



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 22-005  
**Date:** April 5, 2022  
**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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**Pages**

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA  
(Added Items, if applicable, will be noted with \*)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
  - 4.1. March 22, 2022
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS
8. STAFF PRESENTATIONS

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## 9. PUBLIC HEARINGS / DELEGATIONS

- 9.1. John Matas respecting a Demolition Permit for 474-476 James Street North (Approved at the March 22nd meeting)
- 9.2. Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance (Approved at the March 22nd meeting)
- 9.3. Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) 47
- 9.4. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) 80
- 9.5. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) 153
- a. Written Delegations: 354
- (i) Karen and Paul Shields
  - (ii) Mark Collings
  - (iii) Barb Russell-Morse
  - (iv) Debra and Edward Valevicius
  - (v) R.H. Baker
  - (vi) David Molnar
  - (vii) Dr. Christina Grant and Sheldon Norton
  - (viii) Douglas Amos
  - (ix) Heather Bull
  - (x) John and Jan Allan
  - (xi) Brad Kuhn
  - (xii) Jane Brown
  - (xiii) Doug Stephens
  - (xiv) Gail Moffat
  - (xv) Enrico and Julie Palmese
  - (xvi) David Hardcastle
  - (xvii) Robert Annandale
  - (xviii) Peter Palmer
  - (xix) Marc Bader
  - (xx) Shannon Kyles
  - (xxi) Brian Dale
  - (xxii) Dr. Brooke Pearson and Kathleen Pearson

(xxiii) Maxine Morris-Zecchini and Mario Zecchini

Added Written Submissions:

(xxiv) Jan King  
(xxv) Bonnie Angelini  
(xxvi) Anka Cassar  
(xxvii) Jim MacLeod  
(xxviii) Gayle Villeneuve  
(xxix) Patrick Harrington, Aird & Berlis LLP  
(xxx) Nancy Dingwall  
(xxxi) Dan Faulkner  
(xxxii) Chris Asimoudis  
(xxxiii) David Watkins  
(xxxiv) Robert and Arleen Outlaw  
(xxxv) Patrick Bermingham  
(xxxvi) Amy Cross  
(xxxvii) Patti Leonard  
(xxxviii) William & Marta Vandermarel  
(xxxix) Lucy Bower  
(xl) Marion Spicer and Nell Farmer Spicer  
(xli) Pat and David Venus  
(xlii) Jessica Laposi  
(xliii) Veronica Watkins  
(xliv) Klaas Detmar  
(xlv) Jennifer Asimoudis  
(xlvi) Gail Lazzarato  
(xlvii) Sandra Starr  
(xlviii) Kelly Pearce  
(xlix) Linda Friend and Terry Pearce

b. Registered Delegations:

(i) Margarita De Antunano

Added Registered Delegations:

(ii) Bob Maton  
(iii) Lilian Druiven

9.6. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide)

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<b>12.</b>	<b>NOTICES OF MOTION</b>	
<b>13.</b>	<b>GENERAL INFORMATION / OTHER BUSINESS</b>	
13.1.	Outstanding Business List	

- a. Items Requiring New Due Dates
  - 18L - Review of C6 and C7 Zoning Regulations Proposed New Due Date: November 29, 2022
  - 19B - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) Proposed New Due Date: June 14, 2022
  - 19G - Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) Proposed New Due Date: May 31, 2022
  - 19Q - Application for Zoning By-law Amendment for Lands Located at 116 and 120 Proposed New Due Date: Q4 2022
  - 19X - Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton Proposed New Due Date: June 14, 2022
  - 19BB - Parking Fee Review (PED19238) Proposed New Due Date: May 17, 2022
  - 20L - Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Proposed New Due Date: September 20, 2022
  - 21X - License Rental Housing (PED21097/LS21022) Proposed New Due Date: July 2022
  - 21Y - Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5) Proposed New Due Date: July 2022

- b. Items to be Removed
  - 18E - 2018 Development Fee Review (Item (d)(i)(b) on the General Issues Committee Report 2018)
  - 19D - 2019 Operating Budget Offsets from Planning and Development Fees (PED19066) (Item 3 on the General Issues Committee Report 19-006)
  - 19J - Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1 on the April 30, 2019 agenda)
  - 19DD - Anthony Longo respecting 2070 Rymal Road East (Delegation) ( Added Item 6.1 on the November 19, 2019 agenda)
  - 19GG - Implementation and Resources Required re: Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation (\*\* Recommendation that it be removed from PC and referred to H&SC)(Item 4 on the December 4, 2019 General Issues Committee Report)
  - 20-F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (Added Item 6.4, Hamilton Municipal Heritage Committee Report 20-003, Recommendation #3) (Item 4.6)
  - 21AA - Outdoor Dining Districts Extension (Item 11.1)(Item 11.1 on the November 2, 2021, Planning Committee Report 21-017)
  - 21H - John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17- 033 and ZAC-17-073) (Item (g)(v) on the April 20, 2021 Planning Committee Report 21-006)

## 14. PRIVATE AND CONFIDENTIAL

- 14.1. Closed Session Minutes - March 22, 2022  
Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

## 15. ADJOURNMENT



**PLANNING COMMITTEE  
MINUTES**

**22-004**

**March 22, 2022**

**9:30 a.m.**

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

**Present:** Councillors B. Johnson (Chair)  
L. Ferguson (1<sup>st</sup> Vice Chair), M. Wilson (2<sup>nd</sup> Vice Chair),  
M. Pearson, J. Farr, J.P. Danko and J. Partridge

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

**1. Hamilton Municipal Heritage Committee Report 22-002 (Item 7.1)**

**(Partridge/Pearson)**

**(a) Register Listing Objections in Waterdown Village (PED21201(a))  
(Ward 15) (Item 8.1)**

- (i) That Council receive the notices of objection, attached as Appendix "A" to Report 22-002 from the owners of 296 Dundas Street East, 362 Dundas Street East, 30 Elgin Street, 19 Flamboro Street and 280 Mill Street South, Flamborough, objecting to the notices of Council's decision to list the non-designated properties on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act;
- (ii) That Council continue to include 296 Dundas Street East, 362 Dundas Street East, 30 Elgin Street and 280 Mill Street South, Flamborough, on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, pursuant to Section 27(8) of the Ontario Heritage Act; and
- (iii) That Council remove 19 Flamboro Street, Flamborough, from the Municipal Heritage Register, pursuant to Section 27(8) of the Ontario Heritage Act.

- (b) Recommendations for Designation under Part IV of the Ontario Heritage Act in Waterdown Village (PED21201(b)) (Ward 15) (Item 8.2)**
- (a) That City Council state its intention to designate the following properties under Part IV, Section 29 of the Ontario Heritage Act:
- (i) 289 Dundas Street East, Flamborough (Smith-Carson House), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “B” to Report 22-002;
  - (ii) 292 Dundas Street East, Flamborough (Maple Lawn), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “C” to Report 22-002;
  - (iii) 298 Dundas Street East, Flamborough (Former New Connexion Church), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “D” to Report 22-002;
  - (iv) 299 Dundas Street East, Flamborough (Crooker House), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “E” to Report 22-002;
  - (v) 1 Main Street North, Flamborough (Royal Coachman/Formal Kirk Hotel), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “F” to Report 22-002;
  - (vi) 134 Main Street South, Flamborough (Former Wesleyan Methodist Parsonage), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “G” to Report 22-002;
  - (vii) 8 Margaret Street, Flamborough (Reid House), in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as outlined in Appendix “H” to Report 22-002;
- (b) That the City Clerk be directed to give Notices of Intention to designate the properties of cultural heritage value or interest in Recommendation (a) of Report PED21201(b), in accordance with

the requirements of Section 29 of the Ontario Heritage Act, subject to the following:

- (i) That issuance of the Notice of Intention to designate 299 Dundas Street East, Flamborough (Crooker House) be delayed to give the owner time to complete the alterations approved as part of Site Plan Control Application MDA-17-039, with the understanding that the City Clerk shall issue the Notice of Intention to designate upon completion of such alterations or earlier if the approved work has not been completed within a reasonable amount of time or if there is a threat or perceived threat to the heritage attributes of the property outside the scope of the approved work, as determined by the Director of Planning and Chief Planner;
  - (ii) For each property that receives no objections to the Notice of Intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
  - (iii) For each property that receives any objection to the Notice of Intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the Notice of Intention to designate the property.
- (c) That 9 Main Street North, Flamborough (Village Fish and Chips), be removed from staff's designation work plan.
- (c) Heritage Easement Agreement Application HEA2022-001 for 159 Carlisle Road, Flamborough (Ward 15), Part IV Designation, By-law No. 2000-105-H and Heritage Easement Agreement WE996943 (PED22048) (Item 8.3)**

That Heritage Easement Agreement Application HEA2022-001, for the installation of a replacement metal roof consisting of metal shingles (Decra Shingle XD), for the lands located at 159 Carlisle Road, be APPROVED, subject to the following conditions:

- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;

- (ii) Installation of the alterations, in accordance with this approval, shall be completed no later than January 31, 2024. If the alterations are not completed by January 31, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (iii) That appropriate notice of the Council decision be served on the owner of 159 Carlisle Road, Flamborough, as required under Section 3.2.1 of the Heritage Easement Agreement.

**(d) Inventory and Research Working Group Meeting Notes - November 22, 2021 (Item 10.1)**

- (a) 223 Governor's Road, Dundas (Item 1)

That the property at 223 Governor's Road, Dundas, be added to the Municipal Heritage Register.

