Builder and the contact phone number and e-mail address for the Builder;
  - (e) The decision file numbers and decision dates of any decision of the Committee of Adjustment, Ontario Municipal Board, and/or Local Planning Appeal Tribunal;
  - (f) The rendering filed with the Construction Declaration Form under section 3.8 of this By-law;
  - (g) Reference to Hamilton's Building's website;
  - (h) Hamilton's Building Inspections Contact Phone Number; and
  - (i) Any other information required by the Chief Building Official.



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- 3.12 In the case of a Demolition Declaration Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the date of receipt of the completed Demolition Declaration Form to the Chief Building Official's satisfaction.
- 3.13 In the case of a Construction Declaration Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the later of:
- (a) the issuance of the Infill Housing Construction Permit by the Chief Building Official; and
  - (b) the date of receipt of the completed Construction Declaration Form by the Chief Building Official to the Chief Building Official's satisfaction.
- 3.14 The Information Notice Template shall be deemed to have been received by the Declarant on the date it is delivered by the Chief Building Official.

**Production and Erection of Information Notice**

- 3.15 Using the Information Notice Template provided by the Chief Building Official to the Declarant, the Owner or Builder shall, at the Owner's or Builder's own cost, produce or arrange for the production of the number of Information Notices, required pursuant to section 3.16, which shall comply with the following standards:
- (a) Be sized in accordance with Schedule A;
  - (b) Be constructed entirely of Coroplast, corrugated Polypropylene plastic or other durable weather resistant material; and
  - (c) Prominently display the forms, graphics, symbols and writing as indicated in Schedule A and the Information Notice Template delivered by the Chief Building Official.
- 3.16 One Information Notice shall be required for every lot line of a property facing a Street.
- 3.17 Where the Infill Housing Project is pursuant to an Infill Housing Demolition Permit, the Owner or Builder shall erect and display or cause the erection and display of the number of Information Notices required by section 3.16 on the property at least five business days prior to the commencement of demolition.
- 3.18 Where the Infill Housing Project is pursuant to an Infill Housing Construction Permit, the Owner or Builder shall erect and display or cause the erection and display of the number of Information Notices required by section 3.16 on the property within five business days of the commencement of construction.
- 3.19 All Information Notices shall be erected and displayed on the property either on the construction fence or in any other visible and conspicuous location on the property and in accordance with the following requirements:

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**Page 9 of 15**

- (a) Each Information Notice shall face a Street;
  - (b) Each Information Notice shall be erected and displayed such that the bottom of the Information Notice is not less than 0.61 metres from grade;
  - (c) Nothing shall obscure or block the view of the Information Notice; and
  - (d) Each Information Notice shall be erected in a safe and secure manner.
- 3.20 Within 24 hours of erecting the required number of Information Notices at the property, a photograph of each Information Notice erected shall be provided to the Chief Building Official in the manner prescribed by the Chief Building Official confirming that the Information Notices have been erected and are being displayed in accordance with the provisions of this By-law.

### **Removal of the Information Notice**

- 3.21 All Information Notices shall remain erected and displayed on the property to which they relate until an Occupancy Permit has been issued by the Chief Building Official at which time they may be removed.
- 3.22 Notwithstanding section 3.21, where the Information Notice relates to an Infill Housing Demolition Permit, the Information Notice shall remain erected and displayed on the property until all demolition work authorized by the Infill Housing Demolition Permit has been completed, to the satisfaction of the City, at which time it may be removed.

### **Maintenance**

- 3.23 Information Notices shall at all times be maintained in good condition and, without limiting the foregoing, shall not become unsafe, damaged, structurally unsound, or dangerous.
- 3.24 Should an Information Notice become damaged, unsafe, structurally unsound, dangerous, obstructed or no longer visible for any reason, it shall immediately be replaced with a new Information Notice produced using the Information Notice Template provided by the Chief Building Official under this By-law.

### **Revisions**

- 3.25 Should any information provided in the Construction Declaration Form change following the submission of the Construction Declaration Form to the Chief Building Official by the Declarant under this By-law, a revised Declaration Form with the revised information shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official.
- 3.26 A revised Declaration Form is not required where the only change following the submission of the Construction Declaration Form to the Chief Building Official is to the rendering provided in section 3.8.

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- 3.27 The revised Declaration Form need not be accompanied by a new rendering of the building at the property as it is expected to look following the completion of the Infill Housing Project.
- 3.28 Where a revised Declaration Form is submitted to the Chief Building Official after the Chief Building Official has delivered the Information Notice Template to the Declarant, and where the changes to the information in the original Construction Declaration Form relate to the information required under this By-law, the Chief Building Official shall prepare a revised Information Notice Template and shall, within two business days of receiving the revised Declaration Form, deliver the revised Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official.
- 3.29 The Declarant shall be deemed to have received the revised Information Notice Template on the date it is delivered by the Chief Building Official.
- 3.30 Using the revised Information Notice Template provided by the Chief Building Official to the Declarant, the Owner or Builder shall produce or arrange for the production of new Information Notices which comply with the requirements of this By-law.
- 3.31 Within three business days of receipt of the revised Information Notice Template by the Declarant, the Owner or Builder shall erect and display or cause the erection and display of new Information Notices on the property which comply with the requirements under this By-law.
- 3.32 Within 24 hours of erecting the new Information Notices at the property, a photograph of each Information Notice erected shall be provided to the Chief Building Official in the manner prescribed by the Chief Building Official confirming that the Information Notices have been erected and are being displayed in accordance with the provisions of this By-law.

#### **4. ENFORCEMENT**

##### **Inspections**

- 4.1 The Chief Building Official may enter upon the property at any reasonable time to:
- (a) Determine whether Information Notices have been erected and displayed as required; and/or
  - (b) Inspect an Information Notice for the purpose of determining whether it complies with the provisions of this By-law.

##### **Offences and Penalties**

- 4.2 Any person, other than a corporation, who contravenes any provision of this By-law or who obstructs or attempts to obstruct an officer in carrying out his or her duties under this By-law, is guilty of an offence and on conviction is liable to a fine

**Appendix “A” to Report PED21202**  
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of not less than \$500 and no more than \$50,000, recoverable under the provisions of the *Provincial Offences Act, R.S.O., Chapter P. 33*, as amended, or any successor legislation thereto.

- 4.3 Any corporation which contravenes any provision of this By-law or who obstructs or attempts to obstruct an officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and no more than \$100,000, recoverable under the provisions of *the Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended, or any successor legislation thereto.
- 4.4 In addition to offences referred to in sections 4.2 and 4.3, every person, including a corporation, is guilty of an offence who:
- (a) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law;
  - (b) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, application or other document prepared, submitted or filed under this By-law;
  - (c) Fails to submit a Declaration Form or a revised Declaration Form as required;
  - (d) Fails to erect and display an Information Notice as required;
  - (e) Fails to erect and display the number of Information Notices required;
  - (f) Erects and displays or causes to be erected and displayed an Information Notice without first obtaining an Information Notice Template from the Chief Building Official;
  - (g) Erects and displays or causes to be erected and displayed an Information Notice contrary to the Information Notice Template or revised Information Notice Template delivered by the Chief Building Official;
  - (h) Erects and displays an Information Notice which does not comply with the provisions of this By-law;
  - (i) Fails to maintain an Information Notice in accordance with the provisions of this By-law;
  - (j) Produces or causes to be produced an Information Notice for which an Information Notice Template has not been prepared by the Chief Building Official;
  - (k) Produces or causes to be produced an Information Notice which does not comply with the provisions of this By-law;
  - (l) Removes an Information Notice contrary to the provisions of this By-law; and

**Appendix “A” to Report PED21202**  
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- (m) Is a director or officer of a corporation and knowingly concurs with actions taken by or on behalf of the corporation in relation to an offence described in subsections 4.4 (a-l).
- 4.5 Each offence in section 4.4 with the exception of the offences in Subsections 4.4 (l) and (m), is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a minimum fine of no less than \$250 and a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence in section 4.5 may exceed \$100,000.

### **Enforcement**

- 4.6 The Chief Building Official may issue a Notice of Violation requiring compliance with this By-law within 14 days to any person who:
- (a) Has failed to erect and display or cause to be erected and displayed an Information Notice as required under this By-law;
  - (b) Has erected and displayed or caused to be erected and displayed an Information Notice contrary to the Information Notice Template or revised Information Notice Template delivered by the Chief Building Official; or
  - (c) Has erected and displayed or caused to be erected and displayed an Information Notice which does not comply with the provisions of this By-law.
- 4.7 Where a Notice of Violation has been issued under section 4.6 and the matter has not been brought into compliance with this By-law within 14 days, the Chief Building Official may take any action deemed necessary to achieve compliance including but not limited to erecting and displaying or causing to be erected and displayed Information Notices on the property, removing or causing to be removed an Information Notice, altering or causing to be altered an Information Notice, and repairing or causing to be repaired an Information Notice, and the City may recover the costs incurred by action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
- 4.8 The Chief Building Official may enter onto the property for the purpose of actions taken under section 4.6.

## **5. MISCELLANEOUS**

- 5.1 The short title of this By-law is the “Infill Notice By-law.”
- 5.2 This by-law comes into force on April 1, 2022.

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**Page 13 of 15**

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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F. Eisenberger  
Mayor

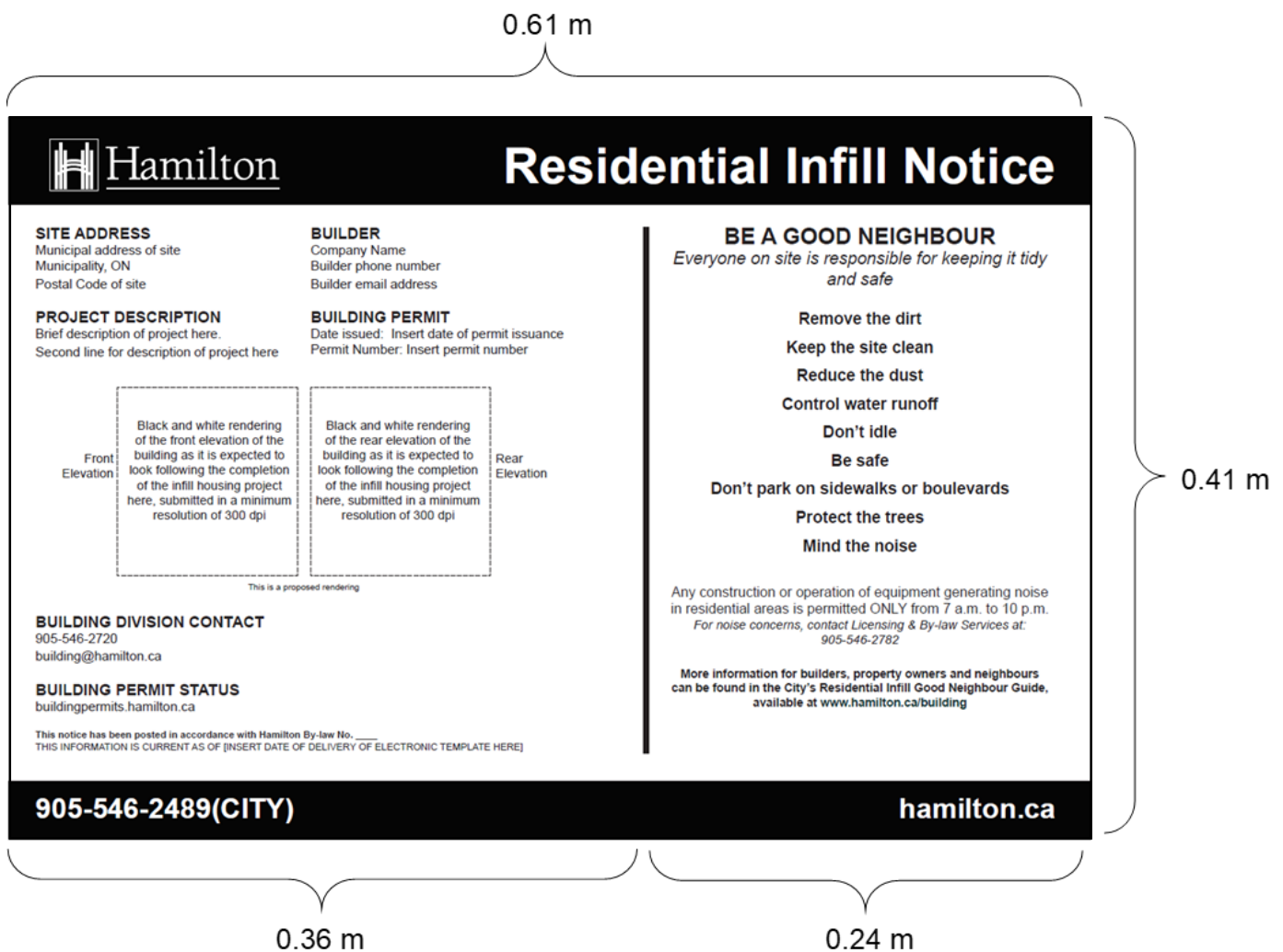
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A. Holland  
City Clerk

**Schedule A**  
**Information Notice Specifications**

- 1.1 The Information Notice related to an Infill Housing Project containing construction shall be sized in accordance with the requirements of Section 3 of this by-law and shall be in general accordance with the Information Notice Template entitled "Residential Infill Notice – Construction" shown in Diagram 1.

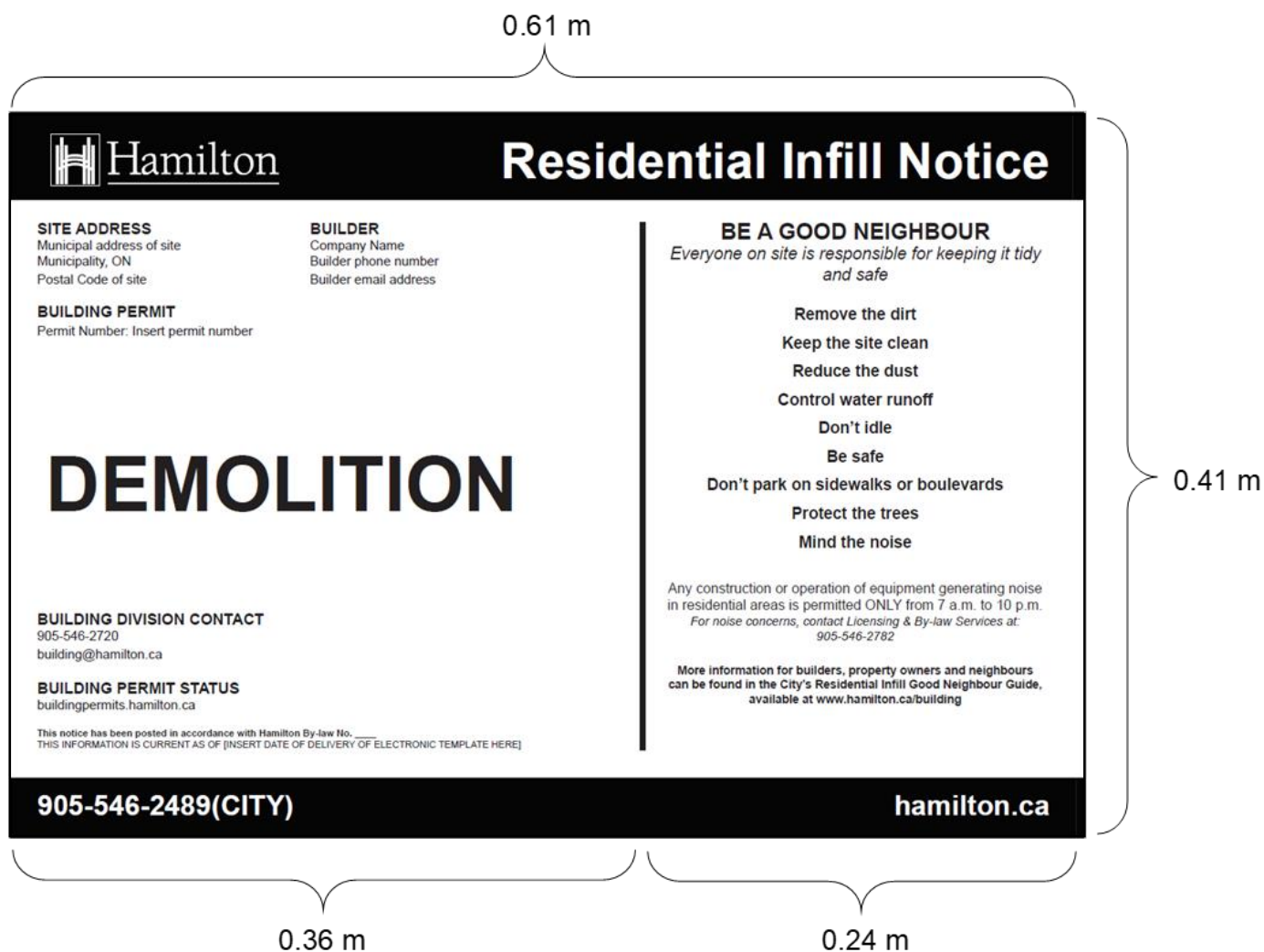
**Diagram 1**  
Residential Infill Notice – Construction