**(e) Notice of Intention to Demolish the Building located at 17 Church Street, Flamborough, being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED22052) (Ward 15) (Item 10.2)**

That the Notice of Intention to Demolish the Building located at 17 Church Street, Flamborough, being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED22052) (Ward 15), be received.

**(f) Notice of Intention to Demolish the Building at 97 John Street North, Hamilton, being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED22057) (Ward 2) (Item 10.3)**

That the Notice of Intention to Demolish the Building at 97 John Street North, Hamilton, being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED22057) (Ward 2), be received.

**(g) Inventory and Research Working Group Notes – January 24, 2022 (Added Item 10.4)**

- (a) 1107 Main Street West (Grace Lutheran Church) (Item 1)

That 1107 Main Street West, Grace Lutheran Church, be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the Ontario Heritage Act.

**(h) Request for Participation in 2022 Doors Open Hamilton, by the Hamilton Municipal Heritage Committee (Item 13.3)**

That members of the Hamilton Municipal Heritage Committee be permitted to participate in the upcoming 2022 Doors Open Hamilton, in keeping with the Committee's mandate to participate, where possible, in heritage events and activities.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**2. Annual Report on Building Permit Fees (PED22069) (City Wide) (Item 7.2)**

**(Wilson/Farr)**

That Report PED22069 respecting the Annual Report on Building Permit Fees, be received.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**3. Amendments to the Pool Enclosure By-law 16-184 (PED22067) (City Wide) (Item 7.3)**

**(Ferguson/Danko)**

That the By-law, attached as Appendix "A" to Report PED22067 to amend City of Hamilton By-law No. 16-184, a By-law to Regulate Enclosures for Privately-Owned Outdoor Pools, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**4. Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (PED22038) (Ward 2) (Item 7.4)**

**(Farr/Ferguson)**

That Report PED22038 respecting the Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton, 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**5. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22039) (City Wide) (Item 7.5)**

**(Danko/Wilson)**

That Report PED22039 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22039) (City Wide), 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. City of Hamilton's Response to the Provincial Housing Affordability Task Force (HATF) Report (PED22071) (City Wide) (Item 7.6)****(Wilson/Danko)**

- (a) That Council adopt the staff response to the Ministry of Municipal Affairs and Housing regarding the Provincial Housing Affordability Task Force Report; and,
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province, attached as Appendix "A" to Report PED22071.

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

**7. Application to Amend Hamilton Zoning By-law No. 05-200 for Lands Located at 1040 Garner Road West, Ancaster (PED22059) (Ward 12) (Item 9.1)****(Ferguson/Pearson)**

- (a) That Zoning By-law Amendment Application ZAC-21-030, by Urban Solutions Planning and Land Development c/o Matt Johnston on behalf of Garner Investments Inc., Owner, for a change in zoning from the Prestige Business Park (M3, 376, 678) Zone to the Prestige Business Park (M3, 376, 678, 771) Zone to modify the restaurant requirements applicable to the subject lands, as shown on Appendix "A" attached to Report PED22059, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED22059 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), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

- (b) *That the public submissions were received and considered by Committee in approving the application.*

**Result: Main Motion, As Amended, CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**8. Waterdown Community Node Secondary Plan and Waterdown Community Transportation Management Plan (PED22001) (Ward 15) (Item 9.2)**

**(Partridge/Wilson)**

- (a) That the Waterdown Community Node Secondary Plan be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22001, 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 City Initiative CI-21-F, to implement the policy directions of the Waterdown Community Node Secondary Plan and associated Urban Design Guidelines, for lands located within the Waterdown Secondary Plan boundary, for:
- (i) Changes in zoning from the Urban Residential (Single Detached) “R1”, “R1-1”, “R1-2”, “R1-3”, “R1-5”, “R1-6”, “R1-13”, “R1-26”, “R1-61” Zones, the Core Area Residential “R5” and “R5-2” Zones and the Business District “BD-1” Zone in the former Township of Flamborough Zoning By-law No. 90-145-Z, to the Urban Residential (Single Detached) “R1-74”, “R1-74a”, “R1-74b”, “R1-74c”, “R1-74d”, “R1-74e”, “R1-74f”, “R1-74g” and “R1-74h” Zones and the Core Area Residential “R5”, “R5-2”, and “R5-3” and “R5-4” Zones, in the former Township of Flamborough Zoning By-law No. 90-145-Z;
  - (ii) Change in zoning from the Public Use “P” Zone in the former Township of Flamborough Zoning By-law No. 90-145-Z to the

Mixed Use Medium Density (C5, 752, 754) Zone in the City of Hamilton Zoning By-law No. 05-200;

- (iii) Change in zoning from the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning By-law No. 05-200 to the Core Area Residential “R5” Zone in the former Township of Flamborough Zoning By-law No. 90-145-Z;
- (iv) Changes in zoning from the Neighbourhood Commercial (C2, 593) Zone, the Mixed Use Medium Density (C5), (C5, 700) (C5, 573, 582) (C5, 582) Zones, the Mixed Use Medium Density – Pedestrian Focus (C5a) (C5a, 304) and (C5a, 695) Zones, the Neighbourhood Institutional (I1) Zone, and the Community Institutional (I2) Zone; to the Neighbourhood Commercial (C2, 593) Zone, modified, the Mixed Use Medium Density (C5, 752, 754), (C5, 752, 753), (C5, 752, 754, 755) and (C5, 582, 752, 754, 755), modified, Zones, the Mixed Use Medium Density - Pedestrian Focus (C5a, 700, 752), modified, (C5a, 752, 753), (C5a, 304, 752, 753), (C5a, 752, 754), (C5a, 573, 752, 754), modified, (C5a, 695, 752, 753), (C5a, 752, 754, 755), Zones, the Neighbourhood Institutional (I1, 756) Zone and the Community Institutional (I2, 757) Zone in the City of Hamilton Zoning By-law No. 05-200; as shown on Appendices “C” and “D” attached to Report PED22001, be APPROVED on the following basis:
  - (1) That the draft By-laws, attached as Appendices “C” and “D” to Report PED22001, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (2) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), 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 Urban Hamilton Official Plan Amendment No. XX;
- (c) That the Waterdown Community Node Urban Design Guidelines, attached as Appendix “E” to Report PED22001, be adopted;
- (d) That the Waterdown Community Node Cultural Heritage Review, attached as Appendix “F” to Report PED22001, be received, and that Planning and Economic Development Department staff be directed to prepare a capital budget submission for consideration as part of the 2023 Capital Budget, for a Heritage Conservation District Study as recommended by the Waterdown Secondary Plan Cultural Heritage Review attached as Appendix “F” to Report PED22001 and undertake the study at such time as budget approval is provided;

- (e) That the Waterdown Community Transportation Management Plan, attached as Appendix "G" to Report PED22001, be endorsed, and that:
- (i) The General Manager of the Planning and Economic Development Department be authorized and directed to file the Waterdown Community Transportation Management Plan, attached as Appendix "G" to Report PED22001, with the Municipal Clerk for a minimum 30-day public review period;
  - (ii) Upon the completion of the 30-day public review, staff be authorized and directed to program the recommended projects identified in Appendix "H" of this Report for detailed design and implementation using funds under Project ID Account No. 4032017051, and to include the additional needed funds in future Capital Budget submissions;
- (f) That staff be authorized to undertake the necessary detailed feasibility and design studies and supporting Municipal Class Environment Assessment Studies as required, for the following recommended transportation improvement plans in Waterdown:
- (i) The extension of Clappison Avenue from Parkside Drive to North Waterdown Drive;
  - (ii) An active transportation bridge across Grindstone Creek connecting Church Street to Margaret Street Park;
  - (iii) An active transportation bridge across the rail line from Sealy Park to the west side of Grindstone Creek, and a walkway through the south side of Mill Street South to the Smokey Hollow waterfall;
  - (iv) Rerouting of planned bike lanes from Dundas Street between Hamilton Street and the Dundas Street bridge, to traverse south on Hamilton Street, east on Barton Street, east on Griffin Street, to continue through the rear of existing properties on the east side of Mill Street South and connect to the future Dundas Street bridge sidewalk on the south side of Dundas Street;
- (g) That funding for the recommended four studies under item (f) above be considered as part of the 2023 Capital Budget planning process.
- (h) ***That the public submissions were received and considered by Committee in approving the application.***

**Result: Main Motion, As Amended, CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**9. Farm Labour Residence Discussion Paper (CI-22-E) (PED22002) (Wards 9, 10, 11, 12, 13 and 15) (Item 10.1)**

**(Ferguson/Pearson)**

- (a) That the Farm Labour Residence Discussion Paper, attached as Appendix "A" to Report PED22002, be received;
- (b) That staff be directed and authorized to undertake public and stakeholder consult on the Farm Labour Residence Discussion Paper in Q2, 2022;
- (c) That staff report back to Planning Committee summarizing input from the public and stakeholder consult with recommended amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 in 2022;
- (d) That Item 21(L) respecting delegations respecting the Official Plan's Farm Labour House Policy be considered complete and removed from the Planning Committee's Outstanding Business List.

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

**10. Mohawk Dedicated Officer (PED18220(c)) (City Wide) (Item 10.2)**

**(Danko/Ferguson)**

- (a) That the temporary Parking Control Officer (PCO) position approved by Council in September 2019 as part of the Mohawk Dedicated Officer Pilot be converted to a permanent Full Time Equivalent (FTE) staff position with a net cost of \$0;

- (b) Staff continue to maintain increased efforts in the Mohawk College Precinct while enabling greater flexibility for enhanced service provision across the City;
- (c) That the matter respecting Item 21G, that staff report back with results and recommendations following the 12-months at the end of Q1 2022 be identified as complete and removed from the Planning Committee Outstanding Business List.

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

**11. Discontinuation of Special Municipal Review Program for Cannabis Retail Store Applications (PED22054) (City Wide) (Item 10.3)**

**(Farr/Pearson)**

- (a) That effective September 30, 2022, Staff be directed to discontinue the special municipal review program for Cannabis Retail Store applications as previously directed by Council through Report PED18249(a) on January 14, 2019;
- (b) That the responsibility for enforcing City By-laws with respect to Cannabis, be assumed through the City's regular By-Law enforcement and business licensing programs; and,
- (c) That subject to the approval of Recommendation (a) and (b), Licensing and By-law Services work with the City's Communication team to develop a local awareness campaign to educate residents and business owners on how to be notified and comment on new cannabis applications.

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

**12. Amendment to the Snow and Ice By-law (PED22064) (City Wide) (Item 10.4)**

**(Wilson/Danko)**

- (a) That the draft By-law, attached as Appendix “A” to Report PED22064 to amend the Snow and Ice By-Law 03-296, to include a definition of “snow clearing”, be approved; and,
- (b) That this item be considered resolved and as such be removed from the Outstanding Business List.

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

**13. Reclassification of Ottawa Street Away From Major Arterial to Meet Current Use (Item 11.1)**

**(Wilson/Farr)**

WHEREAS, the City’s Vision Zero Action Plan aims to achieve a safe system approach to prevention of death and/or life-changing injuries with the expressed necessary hierarchy of needs that places child pedestrians at the centre;

WHEREAS, Ottawa St serves as a vital community hub of pedestrian traffic to an elementary school, social and affordable housing, critical community supports serving indigenous residents, women, and seniors;

WHEREAS, Ottawa Street is a vital commercial corridor in Hamilton’s east end, serving as an essential commercial gateway for thousands of household and hundreds of retail and commercial businesses, and an increasing number of patios;

WHEREAS, Cannon Coffee and Laidlaw United Church have both had vehicles driven into their facades and multiple times in the case of Cannon Coffee creating financial hardship and disruptions to operations;

WHEREAS, Ottawa Street is exclusively residential south of Main Street;

WHEREAS, Ottawa Street is currently classified as major arterial road;

WHEREAS, the Hamilton brick works yard is no longer in operation and served as the basis for Ottawa Street remaining classified as a major arterial road;

THEREFORE BE IT RESOLVED

That staff from Transportation Planning be directed to review the current functional road classification for Ottawa Street in its entirety, taking into account the changing nature of Ottawa Street, goals of Vision Zero and Complete Streets, and report back to Planning Committee with recommended changes, a process and timelines for amending Schedule C Functional Road Classification of the Hamilton Urban Official Plan.

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

**14. Traymore Residence Demolition (Item 11.2)**

**(Wilson/Danko)**

WHEREAS, McMaster University has received conditional site plan approval and is awaiting final sign off on the Delegated authority as per the Demolition Control By-Law and is currently working through site plan approvals;

WHEREAS, McMaster University has boarded up the vacant properties but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of these buildings as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 43, 47, 51, and 55 Forsyth Avenue South; 75, 77, 81, 99, 103, 107, 111, and 115 Traymore Avenue; and 50 Dalewood Avenue, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

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

**15. Enhanced Parks By-law - Encampment Enforcement (Item 11.3)**

**(Farr/Ferguson)**

WHEREAS, on August 9, 2021, City Council voted to return to enforcing the prohibition of Camping in our City parks and public places and through our Parks Bylaw. A prohibition no different than any other municipality across the Province.

WHEREAS, the number of encampments more than doubled from approximately 20 to over 40 following the August 9<sup>th</sup> resolution with many encampments entrenched in public parks for months.

WHEREAS, on September 9, 2021, the Emergency and Community Services Committee received Information Report PED21188/HSC20038(c)—Encampment Response Update (copy attached) which outlined the Encampment Process implemented by City Staff;

WHEREAS, City Council is concerned that persons continue to camp in City parks in contravention of the Parks Bylaw and for extended periods - contrary to neighbouring municipalities where Park Bylaw enforcement is direct and takes a few days maximum if not sooner; and,

WHEREAS, City Council believes Hamilton should not be the only city with a Parks Bylaw enforcement process that results in both an increase in the number of encampments and the length of time encampments are located in a park or public space and should therefore facilitate the implementation of the Encampment Process to incorporate more precise timelines and direction into the Process consistent with similar processes implemented in other Ontario municipalities;

**THEREFORE BE IT RESOLVED:**

- (a) That Staff be directed to complete their activities under the Encampment Process, including notifying the Hamilton Police Service that a Trespass Notice has been issued, within 12 to 72 hours after staff receive the first complaint regarding unauthorized camping in a City park or public place;
- (b) That Staff be directed to enforce the Encampment Process 7 days per week; and,
- (c) That staff be directed to report on staff and feasibility service levels for encampment enforcement at the March 30<sup>th</sup> Council meeting.

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

NO - Ward 1 Councillor Maureen Wilson  
 NO - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**16. Authorization to Apply for a Variance to a By-law for Lands Located at 206 King Street West (Item 11.4)**

**(Farr/Pearson)**

WHEREAS Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS the application as presented in Report PED21038 for lands located at 206 King Street West was approved by Council on February 16, 2021 and is within the 2 year moratorium;

WHEREAS Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment; and

WHEREAS the application as presented in Report PED21038 was approved to provide a 13 storey mixed use development with 37 structured parking spaces;

THEREFORE BE IT RESOLVED:

That Council of the City of Hamilton provide authorization to AJ Clarke and Associates to apply for minor variances to a site specific by-law approved within the last 2 years for lands located at 206 King Street West in order to address building setbacks and to permit a reduced parking stall size for a parking stacker system.

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

**17. Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Ave E. (Added Item 11.5)**

**(Farr/Ferguson)**

WHEREAS, Council at its meeting of April 14, 2021, approved Item 3 of the Emergency and Community Services Committee Report 21-003, regarding Report HSC2005(a) Support for Rapid Housing Initiative Affordable Housing Development Projects, thereby, approving the Corktown Co-Operative development of 17 units for Ontario Priorities Housing Initiative (OPHI) New Rental Housing Component Year 3 funding;

WHEREAS, Council at its meeting of November 24, 2021 item 6.6 amended Item 3 of the Emergency and Community Services Committee Report 21-003, respecting Report HSC2005(a) Support for Rapid Housing Initiative Affordable Housing Development Projects, which was approved by Council on April 14, 2021, to amend Corktown Co-Operative to read Charlton Co-Operative Inc;

WHEREAS on September 11, 2019, the City Council as a result of the approval of Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative (HSC19042(a)) authorized and directed the General Manager of the Healthy and Safe Communities Department ("GM") to execute all ancillary agreements and documents as may be required to deliver the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative programs, with content satisfactory to the GM and in a form satisfactory to the City Solicitor;

WHEREAS, the City must ensure a construction start of 221-223 Charlton Avenue East, affordable housing project within 120 day of entering into Ontario Priorities Housing Initiative (OPHI) New Rental Housing Component Year 3 funding as per program guidelines;

AND WHEREAS, the City and Charlton Housing Co-Operative Inc. entered Ontario Priorities Housing Initiative (OPHI) New Rental Housing Component Year 3 funding on December 23<sup>rd</sup>, 2021.

THEREFORE, BE IT RESOLVED THAT:

That the Chief Building Official be authorized and directed to exempt the 221-223 Charlton Avenue East affordable housing development project from Demolition Control By-law 09-208 sections 6(a), (b), and (c), in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended of the to permit the issuance of a demolition permit in a timely manner.

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

**18. Taxi Fees - Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses (Added Item 11.6)**

**(Pearson/Farr)**

WHEREAS, the *Municipal Act, 2001* allows for the enactment of By-laws to licence, regulate, and govern businesses, and to impose conditions on obtaining, holding and keeping of licences to carry on such businesses;

WHEREAS, Council considers it in the public interest to enact a by-law to license regulate and govern various classes of businesses, under By-law 07-170 Being a By-law to Licence and Regulate Various Businesses;

WHEREAS, Schedule 25 of By-law 07-170 regulates and governs the Taxi Industry;

WHEREAS, Appendix 1 of Schedule 25 provides for Taxicab Tariff/Fares which sets the first 71.4 meters of a trip at \$3.90;

WHEREAS, the tariff and fares outlined in Appendix 1 of Schedule 25 have not been amended since 2013 when the average gas price was approximately \$1.28/L;

WHEREAS, the average gas price in 2022 has increased to approximately \$1.80/L;

WHEREAS, Licensing and By-law Services Staff are preparing a report to respond to the changes in the Taxi Industry with recommendations to Schedule 25 which will not be before the Planning Committee until Q3 2022.

THEREFORE BE IT RESOLVED:

- (a) That Appendix 1 of Schedule 25 be amended, and the Tariff/Fares increased to \$4.90; and,
- (b) That Licensing and By-law Services be directed to complete the public advertising and prepare the amendment to By-law 07-170 for the next Planning Committee meeting.