**Appendix “A” to Report PED21202**  
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- 1.2 The Information Notice related to an Infill Housing Project, which includes only demolition and no proposed construction, shall be sized in accordance with the requirements of Section 3 of this by-law and shall be in general accordance with the Information Notice Template entitled "Residential Infill Notice – Demolition" shown in Diagram 2.

**Diagram 2**  
 Residential Infill Notice – Demolition



- 1.3 The Information Notice Templates shown in Diagram 1 and 2 may be revised by the Chief Building Official as required.





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 2, 2021
<b>SUBJECT/REPORT NO:</b>	Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED21210) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Amanda McIlveen (905) 546-2424 Ext. 6009
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, and amended from time to time, be further amended as follows:

- (a) That on-street parking be free at all times from November 24 to December 24 annually, and limited to two hours in duration for the Westdale Business Improvement Area.

### EXECUTIVE SUMMARY

The purpose of this Report is to request City Council approval to revise the Pre-Christmas Free Parking Program for the Westdale Business Improvement Area (BIA). The revision is to change the dates of the Program, which currently runs from December 1 to December 31, to be in line with the period for the majority of BIAs, which runs from November 24 to December 24 annually. The Recommendation contained in this Report has been endorsed by the affected BIA.

### Alternatives for Consideration – Not Applicable

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**SUBJECT: Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED21210) (Ward 1) - Page 2 of 3**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Allowing the Westdale BIA to alter their period of participation in the Pre-Christmas Free Parking Program will result in a projected decrease of additional revenues of approximately \$1,500 annually. This projection is based on a review of parking activity and the shifting of dates for the free parking period.

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

In 2003, staff consulted with the former Hamilton Association of Business Improvement Areas (HABIA) and individual BIAs to develop a consistent Pre-Christmas Free Parking Program. The resulting Council-approved Program provided free on-street parking (with a two-hour limit) in BIAs from November 24 to December 24 annually, except in Westdale, Dundas, and on Ottawa Street, where the details differ as there are different needs and desires.

Westdale originally chose not to participate in the Pre-Christmas Free Parking Program, as for several years Westdale had free parking on the four Saturdays before Christmas and the last five weekday business days before Christmas.

In November 2015, Report PED15177 was approved to allow the Westdale BIA to participate annually in the Pre-Christmas Free Parking Program from December 1 to December 31 due to the different needs of the Westdale business community.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

- BIA Advisory Committee; and,
- Westdale BIA.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Hamilton Municipal Parking System (HMPS) is seeking Council approval to adjust Westdale's Pre-Christmas Free Parking Program such that parking will be free at all times from November 24 to December 24 annually. Essentially, this would see the free

**SUBJECT: Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED21210) (Ward 1) - Page 3 of 3**

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parking period start seven days earlier and end eight days sooner to coincide with the prime holiday shopping period.

Adjusting the Westdale BIA's free dates to begin on November 24 would be in line with other BIA organizations that currently participate in the Pre-Christmas Free Parking Program.

This request aligns with the 2003 direction from Council to allow free parking in the BIA areas to assist businesses during the Christmas season.

**ALTERNATIVES FOR CONSIDERATION**

N/A

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

**Economic Prosperity and Growth**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

N/A

AM:cr



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 2, 2021
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Mark Andrews (905) 546-2424 Ext. 1384
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That Amended **Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners**, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21203, 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 (2020) and conforms to A Place to Grow (2019, as amended);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 2 of 12**

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## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate through future consent applications the creation of two residential lots for single detached dwellings on Chambers Drive and the retention of an existing single detached dwelling on Springbrook Avenue. The retained lot at 365 Springbrook Avenue contains an existing single detached dwelling which is proposed to remain. The two proposed lots will have frontage along Chambers Drive. Future applications for consent will be required for the creation of these lots. Modifications to the minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, minimum side yard and maximum yard encroachment into the front yard (Blocks 2 and 3) and minimum rear yard (Block 1) are proposed to facilitate the proposed development.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Meadowlands Neighbourhood IV Secondary Plan; and,
- It is compatible with and complementary to the existing surrounding neighbourhood.

***Alternatives for Consideration – See Page 12.***

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

Financial: N/A

Staffing: N/A

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

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 3 of 12**

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## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Applicant/Owner:	GSP Group Inc.
Agent:	John and Geraldine Bouwers and LIV Communities.
File Number:	ZAR-21-015.
Type of Application:	Zoning By-law Amendment.
Proposal:	The proposed Zoning By-law Amendment is for a change in zoning to facilitate the creation of two residential lots for single detached dwellings fronting Chambers Drive and the retention of an existing single detached dwelling fronting Springbrook Avenue.
<b>Property Details</b>	
Municipal Address:	365 Springbrook Avenue and Part of Block 121, Plan 62M-1161.
Lot Area:	0.14 ha.
Servicing:	Full Municipal Services.
Existing Use:	Single detached dwelling (to remain on reconfigured lot).
Proposed Uses:	The existing single detached dwelling (fronting Springbrook Avenue) is proposed to remain on a reconfigured lot. Two new lots are proposed for two new single detached dwellings fronting onto Chambers Drive.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.
Official Plan Existing:	<ul style="list-style-type: none"> <li>Neighbourhoods on Schedule "E" – Urban Structure and on Schedule "E-1" – Urban Land Use Designations in the UHOP. The subject lands are also designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan.</li> </ul>

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 4 of 12**

<b>Documents</b>	
Official Plan Proposed:	N/A.
Zoning Existing:	Agricultural "A" Zone and Residential "R4-563" Zone, Modified (Town of Ancaster Zoning By-law No. 87-57).
Zoning Proposed:	Residential "R4-714" Zone, Modified (Blocks 1, 2 and 3) (Town of Ancaster Zoning By-law No. 87-57).
Modifications Proposed	<p><b>Applicant Requested Modifications (Block 1)</b></p> <ul style="list-style-type: none"> <li>For the existing dwelling, a minimum rear yard of 4.5 metres, whereas 7.5 metres is required.</li> </ul> <p><b>Applicant Requested Modifications (Blocks 2 and 3)</b></p> <ul style="list-style-type: none"> <li>Minimum lot area of 365 square metres, whereas 400 square metres is required;</li> <li>Minimum lot frontage of 11.4 metres, whereas 12 metres is required;</li> <li>Maximum lot coverage of 45%, whereas 35% is permitted;</li> <li>Minimum front yard of 5.5 metres, whereas 7.5 metres is required;</li> <li>Minimum side yard of 1.1 metres, whereas 1.2 metres is required; and,</li> <li>An unenclosed porch and stairs may project not more than 2.0 metres into the required front yard, whereas a maximum projection of 1.5 metres is permitted.</li> </ul> <p><b>Staff Requested Modifications (Blocks 2 and 3)</b></p> <ul style="list-style-type: none"> <li>Minimum front yard of 5.5 metres to the dwelling and 6 metres to an attached garage, whereas 7.5 metres is required.</li> </ul>
<b>Processing Details</b>	
Received:	March 25, 2021.
Deemed Complete:	April 1, 2021.
Notice of Complete Application:	Sent to 109 property owners within 120 m of the subject property on April 16, 2021.
Public Notice Sign:	April 22, 2021, sign updated on October 6, 2021.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365  
Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster)  
(PED21203) (Ward 12) - Page 5 of 12**

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<b>Processing Details</b>	
Notice of Public Meeting:	October 15, 2021.
Public Comments:	No comments received at the time of preparation of this Report.
Processing Time:	222 days.