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

- 19. Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for Lands Located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007/PED22038(a)) (Ward 2) (14.2)**

**(Ferguson/Wilson)**

- (a) That the directions to staff in closed session respecting Report LS22007/PED22038(a) be released to the public, following approval by Council; and,
- (b) That the balance of Report LS22007/PED22038(a) remain confidential.

**Result: Motion CARRIED by a vote of 5 to 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NO - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - 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)**

- 5.2 John and Brenda Ross, and Joel and Ilana Goldberg respecting the HATF Report (Item 7.6)

Recommendation: Be received and referred to the consideration of Item 7.6.

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

- 6.3 Hardeep Singh Tada, respecting Taxi By-laws and Section 52 of

## Schedule 25 - WITHDRAWN

## 6.5 Delegation Requests respecting Encampment Enforcement (Item 11.3)

- (i) Aggie Kwiatkowski
- (ii) Vic Wojciechowska
- (iii) Mohammed W. Shalalfeh
- (iv) Jim Quinn
- (v) Wynne Baker
- (vi) Theo Vittore
- (vii) Eric MacPherson
- (viii) James Lambert
- (ix) Eshan Merali
- (x) Sabreina Dahab
- (xi) Rebecca Morris-Miller
- (xii) Jillian Vieira
- (xiii) Sarah Imrisek
- (xiv) Alisha Atri
- (xv) Laura Katz
- (xvi) Sarah Jama
- (xvii) Joanna Aitcheson
- (xviii) Koral Wysocki
- (xix) Chelsea MacDonald - WITHDRAWN
- (xx) Tanya Collins
- (xxi) Deann McGlinchey
- (xxii) Spencer Naylor
- (xxiii) Ali Jones
- (xxiv) Don McLean
- (xxv) Matthew Higginson
- (xxvi) Montana Mellett
- (xxvii) Blake McCall
- (xxviii) Gabriel Baribeau
- (xxix) Mary Love
- (xxx) C.A. Klassen
- (xxxi) Rowa Mohamed
- (xxxii) Marcie Mcilveen
- (xxxiii) Jaydene Lavallie
- (xxxiv) Miriam Sager
- (xxxv) Becky Katz
- (xxxvi) Sarah Dawson
- (xxxvii) Mary Cep - WITHDRAWN
- (xxxviii) Rebecca Casalino
- (xxxix) Rachel More
- (xl) Nicole Tollenaar
- (xli) Grace Cameron
- (xlii) Nourhan Afify

- (xliii) Navin Garg
- (xliv) Birdie Thorne

(a) Added Written Submissions:

- (i) Joshua Weresch
- (ii) Megan Janssen
- (iii) Kara Jonegling

6.6 Delegations respecting 1107 Main Street West (Item 7.1, Recommendation 7) (For today's meeting)

- (i) David Falletta
- (ii) Dr. Sarah Sheehan

6.7 Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance (For the April 5th meeting)

**3. PUBLIC HEARINGS / DELEGATIONS (Item 9)**

9.1 Application to Amend Hamilton Zoning By-law No. 05-200 for Lands Located at 1040 Garner Road West, Ancaster (PED22059) (Ward 12)

(a) Added Written Submission:

- (i) Nadia Hamilton

9.2 Waterdown Community Node Secondary Plan, Urban Design Guidelines, Implementing Zoning By-law Changes and Waterdown Community Transportation Management Plan (PED22001) (Ward 15)

(a) Added written Submissions

- (iii) Bell Canada
- (iv) Dana Anderson and Andrew Hannaford, MHBC
- (v) Mike Crough, IBI Group

**4. NOTICES OF MOTIONS (Item 12)**

12.1 Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Ave E.

12.2 Taxi Fees - Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses

**(Pearson/Danko)**

That the agenda for the March 22, 2022 Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

Councillor Ferguson declared an interest with Item 12.2, Taxi Fees - Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses as he is an investor in the taxi industry.

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

**(i) February 15, 2022 (Item 4.1)**

**(Partridge/Farr)**

That the Minutes of the February 15, 2022 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

**(i) Lakewood Beach Community Council respecting Area Specific Development Charges (Item 5.1)**

**(Danko/Pearson)**

That the communication from Lakewood Beach Community Council respecting Area Specific Development Charges, be received.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(ii) John and Brenda Ross, and Joel and Ilana Goldberg respecting the HATF Report (Item 7.6) (Added Item 5.2)**

**(Ferguson/Pearson)**

That the communication from John and Brenda Ross, and Joel and Ilana Goldberg respecting the HATF Report (Item 7.6), be received and referred to the consideration of Item 7.6, City of Hamilton's Response to the Provincial Housing Affordability Task Force (HATF).

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

**(i) Delegation Requests (Item 6.1 - 6.7)**

**(Partridge/Danko)**

That the following Delegation Requests be approved:

- 6.1 Ryan Ferrari, AJ Clarke and Associates respecting Request for Minor Variance for 206 King Street West (for today's meeting), to be heard after Item 10.4.
- 6.2 John Matas respecting a Demolition Permit for 474-476 James Street North (for the April 5<sup>th</sup> meeting).
- 6.4 Wasem Sayed respecting Taxi By-laws and Section 52 of Schedule 25 (for today's meeting), to be heard after Item 10.4.

6.5 Delegation Requests respecting Encampment Enforcement (for today's meeting), to be heard after Item 10.4:

- (i) Aggie Kwiatkowski
- (ii) Vic Wojciechowska
- (iii) Mohammed W. Shalalfeh
- (iv) Jim Quinn
- (v) Wynne Baker
- (vi) Theo Vittore
- (vii) Eric MacPherson
- (viii) James Lambert
- (ix) Eshan Merali
- (x) Sabreina Dahab
- (xi) Rebecca Morris-Miller
- (xii) Jillian Vieira
- (xiii) Sarah Imrisek
- (xiv) Alisha Atri
- (xv) Laura Katz
- (xvi) Sarah Jama
- (xvii) Joanna Aitcheson
- (xviii) Koral Wysocki
- (xx) Tanya Collins
- (xxi) Deann McGlinchey
- (xxii) Spencer Naylor
- (xxiii) Ali Jones
- (xxiv) Don McLean
- (xxv) Matthew Higginson
- (xxvi) Montana Mellett
- (xxvii) Blake McCall
- (xxviii) Gabriel Baribeau
- (xxix) Mary Love
- (xxx) C.A. Klassen
- (xxxi) Rowa Mohamed
- (xxxii) Marcie Mcilveen
- (xxxiii) Jaydene Lavallie
- (xxxiv) Miriam Sager
- (xxxv) Becky Katz
- (xxxvi) Sarah Dawson
- (xxxviii) Rebecca Casalino
- (xxxix) Rachel More
- (xl) Nicole Tollenaar
- (xli) Grace Cameron
- (xlii) Nourhan Afify
- (xliii) Navin Garg
- (xliv) Birdie Thorne

(a) Added Written Submissions:

- (i) Joshua Weresch
- (ii) Megan Janssen
- (iii) Kara Jonegling

6.6 Delegations respecting 1107 Main Street West (Item 7.1) (for today's meeting), to be heard before Item 7.1:

- (i) David Falletta
- (ii) Dr. Sarah Sheehan

6.7 Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance (for the April 5<sup>th</sup> meeting).

**Result: Motion CARRIED by a vote of 6 to 1, 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
- NO - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

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

**(i) Delegations respecting 1107 Main Street West (Item 7.1) (Added Item 9.3)**

The following delegations addressed the Committee respecting 1107 Main Street West (Item 7.1):

- (i) David Falletta
- (ii) Dr. Sarah Sheehan

**(Danko/Pearson)**

That the following Delegations respecting 1107 Main Street West (Item 7.1), be received:

- (i) David Falletta
- (ii) Dr. Sarah Sheehan

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 1.

In accordance with the *Planning Act*, Chair Johnson 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 Johnson 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 proposed By-law Amendments and Development applications 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.

**(ii) Application to Amend Hamilton Zoning By-law No. 05-200 for Lands Located at 1040 Garner Road West, Ancaster (PED22059) (Ward 12) (Item 9.1)**

No members of the public were registered as Delegations.

**(Ferguson/Partridge)**

That the staff presentation be waived.

**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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

**(Ferguson/Pearson)**

That the delegation from Matt Johnston with Urban Solutions, be received.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Pearson)**

That the following written submissions (Item 9.1(a)), be received:

- (i) Nadia Hamilton – In Opposition

**Result: Motion CARRIED by a vote of 7 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  
 YES - 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 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Pearson)**

- (a) That Zoning By-law Amendment Application ZAC-21-030, by Urban Solutions Planning and Land Development c/o Matt Johnston on behalf of Garner Investments Inc., Owner, for a change in zoning from the Prestige Business Park (M3, 376, 678) Zone to the Prestige Business Park (M3, 376, 678, 771) Zone to modify the restaurant requirements applicable to the subject lands, as shown

on Appendix “A” attached to Report PED22059, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED22059 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), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

**(Ferguson/Pearson)**

That the recommendations in Report PED22059 be **amended** by adding the following sub-section (b):

- (b) *That the public submissions were received and considered by Committee in approving the application.***

**Result: Amendment CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

- (iii) Waterdown Community Node Secondary Plan and Waterdown Community Transportation Management Plan (PED22001) (Ward 15) (Item 9.2)**

No members of the public were registered as Delegations.

The Committee was provided with presentations on this matter by Melanie Pham, Senior Planner – Introduction and background; Steve Molloy, Manager of Transportation Planning – Waterdown Community Transportation Management Plan; Kristina Martens, Archaeological Services Inc. – Waterdown Cultural Heritage Review; Nathan Flach, Brook McIlroy Consultants – Waterdown Community Node Urban Design.

**(Partridge/Wilson)**

That the above staff and consultants' presentations, be received.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Partridge/Wilson)**

That the following written submissions (9.2(a)), be received:

- (i) Matt Johnston and Scott Beedie, Urban Solutions – in Support of Proposal
- (ii) Ruth Victor – Concerns with Proposal
- (iii) Bell Canada – Comments on Conditions
- (iv) Dana Anderson and Andrew Hannaford, MHBC – in Support of Proposal
- (v) Mike Crough, IBI Group – Concerns with Proposal

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Partridge/Wilson)**

That the public meeting be closed.

**Result: Motion CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Partridge/Wilson)**

- (a) That the Waterdown Community Node Secondary Plan be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22001, 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 City Initiative CI-21-F, to implement the policy directions of the Waterdown Community Node Secondary Plan and associated Urban Design Guidelines, for lands located within the Waterdown Secondary Plan boundary, for:
- (i) Changes in zoning from the Urban Residential (Single Detached) “R1”, “R1-1”, “R1-2”, “R1-3”, “R1-5”, “R1-6”, “R1-13”, “R1-26”, “R1-61” Zones, the Core Area Residential “R5” and “R5-2” Zones and the Business District “BD-1” Zone in the former Township of Flamborough Zoning By-law No. 90-145-Z, to the Urban Residential (Single Detached) “R1-74”, “R1-74a”, “R1-74b”, “R1-74c”, “R1-74d”, “R1-74e”, “R1-74f”, “R1-74g” and “R1-74h” Zones and the Core Area Residential “R5”, “R5-2”, and “R5-3” and “R5-4” Zones, in the former Township of Flamborough Zoning By-law No. 90-145-Z;
  - (ii) Change in zoning from the Public Use “P” Zone in the former Township of Flamborough Zoning By-law No. 90-145-Z to the Mixed Use Medium Density (C5, 752, 754) Zone in the City of Hamilton Zoning By-law No. 05-200;
  - (iii) Change in zoning from the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning By-law No. 05-200 to the Core Area Residential “R5” Zone in the former Township of Flamborough Zoning By-law No. 90-145-Z;
  - (iv) Changes in zoning from the Neighbourhood Commercial (C2, 593) Zone, the Mixed Use Medium Density (C5), (C5, 700) (C5, 573, 582) (C5, 582) Zones, the Mixed Use Medium Density – Pedestrian Focus (C5a) (C5a, 304) and (C5a, 695) Zones, the Neighbourhood Institutional (I1) Zone, and the Community Institutional (I2) Zone; to the Neighbourhood

Commercial (C2, 593) Zone, modified, the Mixed Use Medium Density (C5, 752, 754), (C5, 752, 753), (C5, 752, 754, 755) and (C5, 582, 752, 754, 755), modified, Zones, the Mixed Use Medium Density - Pedestrian Focus (C5a, 700, 752), modified, (C5a, 752, 753), (C5a, 304, 752, 753), (C5a, 752, 754), (C5a, 573, 752, 754), modified, (C5a, 695, 752, 753), (C5a, 752, 754, 755), Zones, the Neighbourhood Institutional (I1, 756) Zone and the Community Institutional (I2, 757) Zone in the City of Hamilton Zoning By-law No. 05-200; as shown on Appendices “C” and “D” attached to Report PED22001, be APPROVED on the following basis:

- (1) That the draft By-laws, attached as Appendices “C” and “D” to Report PED22001, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (2) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), 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 Urban Hamilton Official Plan Amendment No. XX;
- (c) That the Waterdown Community Node Urban Design Guidelines, attached as Appendix “E” to Report PED22001, be adopted;
- (d) That the Waterdown Community Node Cultural Heritage Review, attached as Appendix “F” to Report PED22001, be received, and that Planning and Economic Development Department staff be directed to prepare a capital budget submission for consideration as part of the 2023 Capital Budget, for a Heritage Conservation District Study as recommended by the Waterdown Secondary Plan Cultural Heritage Review attached as Appendix “F” to Report PED22001 and undertake the study at such time as budget approval is provided;
- (e) That the Waterdown Community Transportation Management Plan, attached as Appendix “G” to Report PED22001, be endorsed, and that:
- (i) The General Manager of the Planning and Economic Development Department be authorized and directed to file the Waterdown Community Transportation Management Plan, attached as Appendix “G” to Report PED22001, with

the Municipal Clerk for a minimum 30-day public review period;

- (ii) Upon the completion of the 30-day public review, staff be authorized and directed to program the recommended projects identified in Appendix “H” of this Report for detailed design and implementation using funds under Project ID Account No. 4032017051, and to include the additional needed funds in future Capital Budget submissions;
- (f) That staff be authorized to undertake the necessary detailed feasibility and design studies and supporting Municipal Class Environment Assessment Studies as required, for the following recommended transportation improvement plans in Waterdown:
  - (i) The extension of Clappison Avenue from Parkside Drive to North Waterdown Drive;
  - (ii) An active transportation bridge across Grindstone Creek connecting Church Street to Margaret Street Park;
  - (iii) An active transportation bridge across the rail line from Sealy Park to the west side of Grindstone Creek, and a walkway through the south side of Mill Street South to the Smokey Hollow waterfall;
  - (iv) Rerouting of planned bike lanes from Dundas Street between Hamilton Street and the Dundas Street bridge, to traverse south on Hamilton Street, east on Barton Street, east on Griffin Street, to continue through the rear of existing properties on the east side of Mill Street South and connect to the future Dundas Street bridge sidewalk on the south side of Dundas Street;
- (g) That funding for the recommended four studies under item (f) above be considered as part of the 2023 Capital Budget planning process.

**(Partridge/Wilson)**

That the recommendations in Report PED22021 be **amended** by adding the following sub-section (h):

- (h) ***That the public submissions were received and considered by Committee in approving the application.***

**Result: Amendment CARRIED by a vote of 7 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  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 8.

**(Farr/Pearson)**

That the Committee recess from 12:55 p.m. to 1:15 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(iv) Ryan Ferrari, AJ Clarke and Associates respecting Request for Minor Variance for 206 King Street West (Item 11.4) (Item 9.4)**

Ryan Ferrari, AJ Clarke and Associates, addressed the Committee respecting Request for Minor Variance at 206 King Street West (Item 11.4).

**(Farr/Wilson)**

That the delegation from Ryan Ferrari, AJ Clarke and Associates, respecting Request for Minor Variance at 206 King Street West (Item 11.4), 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 16.

**(v) Wasem Sayed respecting Taxi By-laws and Section 52 of Schedule 25 (Item 9.5)**

The delegate was not in attendance when called upon.

**(vi) Delegations respecting Encampment Enforcement (Item 11.3) (Added Item 9.6)**

The following delegations (Added Item 9.6) were not in attendance when called upon:

- (i) Aggie Kwiatkowski
- (iii) Mohammed W. Shalalfeh
- (xi) Rebecca Morris-Miller
- (xviii) Koral Wysocki
- (xxxviii) Rebecca Casalino
- (xl) Nicole Tollenaar

The delegations listed below addressed the Committee respecting Encampment Enforcement (Item 11.3).

**(Farr/Wilson)**

That the following delegations respecting Encampment Enforcement (Item 11.3), be received:

- (ii) Vic Wojciechowska
- (iv) Jim Quinn
- (v) Wynne Baker
- (vi) Theo Vittore
- (vii) Eric MacPherson
- (viii) James Lambert
- (ix) Eshan Merali
- (x) Sabreina Dahab
- (xii) Jillian Vieira
- (xiii) Sarah Imrisek
- (xiv) Alisha Atri
- (xv) Laura Katz
- (xvi) Sarah Jama
- (xvii) Joanna Aitcheson
- (xx) Tanya Collins
- (xxi) Deann McGlinchey
- (xxii) Spencer Naylor
- (xxiii) Ali Jones
- (xxiv) Don McLean
- (xxv) Matthew Higginson
- (xxvi) Montana Mellett
- (xxvii) Blake McCall

- (xxviii) Gabriel Baribeau
- (xxix) Mary Love
- (xxx) C.A. Klassen
- (xxxi) Rowa Mohamed
- (xxxii) Marcie Mcilveen
- (xxxiii) Jaydene Lavallie
- (xxxiv) Miriam Sager
- (xxxv) Becky Katz
- (xxxvi) Sarah Dawson
- (xxxix) Rachel More
- (xli) Grace Cameron
- (xlii) Nourhan Afify
- (xliii) Navin Garg
- (xliv) Birdie Thorne

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

**(Farr/Wilson)**

That the following Written Submissions (Item 9.5(a)) respecting Encampment Enforcement, be received:

- (i) Joshua Weresch
- (ii) Megan Janssen
- (iii) Kara Jonegling

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

For disposition of this matter, refer to Item 15.

**(g) NOTICES OF MOTIONS (Item 12)**

**(i) Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Ave E. (Added Item 12.1)**

Councillor Farr presented a Notice of Motion respecting Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Ave E.

**(Farr/Ferguson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Ave E.

**Result: Motion CARRIED by 2/3's 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 17.

**(ii) Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses (Added Item 12.2)**

Councillor Pearson presented a Notice of Motion respecting Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses.

**(Pearson/Farr)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses.

**Result: Motion CARRIED by a 2/3's 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 CONFLICT - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 18.

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

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

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting the return to workplace plan and to introduce the new Director of Growth Management, Ashraf Hanna.