### **EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwelling.	Agricultural "A" Zone and Residential "R4-563" Zone, Modified.
<b>Surrounding Lands:</b>		
<b>North</b>	Single detached dwellings.	Agricultural "A" Zone.
<b>South</b>	Single detached dwellings.	Residential "R4-562" Zone Modified and Residential "R4-563" Zone, Modified.
<b>East</b>	Single detached dwellings.	Residential "R4-563" Zone, Modified.
<b>West</b>	Single detached dwellings.	Agricultural "A" Zone and Residential "R4-562" Zone, Modified.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

#### **Provincial Policy Statement (2020) (PPS):**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). 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 for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) 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. Matters of Provincial interest (e.g. efficiency of land use) are discussed in the Official Plan analysis below.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan (UHOP) it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

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

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP. The subject lands are also designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan. The following UHOP policies in Volume 1, amongst others, apply to the subject application.

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.3.1.4      Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their on-going evolution;
- E.3.1.5      Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods;
- 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;

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- 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*.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained.”

The proposed development for two new lots for single detached dwellings is a form of intensification which will also contribute to the provision of additional housing within the neighbourhood, and the development of complete communities as envisioned in the UHOP. The area is well served with a neighbourhood park (Fair Park) to the west. The proposed housing form, being single detached dwellings, as well as the lot areas, frontages, coverage and front and rear yard setbacks proposed, are consistent with surrounding land uses which are dominated by low density residential uses. In addition, as the surrounding neighbourhood contains a mix of “R4” Zones with a variety of lot sizes and lot areas along Springbrook Avenue and Chambers Drive, the building footprints will be compatible with the existing single detached dwellings in the surrounding neighbourhood in terms of scale and massing. As with the current surrounding land use, parking can be provided on the sites. The subject lands are within the interior of the neighbourhood and will be accessed from both Springbrook Avenue and Chambers Drive, both identified as Local Roads.

#### Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.”

The proposed development is located in the Marritt Neighbourhood. The proposal consists of two new lots for single detached dwellings fronting onto Chambers Drive and the retention of the existing single detached dwelling fronting onto Springbrook Avenue. The proposed two residential lots for single detached dwellings are permitted by the UHOP and comply with the low density residential policies of the Neighbourhoods designation.

Therefore, the proposed Zoning By-law Amendment Application complies with the UHOP.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 8 of 12**

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**Meadowlands Neighbourhood IV Secondary Plan**

The subject lands are designated “Low Density Residential 2b” within the Meadowlands Neighbourhood IV Secondary Plan. The following policies, amongst others, apply to the proposal.

- “B.2.6.1.4 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:
- (a) In the Low Density Residential 2b designation:
    - (i) The density shall be approximately 1 to 30 units per net residential hectare;
    - (ii) Predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,
    - (iii) Generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

The proposal consists of one existing, reconfigured lot with an existing single detached dwelling, fronting onto Springbrook Avenue and two lots for single detached dwellings that will front onto Chambers Drive. The proposed two residential lots for two single detached dwellings complement the surrounding neighbourhood in that the surrounding land uses are single detached dwellings and are located within the interior of the Marritt Neighbourhood with direct access to local roads. The overall density of the proposal is approximately 18 units per net residential hectare (including the area of Block 121).

Based on the foregoing, the proposal complies with the policies of Meadowlands Neighbourhood IV Secondary Plan.

**Town of Ancaster Zoning By-law No. 87-57**

The subject lands are zoned Agricultural “A” Zone and Residential “R4-563” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED21203.

The Agricultural “A” Zone and the Residential “R4-563” Zone, Modified permit single detached dwellings, including uses, buildings or structures accessory to the permitted use. The parent zoning by-law regulation requires larger lot areas and lot frontages than the lots being proposed. The applicant has proposed a rezoning to a modified Residential “R4” Zone with modifications to the minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, minimum rear yard, maximum yard encroachment for the front yard and minimum side yard to facilitate the development of

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 9 of 12**

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single detached dwellings. The modified requirements are consistent with the existing Residential “R4-563” Zone, Modified applicable to lands fronting onto Chambers Drive in the immediate vicinity of the subject lands. The modifications are discussed in detail in the Analysis and Rationale for Recommendation section and Appendix “D” attached to Report PED21203.

## RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> <li>• Transportation Planning;</li> <li>• Forestry;</li> <li>• Hydro One Networks Inc;</li> <li>• Canada Post;</li> <li>• Bell Canada;</li> <li>• Hamilton Conservation Authority;</li> <li>• Hamilton-Wentworth District School Board; and,</li> <li>• Hamilton-Wentworth Catholic District School Board.</li> </ul>	No Comment.

Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<p><b>Existing Infrastructure</b></p> <p>Springbrook Avenue and Chambers Drive are both served by watermains, sanitary sewers and storm sewers.</p> <p><b>Right-of-Way Widths</b></p> <p>No road widenings are required to be dedicated to the City.</p> <p>Cash payments may be required as a condition of the future Consent application for lot grading and drainage, erosion and sediment control, stormwater management infrastructure, driveway approaches and any damage during construction.</p>	This will be required and addressed through the future Consent process.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 10 of 12**

<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	The municipal addresses for the proposed lots will be determined through the future Consent applications.	This will be required and addressed through the future Consent process.
Development Charges Programs and Policies, Corporate Services.	Municipal Act Sewer Charges will apply at the future Consent stage.	This will be required and addressed through the future Consent process.

## **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 109 property owners within 120 m of the subject property on April 16, 2021, requesting comments on the proposed Zoning By-law Amendment Application.

A Public Notice Sign was posted on the property on April 22, 2021, and updated on October 6, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given on October 15, 2021, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy within their Planning Justification Report. As the application was minor and not complex and did not receive any feedback from neighbouring residents with any concerns, a neighbourhood meeting was not held. Public notice was provided via the Public Notice sign as well as the notice when the application was deemed complete, which was mailed to residents within 120 metres of the subject property.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

(1) The proposal can be supported for the following reasons:

- (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
- (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
- (iii) It complies with the UHOP and the Meadowlands Neighbourhood IV Secondary Plan; and,

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 11 of 12**

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(iv) It is compatible with and complementary to the existing surrounding neighbourhood.

(2) Zoning By-law Amendment

The subject lands are currently zoned Agricultural “A” Zone and Residential “R4-563” Zone, Modified in the Town of Ancaster Zoning By-law No. 87-57.

The applicant has requested that the subject lands be rezoned to a site-specific Residential “R4” Zone to facilitate the development of two single detached dwellings on residential lots to be created fronting Chambers Drive and the retention of the existing single detached dwelling fronting Springbrook Avenue.

Single detached dwellings are permitted within the “Neighbourhoods” designation of the UHOP and within the “Low Density Residential 2b” designation of the Meadowlands Neighbourhood IV Secondary Plan. Staff are in support of this change of zoning as the proposal complies with the UHOP policies and the Meadowlands Neighbourhood IV Secondary Plan.

The subject lands will provide similar zoning as adjacent lands (“R4-562” Zone, Modified and “R4-563” Zone, Modified) to the east along Chambers Drive to ensure compatibility in terms of built form, massing, height, setbacks from the street and building separation. The lands to the south and north are comprised of Residential “R4-562” and “R4-563 Zones, Modified, which provide similar built form based on similar criteria, such as frontage (12 metres for the “R4-563” Zone, Modified versus 11.4 metres proposed), setbacks (3 metres to the dwelling and 6 metres to a garage for the “R4-563” Zone, Modified versus 5.5 metres proposed), lot area (375 square metres for the “R4-563” Zone, Modified versus 365 square metres proposed), coverage (45% for the “R4-563” Zone, Modified versus 45% proposed) and building height. These modifications will ensure compatibility with the adjacent single detached dwellings in the immediate vicinity.

The subject application proposes to modify the minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, minimum rear yard, yard encroachments and minimum side yard. These modifications are further discussed in Appendix “D” attached to Report PED21203.

Staff support the proposed change in zoning.

(3) Future consent applications will be required to create the two lots fronting onto Chambers Drive. As a condition of the future Consent applications, Block 1 and Block 2 (Part of Block 121, Plan 62M-1161) will need to merge prior to the Consent being finalized.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) - Page 12 of 12**

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**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application not be approved, the lands remain under the Agricultural “A” Zone and the Residential “R4-563” Zone, Modified, which would permit one single detached dwelling on the lot in its current form.

**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.

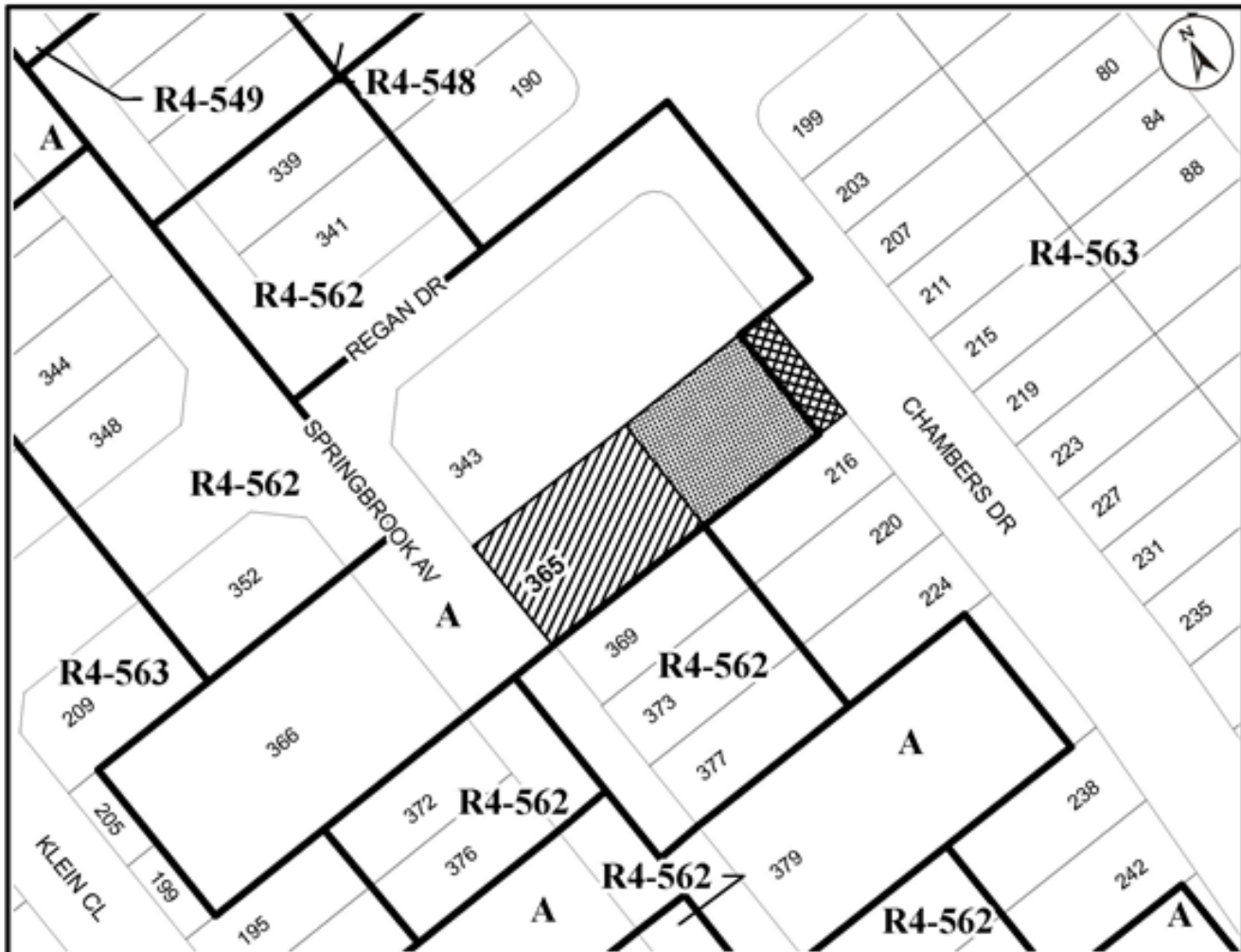
**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED21203 - Location Map
- Appendix “B” to Report PED21203 - Draft Zoning By-law
- Appendix “C” to Report PED21203 - Concept Plan
- Appendix “D” to Report PED21203 - Zoning Modification Chart

Appendix "A" to Report PED21203  
Page 1 of 1



● Site Location



Key Map - Ward 12

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-21-015

Date:  
October 12, 2021




Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MA/VS

### Subject Property

365 Springbrook Avenue

-  Block 1 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified
-  Block 2 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified
-  Block 3 - Change in zoning from the Residential "R4-563" Zone, Modified to the Residential "R4-714" Zone, Modified



**Appendix “B” to Report PED21203  
Page 1 of 4**

Authority: Item XX, Planning Committee  
Report 21-XXX  
CM: XXXX  
Ward: 12  
**Bill No. XXX**

**CITY OF HAMILTON**

**BY-LAW NO. 21-XXX**

**To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 365 Springbrook Avenue and  
Part of Block 121, Plan 62M-1161**

**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 City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Section \_\_\_\_\_ of Report 21-\_\_\_\_\_ of the Planning Committee at its meeting held on the 2<sup>nd</sup> day of November 2021, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be 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-B of Schedule “A”, appended to and forming part of Zoning By-law No. 87-57 (Ancaster) is amended, by changing the zoning from the Agricultural “A” Zone to the Residential “R4-714” Zone, Modified (Block 1), the Agricultural “A” Zone to the Residential “R4-714” Zone, Modified (Block 2) and the Residential “R4-563” Zone, Modified to the Residential “R4-714” Zone, Modified (Block 3), on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

**Appendix “B” to Report PED21203**  
**Page 2 of 4**

- (2) The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

“R4 – 714” (Block 1)

That notwithstanding the provisions of Sub-section 12.2: Regulations of Section 12: Residential “R4” Zone (f) the following special provision shall apply to the lands zoned “R4-714”:

**REGULATIONS**

- |                        |   |
|------------------------|---|
| (f) Minimum Rear Yard: | 4.5 metres for the dwelling existing as of the passage of R4-714 Zoning By-law. |
|------------------------|---|

“R4 – 714” (Block 2 and Block 3)

That notwithstanding the provisions of Sub-section 12.2: Regulations of Section 12: Residential “R4” Zone (a), (b), (c), (d) and (e) the following special provisions shall apply to the lands zoned “R4-714”:

**REGULATIONS**

- |                           |   |
|---------------------------|---|
| (a) Minimum Lot Area:     | 365 square metres   |
| (b) Minimum Lot Frontage: | 11.4 metres   |
| (c) Maximum Lot Coverage: | 45%   |
| (d) Minimum Front Yard:   | 5.5 metres to a dwelling and 6 metres to an attached garage |
| (e) Minimum Side Yard:    | 1.1 metres  |

That notwithstanding the provisions of Sub-section 7.12: Yard Encroachments of Section 7: General Provisions (d) the following special provision shall apply to the lands zoned “R4-714” (Blocks 2 and 3):

- |                        |   |
|------------------------|---|
| (d) Yard Encroachments | An unenclosed porch and stairs may project not more than 2.0 metres into the required front yard. |
|------------------------|---|

- (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 Residential “R4” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

**Appendix "B" to Report PED21203**  
**Page 3 of 4**

- (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 \_\_\_\_\_, 2021.