**(Pearson/Danko)**

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

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

**(i) Closed Session Minutes – February 15, 2022 (Item 14.1)**

**(Ferguson/Pearson)**

(a) That the Closed Session Minutes dated February 15, 2022, be approved as presented; and,

(b) That the Closed Session Minutes dated February 15, 2022,

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

**(Farr/Wilson)**

That Committee move into Closed Session Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

**(ii) Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for Lands Located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007/PED22038(a)) (Ward 2) (14.2)**

For disposition of this matter, refer to Item 19.

**(j) ADJOURNMENT (Item 15)**

**(Danko/Pearson)**

That there being no further business, the Planning Committee be adjourned at 7:17 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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Councillor B. Johnson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3)
<b>WARDS AFFECTED:</b>	Ward 3
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-009, by MHBC Planning on behalf of Stelco Inc.**, for a further modification to the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone to add a Holding Provision on lands located at 386 Wilcox Street (Hamilton), as shown on Appendix “A” to Report PED22079, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (c) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

“123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on

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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: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 2 of 13**

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Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874, 915 and 916 of Schedule "A" – Zoning Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:

- (i) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;
- (ii) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (M5, 433) Zone and the following regulations:

- (1) New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- (2) Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
- (3) Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres as set out in a) above, to the satisfaction of the Chief Building Official;
- (4) Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management;

- (iii) Conditions for Holding Provision Removal

The Holding Provision shall, upon Application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- (1) The Owner submits and receives approval of a Concept Plan for the lands, to the satisfaction of the Director of Planning and Chief Planner. The Concept Plan shall include the following:

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 3 of 13**

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- (aa) Precincts and the distribution of land uses and buildings within each precinct;
  - (bb) Road and rail network;
  - (cc) Phasing;
- (2) The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;
  - (3) The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management;
  - (4) The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control all to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.

## **EXECUTIVE SUMMARY**

The purpose of this Application is to amend the City of Hamilton Zoning By-law No. 05-200, on lands municipally known as 386 Wilcox Street, to add a Holding Provision requiring the completion and implementation of a Master Planning process for the long term redevelopment of the subject lands, as shown on Appendix "A" attached to Report PED22079.

The Applicant received approval of two Consent Applications (HM/B-21:97 and HM/B-21:98) on November 25, 2021. The purpose of Consent Application HM/B-21:97 is to create a new parcel for long-term lease purposes in excess of 21 years and the severed lands will be used for steel manufacturing operations. The purpose of Consent Application HM/B-21:98 is to sever 31.78 hectares of land for industrial purposes and to retain 287.12 hectares of land for long term redevelopment. As part of the approved

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 4 of 13**

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Consent Application conditions for HM/B-21:98, the Owner is required to receive approval of a Zoning By-law Amendment Application to add a Holding Provision.

The Holding Provision in the amending Zoning By-law includes requirements for the submission and approval of a Concept Plan, Master Servicing Plan, Joint Use Agreement and Implementation Strategy and includes regulations for the interim use of the lands prior to the Holding Provision being lifted.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP).

**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 an amendment to the Zoning By-law.

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Stelco Inc. c/o Paul Simon
Applicant/Agent:	MHBC Planning c/o Dana Anderson
File Number:	ZAC-22-009
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>To amend the zoning on the subject lands to add a Holding Provision that will establish specific conditions that the Owner is required to satisfy before development may occur on the subject lands.</p> <p>The conditions required to be addressed as part of the Holding Provision include the following:</p> <ul style="list-style-type: none"> <li>• The Owner submit a Concept Plan which shall include the following: <ol style="list-style-type: none"> <li>1. Precincts and the distribution of land uses and buildings within each precinct.</li> </ol> </li> </ul>

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at  
386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 5 of 13**

<b>Application Details</b>	
Proposal <b>(Continued):</b>	<p>2. Road and rail network; and, 3. Phasing.</p> <ul style="list-style-type: none"> <li>• The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands and develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan;</li> <li>• The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan; and,</li> <li>• The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional <i>Planning Act</i> approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control;</li> </ul> <p>While the Holding Provision is in place, development on the subject property would be restricted by the following criteria:</p> <ul style="list-style-type: none"> <li>• New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres;</li> <li>• Issuance of Demolition Permits shall be permitted;</li> <li>• Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres; and,</li> <li>• Site remediation and earthworks shall be permitted.</li> </ul>
<b>Property Details</b>	
Municipal Address:	386 Wilcox Street (see Location Map attached as Appendix "A" to Report PED22079).
Lot Area:	326.27 ha (806.24 ac).
Servicing:	Full municipal services.
Existing Use:	General Industrial uses.

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: Applications for a Zoning By-law Amendment for Lands Located at  
386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 6 of 13**

<b>Application Details</b>	
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	“Employment Areas” on Schedule E – Urban Structure and “Industrial Land” on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	General Industrial (M5, 433) Zone.
Zoning Proposed:	General Industrial (M5, 433, H123) Zone.
Modifications Proposed:	<p>To add a Holding Provision for the subject lands as outlined on page 4 of this Report.</p> <p>The Applicant requested permission for new development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings while the Holding Provision would be in place. The wording submitted by the Applicant allowed no new buildings or expansions to existing buildings greater than 1,000 m<sup>2</sup>. Staff modified the wording to state that expansions to existing buildings and structures and new construction would be permitted up to a maximum of 1,000 m<sup>2</sup> for the entire property.</p>
<b>Processing Details</b>	
Received:	December 14, 2021
Deem Incomplete:	January 13, 2022
Deemed Complete:	January 31, 2022
Notice of Complete Application:	Sent to 17 property owners within 120 metres of the subject lands on February 10, 2022
Public Notice Sign:	Sign Posted: February 16, 2022 Sign Updated: March 9, 2022
Notice of Public Meeting:	Sent to 17 property owners within 120 metres of the subject lands on March 18, 2022.
Public Comments:	There were no comments received.
Processing Time:	112 days.

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**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 7 of 13**

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## **BACKGROUND**

### **Consent Application HM/B-21:97**

Consent Application HM/B-21:97 was heard and approved with conditions by the Committee of Adjustment on November 25, 2021. The purpose of the Application is to create a new parcel for long-term lease purposes in excess of 21 years and the severed lands will be used for steel manufacturing operations. The Application was heard in conjunction with application HM/B-21:98.

### **Consent Application HM/B-21:98**

Consent Application HM/B-21:98 was approved with conditions by the Committee of Adjustment on November 25, 2021. The purpose of the Application is to sever a parcel for the conveyance of 31.78 hectares of land for industrial purposes and to retain 287.12 hectares of land for industrial and employment uses. As part of the approved Consent Application conditions, the Owner was required to receive approval of a Zoning By-law Amendment Application to add a Holding Provision.

### **Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	General Industrial Uses	General Industrial (M5, 433) Zone
<b>Surrounding Land Uses:</b>		
North	Lake Ontario	N/A
South	Industrial Uses	General Industrial (M5) Zone and Shipping and Navigation (Port Lands) (M13, H23) Zone
East	Industrial Uses	General Industrial (M5) Zone
West	Waterfront and Port Uses and Lake Ontario	General Industrial (M5) Zone and Shipping and Navigation (Port Lands) (M13, H23) Zone

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at  
386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 8 of 13**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS) (2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

As the Application for Zoning By-law Amendment complies with the Official Plan, 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, 2019, as amended.

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

The subject lands are identified as "Employment Uses" on Schedule "E" – Urban Structure and designated "Industrial Uses" on Schedule "E-1" – Urban Land Use Designations.

The following policies, amongst others, apply to the proposal.

- "F.1.8.1 Council may use the Holding "H" symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased development and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the "H" symbol;
- F.1.8.2 A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 9 of 13**

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- (a) Where development is contingent upon other related matters occurring first, such as but not limited to:
  - (i) Completion of required site or area specific studies which are to be specified in the by-law;
- (b) Where phasing is necessary in order to ensure orderly development and/or achieve one or more objectives of this Plan;

F.1.8.3 Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an existing use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.”

The Application was submitted to add a Holding Provision to a parcel of land approximately 287.12 ha in size (identified as Block 1 in Appendix “B” of Report PED22079) to establish specific conditions that the Owner would be required to satisfy before any development could occur on the subject lands.

The Holding Provision was identified as a condition of the approved consent (HM/B-21:98) on November 25, 2021 in order to ensure appropriate long term development of the subject lands. The Holding Provision requires that the Owner submit:

- A Concept Plan (showing precincts and distribution of land uses and buildings within each precinct, road and rail network and phasing);
- A Master Servicing Plan, including Transportation Master Plan, for the retained and severed portion;
- To enter into and register on title a Joint Use Agreement and/or Development Agreement (if required); and,
- An Implementation strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan may be implemented through additional *Planning Act* Approvals.

The proposed Holding Provision allows for interim development to a maximum of 1,000 m<sup>2</sup> either as an addition/alteration to an existing building or structure or as new development.

Therefore, Staff are satisfied that the proposed Holding Provision is appropriate as it will require the completion of necessary studies, agreements and phasing in order to confirm any future proposed development meets the objectives of the UHOP and ensures orderly development and to ensure that servicing and design criteria established in the UHOP have been achieved.

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 10 of 13**

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**Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned General Industrial (M5, 433) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED22079. The Applicant is requesting to add a Holding Provision to the (M5, 433) Zone which is further discussed in the Analysis and Rationale Section of the Report.

The owner will need to submit a Zoning By-law Amendment Application to remove the Holding Provision with all the required studies at a future date.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering has no objections with the proposed zoning by-law provided the Holding Provision is in place with the noted conditions. In order to ensure that the appropriate master planning process takes place ahead of any major development Applications being submitted for the retained lands, the implementation of a Holding Provision on the retained lands has been included as a condition of consent for Application HM/B-21:98.	The conditions associated with the Holding Provision have been updated from the approved Consent decision by Development Engineering Approvals to reflect their requirements and are included in the proposed Zoning By-law Amendment.

**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 17 property owners within 120 metres of the subject property on February 10, 2022, requesting comments on the proposed Zoning By-law Amendment Application.

As the Holding Provision is a result of the approval of Consent Application HM/B-21:97 and HM/B-21:98 which was subject to a public hearing, no additional public consultation was identified for the Zoning By-law Amendment Application.

A Public Notice Sign was posted on the property on February 16, 2022, and updated on March 9, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given on March 18, 2022, in accordance with the requirements of the *Planning Act*.

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at  
386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 11 of 13**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- (1) The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
- (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow Plan; and,
  - (ii) The proposed development complies with the UHOP policies to implement a Holding symbol to limit the use of a property to achieve orderly development and to ensure that servicing and design criteria established in the UHOP have been achieved.
- (2) The subject lands are currently zoned General Industrial (M5, 433) Zone in Zoning By-law No. 05-200. The proposed Zoning By-law Amendment seeks to add a Holding Provision to the subject lands in order to assess that the long term development of the lands achieves multiple objectives and ensures orderly development. Staff are satisfied that the studies identified can be submitted and reviewed through a Holding Removal Application in order to review future development concepts for the subject lands.

In addition to the Holding Provision, there is some development that can occur while the Holding Provision is in place:

- New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- Issuance of Demolition Permits shall be permitted;
- Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres; and,
- Site remediation and earthworks shall be permitted.

Demolition, relocation of existing buildings, site remediation and / or earthworks will be subject to applicable building code and / or Site Alteration By-law requirements.

The permitted uses identified within the General Industrial (M5, 433) Zone would be located within existing buildings with an opportunity to increase the Gross Floor Area by a maximum of 1,000 m<sup>2</sup>, either as a new build or additions to the existing buildings. The Applicants have requested the ability to relocate existing buildings

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 12 of 13**

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on-site as long as it does not represent an increase in the Gross Floor Area (not including the 1,000 m<sup>2</sup>) so they can continue to use the site for permitted uses within the existing Gross Floor Area.

Staff are satisfied that the exceptions would allow for continuation of the current uses. Therefore, Staff support of the Zoning By-law Amendment.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject lands could be used in accordance with the General Industrial (M5, 433) Zone which permits a range of Industrial uses. The conditions laid out in the approved Consent Application (HM/B-21:97 and HM/B-21:98), attached as Appendix "C" to Report PED22079, would be unable to be satisfied so the consent Applications would lapse.

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

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Clean and Green**

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

### **Built Environment and Infrastructure**

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

**SUBJECT: Applications for a Zoning By-law Amendment for Lands Located at  
386 Wilcox Street, Hamilton (PED22079) (Ward 3) - Page 13 of 13**

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**APPENDICES AND SCHEDULES ATTACHED**

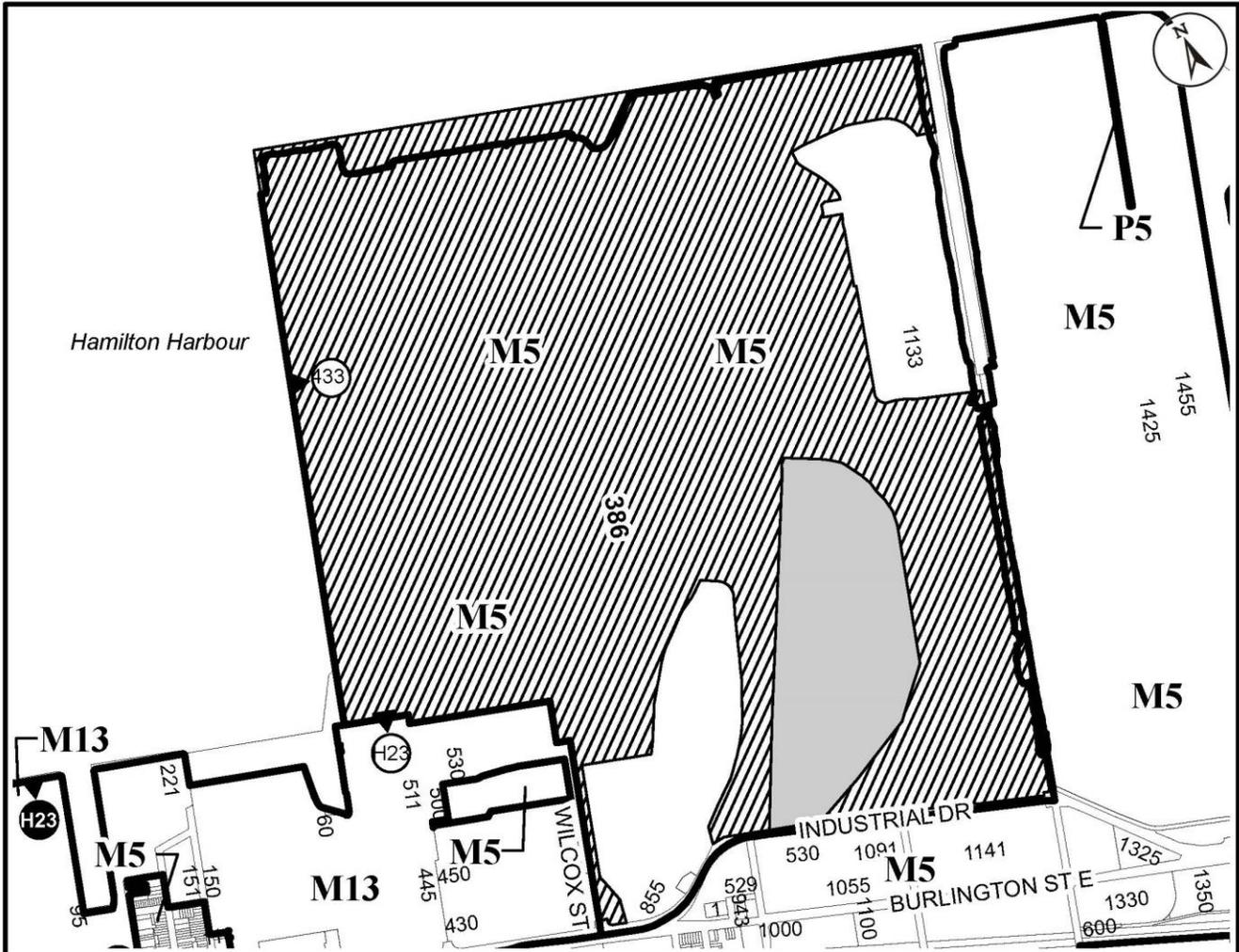
Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law Amendment

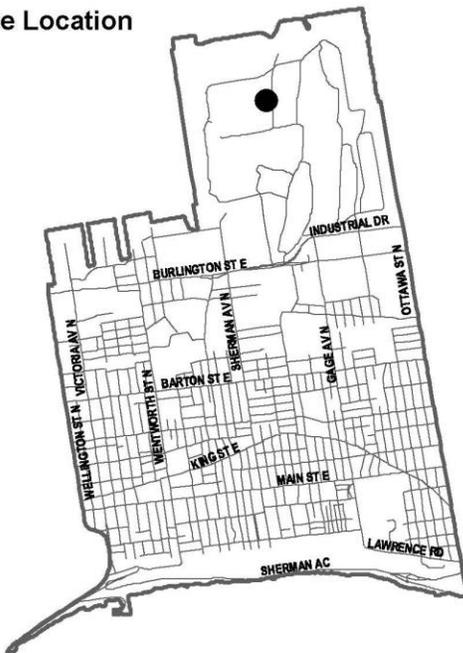
Appendix "C" – Committee of Adjustment Decision

AB:sd

Appendix "A" to Report PED22079  
Page 1 of 1



● Site Location



Key Map - Ward 3

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-22-009

Date:  
March 3, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
AB/AL

### Subject Property

386 Wilcox Street

-  Block 1 - Change in Zoning from General Industrial (M5, 433) Zone to General Industrial (M5, 433, H123)
-  Block 2 - Other lands owned by applicant

**Appendix “B” to Report PED22079  
Page 1 of 4**

**Authority:** Item ,  
Report (XXXXXXXXXXXXX)  
CM:  
Ward: 3

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 386 Wilcox Street**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on \_\_\_\_\_, 2022.

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan.