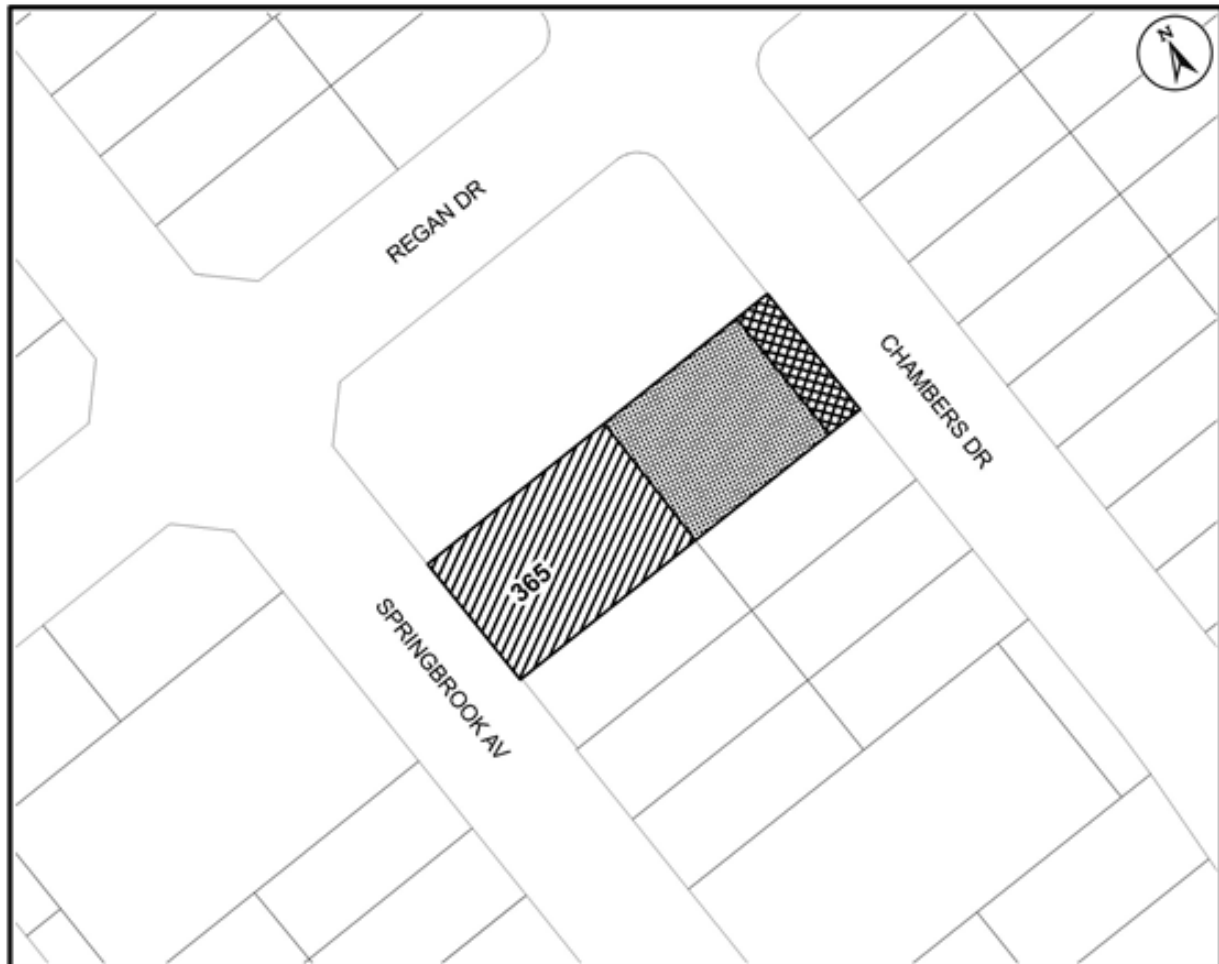
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Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAR-21-015






This is Schedule "A" to By-law No. 21-  
Passed the ..... day of ....., 2021

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Mayor  
-----  
Clerk

**Schedule "A"**  
**Map forming Part of**  
**By-law No. 21-\_\_\_\_\_**  
**to Amend By-law No. 87-57**

**Subject Property**  
365 Springbrook Avenue

-  Block 1 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified
-  Block 2 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified
-  Block 3 - Change in zoning from the Residential "R4-563" Zone, Modified to the Residential "R4-714" Zone, Modified

Scale:  
N.T.S

File Name/Number:  
ZAR-21-015

Date:  
October 12, 2021

Planner/Technician:  
MA/V.S

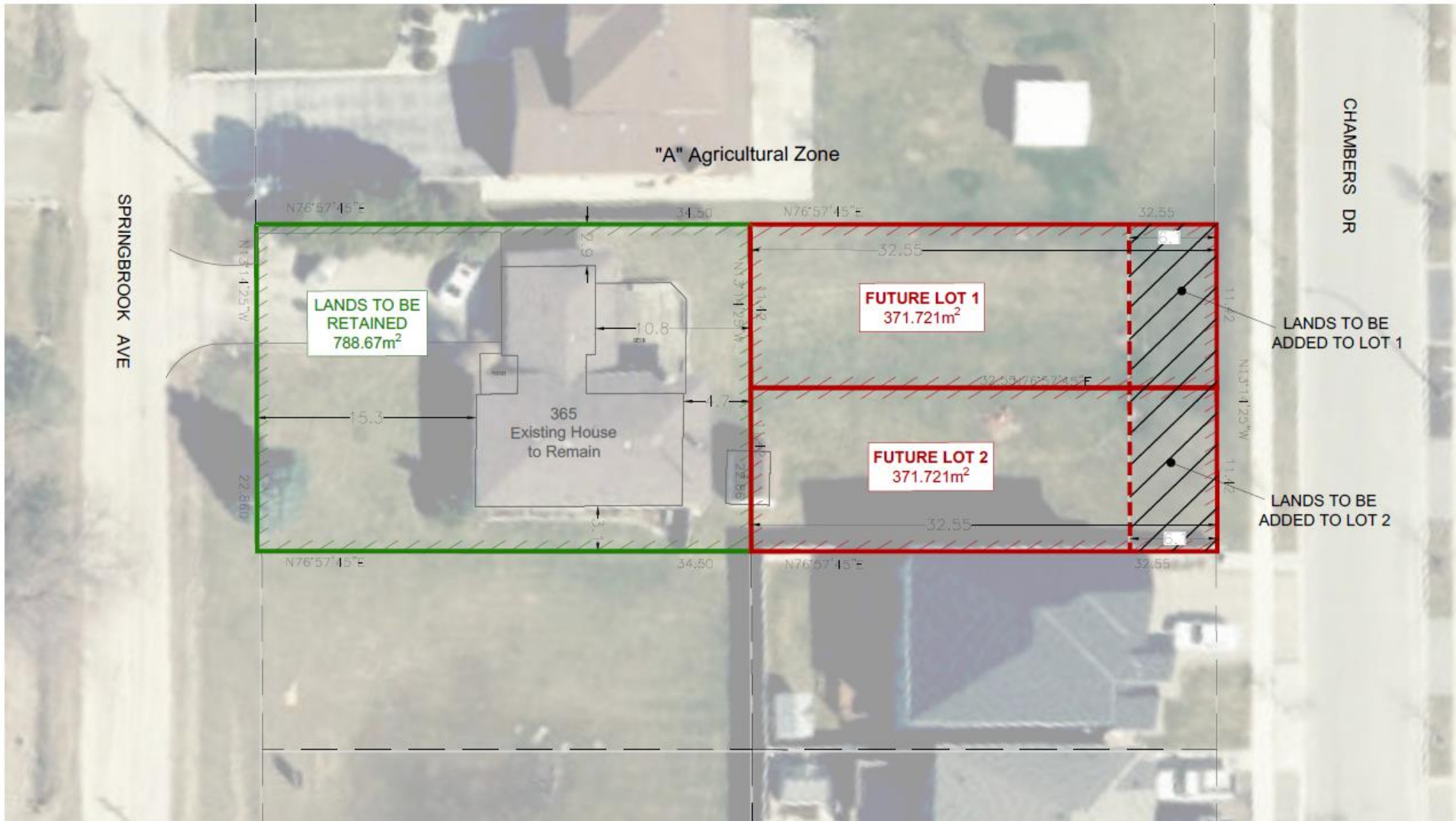


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT




### Site Specific Modifications to the Residential “R4” Zone

<b>Block 2 and Block 3</b>			
<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum Lot Area.	400 square metres.	365 square metres.	<p>The intent of this provision is to allow for adequate area to accommodate a dwelling with the necessary side yards, landscaped area, amenity area and parking. The rear lot line of the future severed lots is aligned with the existing lot depths along Chambers Drive.</p> <p>The modification is maintaining the intent of the Zoning By-law as the applicant has demonstrated the ability to provide a sufficient building envelope with the appropriate side yards, rear yard, landscaped areas, amenity area and parking with the decreased lot area. Therefore, staff support the modification.</p>
Minimum Lot Frontage.	12 metres.	11.4 metres.	<p>The proposed minimum lot frontage modification is slightly less than the required parent provision, however it is consistent with lot widths and frontages of the existing single detached lots in the neighbourhood to provide a consistent streetscape and still provide for an adequate front yard for landscaping and for a driveway. Therefore, staff support the modification.</p>
Maximum Lot Coverage.	35%	45%	<p>The intent of this provision is to allow for adequate area to accommodate a dwelling with the appropriate front and rear yards, side yards, landscaped area, amenity area and parking which are all provided. The proposed coverage also allows for adequate lot drainage. The modification is consistent with the lot coverage in the immediate vicinity and the properties zoned “R4-563”. Therefore, staff support the modification.</p>
Minimum Front Yard.	7.5 metres.	5.5 metres to the dwelling and 6 metres to an attached garage.	<p>The intent of this provision is to allow for adequate area to accommodate front yard landscaping and a parking area. The “R4-563” Zone in the immediate vicinity permits a minimum front yard setback of 3.0 m to the dwelling and 6.0 m to the garage. Although the yard regulation in the “R4-563” Zone allows for flexibility, the adjacent dwellings south of the site have front yard setbacks between 4.5 m and 6.0 m. The proposed front yard setback of 5.5 m is consistent with these abutting setbacks allowing for a consistent front yard setback for the dwellings on this block. Therefore, staff support this modification.</p>

Minimum Side Yard.	1.2 metres.	1.1 metres.	The intent of this provision is to allow for adequate separation between adjacent dwellings to ensure building code compliance and to address privacy and overlook concerns while maintaining access for maintenance and drainage. This reduction will generally be imperceptible and is required to accommodate the proposed building layout. The 1.1 m side yard will still allow for access to the rear yard and will allow for appropriate separation distances between dwellings and will only apply to one side (where there is an attached garage) while maintaining 1.2 metres on the other side. Therefore, staff support the modification.
Yard Encroachments.	1.5 metres into required front yard.	2.0 metres into required front yard.	The intent of the By-law is to provide a distance separation from the porch and street, and to provide a consistent residential streetscape. The modification is maintaining the general intent of the Zoning By-law as the porch is consistent with the surrounding lots and is in keeping with the residential streetscape. Therefore, staff support the modification.
<b>Block 1</b>			
<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum Rear Yard.	7.5 metres.	4.5 metres.	The rear yard reduction only applies to the lot to be retained. The proposed severance line (rear lot line) is aligned with the abutting lots. While the minimum rear yard will be 4.5 m for a portion of the existing dwelling, it increases in depth to 10.8 metres behind the two-car garage where there is currently a deck. Given the configuration of the dwelling, the existing dwelling will maintain an adequate rear yard amenity area, including the deck. Therefore, staff support the modification.



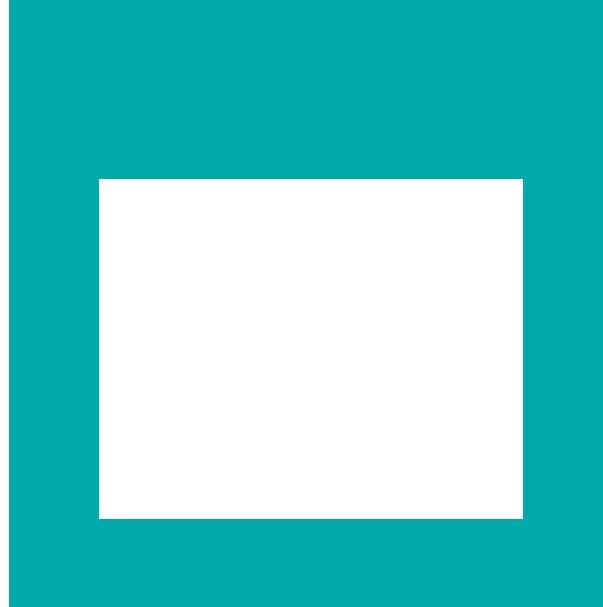
**LANDS TO BE REZONED AND  
SUBSEQUENTLY SEVERED**  
365 SPRINGBROOK AVENUE, HAMILTON

-  LANDS TO BE SEVERED  
AREA: 743.442m<sup>2</sup>
-  LANDS TO BE RETAINED  
AREA: 788.67m<sup>2</sup>
-  LANDS TO BE ADDED TO LOTS 1 AND 2  
AREA: 139.324m<sup>2</sup>



NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.  
Scale 1:300 | February 24, 2021 | Project No.: 20214 | Drawn By: MN





WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

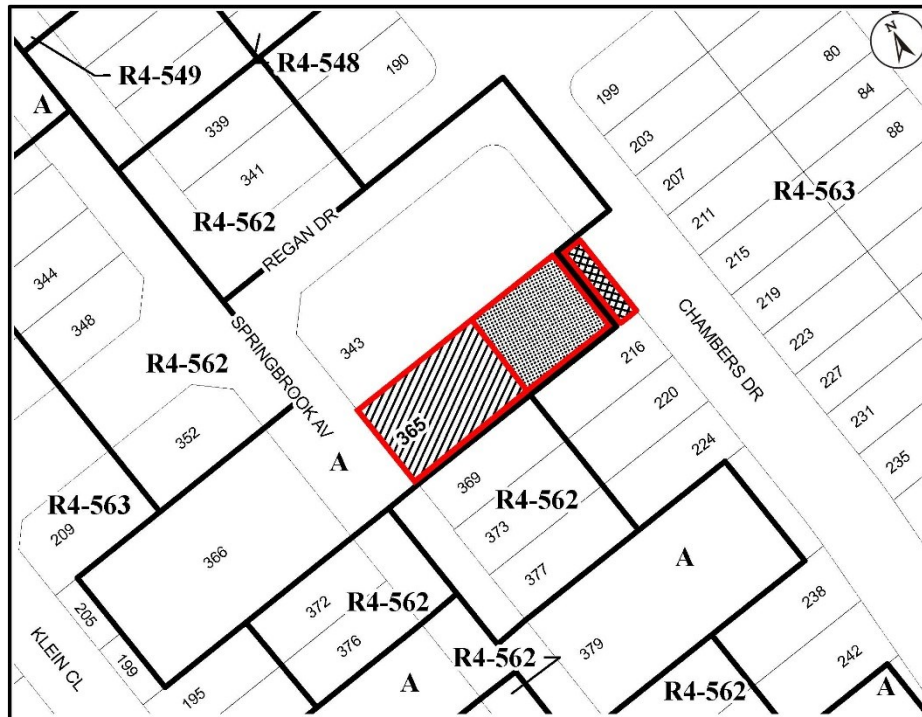
November 2, 2021



## PED21203– (ZAR-21-015)

Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161, Ancaster

Presented by: Mark Andrews



<p>● Site Location</p> <p>Key Map - Ward 12</p>	<h3>Location Map</h3>	
	<small>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</small>	
	<small>File Name/Number:</small> ZAR-21-015	<small>Date:</small> October 12, 2021
	<small>Appendix "A"</small>	<small>Scale:</small> N.T.S.
<p><b>Subject Property</b></p> <p>365 Springbrook Avenue</p> <ul style="list-style-type: none"> <li> Block 1 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified</li> <li> Block 2 - Change in zoning from the Agricultural "A" Zone to the Residential "R4-714" Zone, Modified</li> <li> Block 3 - Change in zoning from the Residential "R4-563" Zone, Modified to the Residential "R4-714" Zone, Modified</li> </ul>		





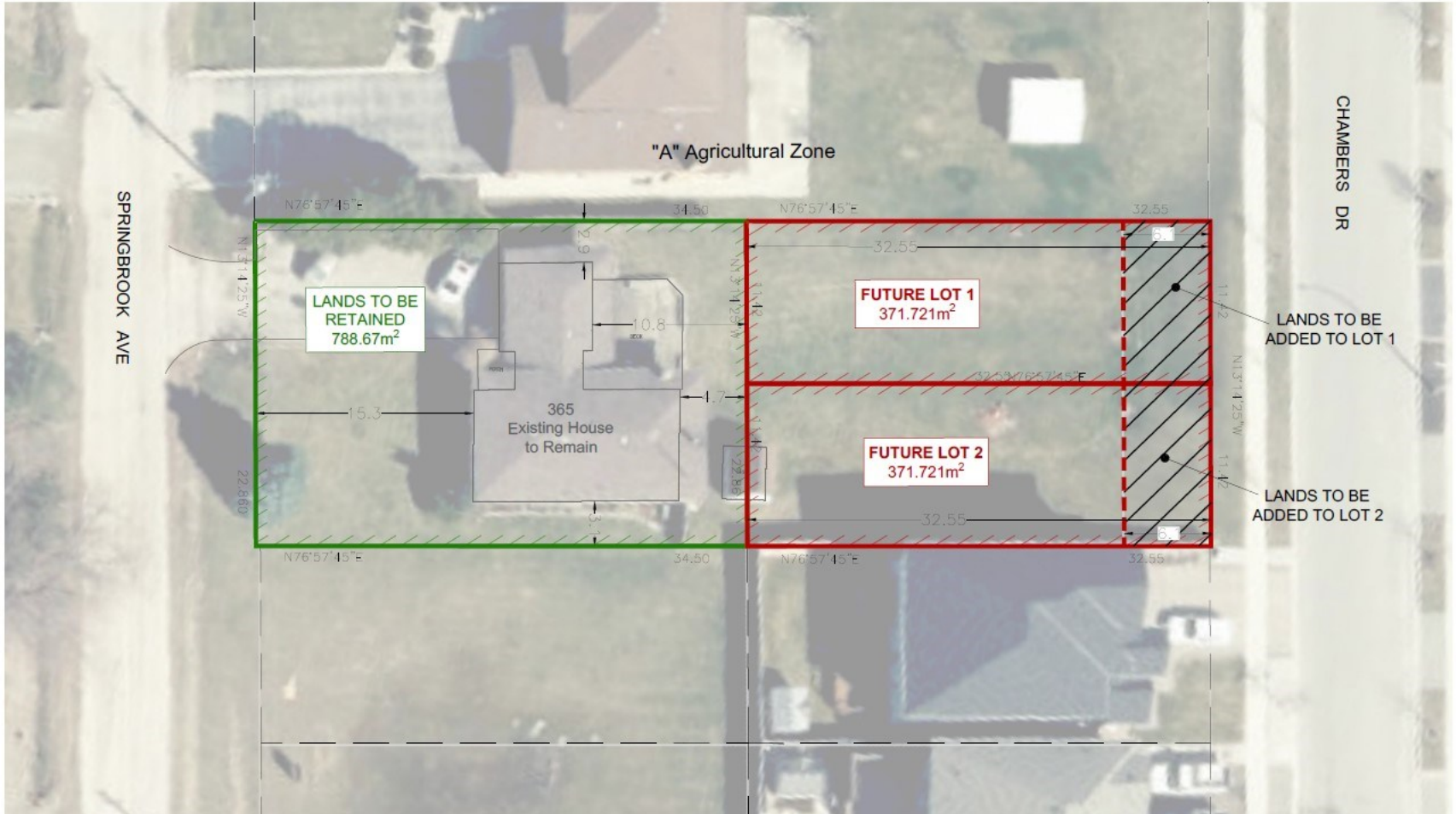
SUBJECT PROPERTY




365 Springbrook Avenue, Ancaster







**LANDS TO BE REZONED AND  
 SUBSEQUENTLY SEVERED**  
 365 SPRINGBROOK AVENUE, HAMILTON

-  LANDS TO BE SEVERED  
 AREA: 743.442m<sup>2</sup>
-  LANDS TO BE RETAINED  
 AREA: 788.67m<sup>2</sup>
-  LANDS TO BE ADDED TO LOTS 1 AND 2  
 AREA: 139.324m<sup>2</sup>

0 1 2 3 5 10  
 Meters

NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.  
 Scale 1:300 | February 24, 2021 | Project No.: 20214 | Drawn By: MN







Subject Property from Springbrook Avenue





Looking Across the Street of Subject Property (West side of Springbrook Avenue)





Subject Property Looking South Along Springbrook Avenue (Towards Garner Road)





Subject Property Looking North Along Springbrook Avenue (Towards Regan Drive)





Rear of Subject Property from Chambers Drive





East Side of Chambers Drive from Rear of Subject Property





Rear of Subject Property Looking South along Chambers Drive Towards Lockman Drive



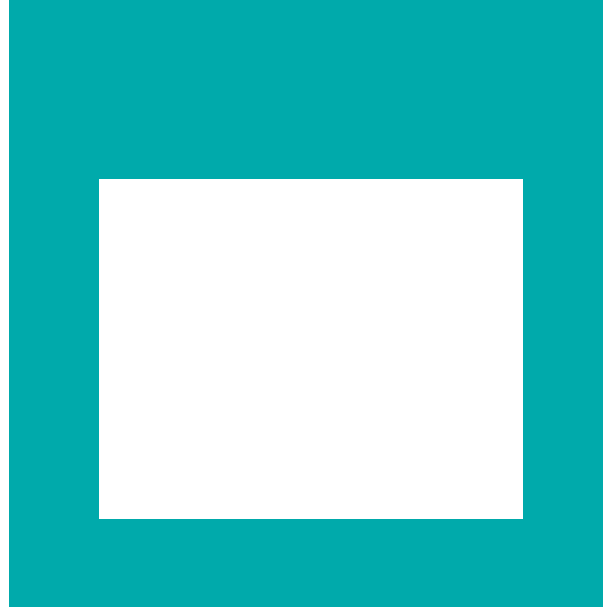


Streetscape of Chambers Drive Looking South from Subject Property (Rear) Towards Lockman Drive





Streetscape of Chambers Drive Looking North Towards Regan Drive



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

# CITY OF HAMILTON MOTION

Planning Committee: November 2, 2021

**MOVED BY COUNCILLOR J. FARR.....**

**SECONDED BY COUNCILLOR .....**

### **Outdoor Dining Districts Extension**

WHEREAS, early in the pandemic, Council - through GIC motion(S) - supported a local "Outdoor Dining Districts" initiative to permit restaurants the ability to easily accommodate safe outdoor dining on public road allowances and other spaces (both public and private);

WHEREAS, the Outdoor Dining Districts initiative complemented and expanded upon the City's pre-COVID on-street temporary patio program;

WHEREAS, the council born program proved to be extremely successful with over 200 establishments taking advantage of the streamlined and cost effective safe outdoor dining spaces in 2021;

**THEREFORE BE IT RESOLVED:**

That the appropriate staff be requested to report back to Council with options and the necessary policy or by-law changes to maintain the Outdoor Dining Districts program on a permanent basis, alongside the existing on-street temporary patio program

# CITY OF HAMILTON

## MOTION

Planning Committee: November 2, 2021

**MOVED BY COUNCILLOR J. FARR.....**

**SECONDED BY COUNCILLOR .....**

**Pier 8 and Cops Pier - Haida Improvements**

WHEREAS; A considerable amount of private and public investments continue on the West Harbour including Pier 8

WHEREAS; The Haida plays an historic and ongoing significant role as it relates to community building, tourism attraction to the greater investments.

THEREFORE BE IT RESOLVED:

That the appropriate staff from the Planning and Economic Development Department reach out to Parks Canada regarding any plans or potential investment by the federal government into an enhanced entrance and gateway to the HMCS Haida National Historic Site that would better integrate with the City's significant investment in the enhanced public space along Pier 8 and the Cops Pier.