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874, 915 and 916 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 are amended by changing the zoning for portions of the subject lands from the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to the By-law.
2. That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:
  - “123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874 and 915 of Schedule “A” – Zoning Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:
    - a. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;
    - b. Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the M5, 433 Zone and the following regulations:

**Appendix “B” to Report PED22079**  
**Page 2 of 4**

- i. New development, including the establishment of uses permitted by the M5 Zone, and additions to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
  - ii. Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
  - iii. Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions up to a maximum of 1,000 square metres as set out in a) above, to the satisfaction of the Chief Building Official; and,
  - iv. Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management.
- c. Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- i. The Owner submit a Concept Plan for the lands to the satisfaction of the Director of Planning. The Concept Plan shall include guidance on:
  - 1) Precincts and the distribution of land uses and buildings within each precinct;
  - 2) Road and rail network; and,
  - 3) Phasing.
- ii. The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;
- iii. The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management; and,

**Appendix “B” to Report PED22079**  
**Page 3 of 4**

- iv. The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional Planning Act approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or applications for Site Plan Control, to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_ , 2022

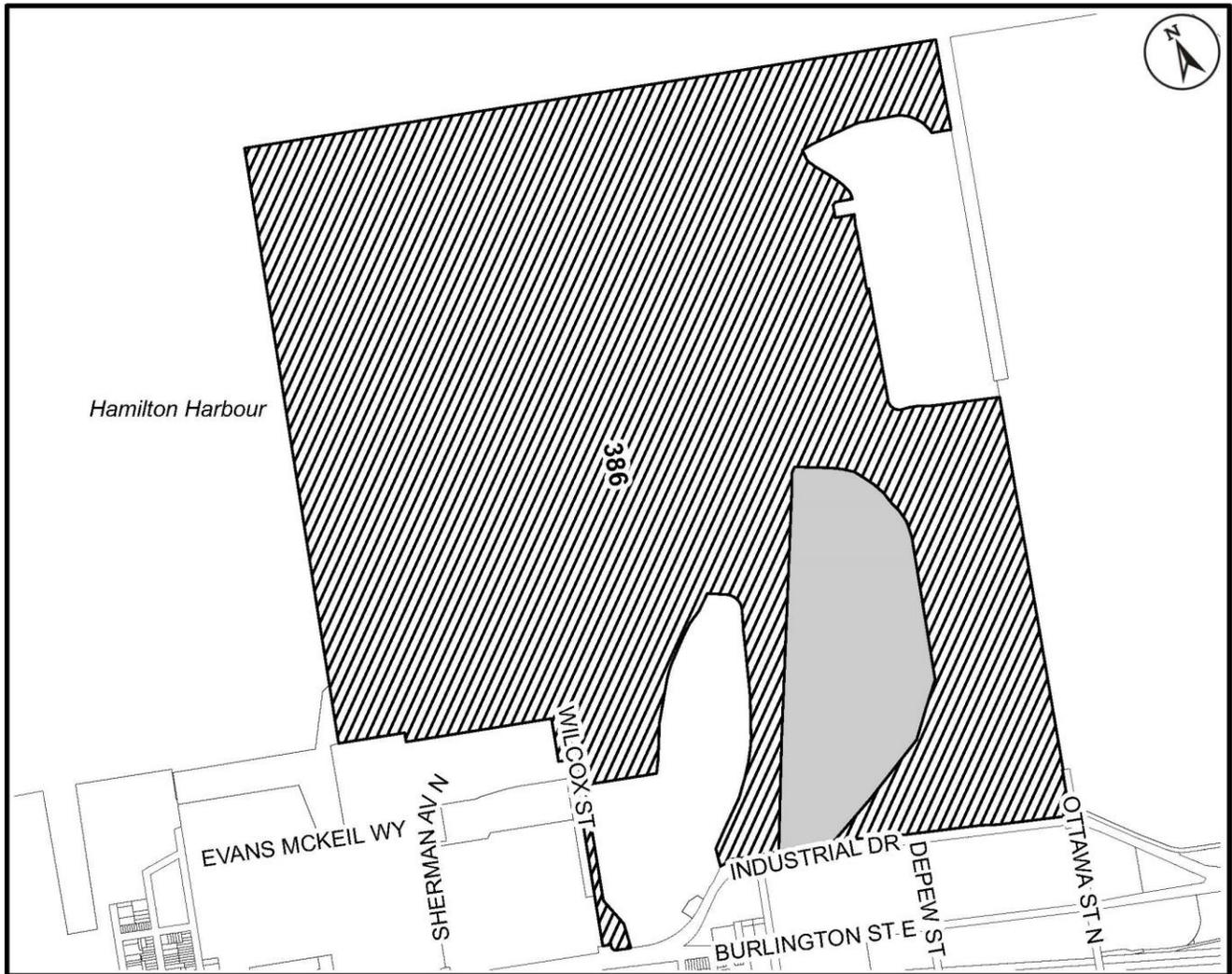
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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAR-22-009



This is Schedule "A" to By-law No. 22-

Passed the ..... day of ....., 2022

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Mayor

-----  
Clerk

**Schedule "A"**

Map forming Part of  
By-law No. 22-\_\_\_\_\_

to Amend By-law No. 05-200  
Maps 749, 750, 751, 789, 790, 791, 830,  
831, 832, 872, 873, 874, 915 & 916

**Subject Property**

386 Wilcox Street

 Block 1 - Change in Zoning from General Industrial (M5, 433) Zone to General Industrial (M5, 433, H123)

 Block 2 - Other lands owned by occupant

Scale:  
N.T.S

Date:  
March 9, 2022

File Name/Number:  
ZAR-22-009

Planner/Technician:  
AB/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT LAND SEVERANCE**

**APPLICATION NO. HM/B-21:98**  
**SUBMISSION NO. B-98/21**

**APPLICATION NUMBER: HM/B-21:98**

**SUBJECT PROPERTY: 386 Wilcox St., Hamilton**

**APPLICANT(S):** Owner Stelco Inc. c/o Paul Simon  
Applicant MHBC Planning c/o Dana Anderson

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for a manufacturing industrial use and to retain a parcel of land for industrial and employment uses.

**Severed lands:**  
189.94m<sup>±</sup> x 1,007.08m<sup>±</sup> and an area of 31.78 per ha<sup>±</sup>

**Retained lands:**  
840.18m<sup>±</sup> x 2,233.21m<sup>±</sup> and an area of 287.12 per ha<sup>±</sup>

**This application will be heard in conjunction with Application No. HM/B-21:97.**

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

HM/B-21:98  
 Page 2

2. That the Owner/Agent apply for and receive final approval of a Zoning By-law Amendment application to add a Holding Provision on the retained portion of lands to the satisfaction of the Director of Planning and Chief Planner. The Holding Provision should be applied for as follows:
  - a. Notwithstanding Section 11.5 of this By-law, on those lands zoned General Industrial (M5, 433) Zone as shown on maps 749, 750, 751, 789, 790, 791, 792, 830, 831, 832, 872, 873 of Schedule "A" – Zoning Maps and municipally known as 386 Wilcox Street, development shall be restricted in accordance with the following:
    - i. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the M5, 433 Zone. Additions and alterations to existing buildings may be increased by a maximum of 5%.
    - ii. Conditions for Holding Provision Removal  
 The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:
      1. The owner submitting and implement a Concept Plan for the retained lands to the satisfaction of the Director of Planning. The Concept Plan shall include guidance on:
        - a. Precincts and the distribution of land uses and buildings within each precinct;
        - b. Road and rail network; and
        - c. Phasing.
      2. The owner submitting, receiving approval and implementation of a Site Servicing Strategy for the retained lands to the satisfaction of the Senior Director of Growth Management.
      3. The owner submitting, receiving approval and implementation of an Implementation Strategy to illustrate how the Concept Plan and Site Servicing Strategy may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or applications for Site Plan Approval to the satisfaction of the Director of Planning and Chief Planner and Senior Director of Growth Management.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the "M5, E433" Zone or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

HM/B-21:98  
Page 3

6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
9. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
10. That the owner enters into and register on title a Development Agreement and/or Joint Use Agreement, if necessary, to the satisfaction of the Manager of Engineering Approvals Section.
11. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **386 Wilcox Street, Hamilton**, and the lands to be conveyed will be assigned the address of **1055 Industrial Drive, Hamilton**.

We ask that the following be noted to the applicants:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

2. "Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

DATED AT HAMILTON this 25<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
D. Smith (Chairman)

\_\_\_\_\_  
D. Serwatak

\_\_\_\_\_  
M. Dudzic

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
B. Charters

HM/B-21:98  
Page 4

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N. Mieczko

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M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 2, 2021.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (December 2, 2022) OR THE APPLICATION SHALL BE  
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND  
TRIBUNAL (OLT) MAY BE FILED IS December 22 , 2021

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENTLAND SEVERANCE**

**APPLICATION NO. HM/B-21:97**  
**SUBMISSION NO. B-97/21**

**APPLICATION NUMBER: HM/B-21:97**

**SUBJECT PROPERTY: 386 Wilcox St., Hamilton**

**APPLICANT(S):** Owner Stelco Inc. c/o Paul Simon  
Applicant MHBC Planning c/o Dana Anderson

**PURPOSE OF APPLICATION:** To create a new parcel for long-term lease purposes in excess of 21 years. The severed lands will be used for steel manufacturing operations.

**Severed lands:**  
182.94m<sup>±</sup> x 1,007.08m<sup>±</sup> and an area of 31.78 per ha<sup>±</sup>

**Retained lands:**  
840.18m<sup>±</sup> x 2,233.21m<sup>±</sup> and an area of 287.12 per ha<sup>±</sup>

**This application will be heard in conjunction with Application No. HM/B-21:98.**

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

HM/B-21:97  
Page 2

2. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
3. That the owner register on the title of the lands an adequate storm drainage easement in the City of Hamilton's favour centred over the existing 2850mm x 2100mm storm outfall to the satisfaction of, and if required by, the Manager of Engineering Approvals.
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
5. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

DATED AT HAMILTON this 25<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
D. Smith (Chairman)

\_\_\_\_\_  
M. Dudzic

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
D. Serwatuk

\_\_\_\_\_  
N. Mieczko

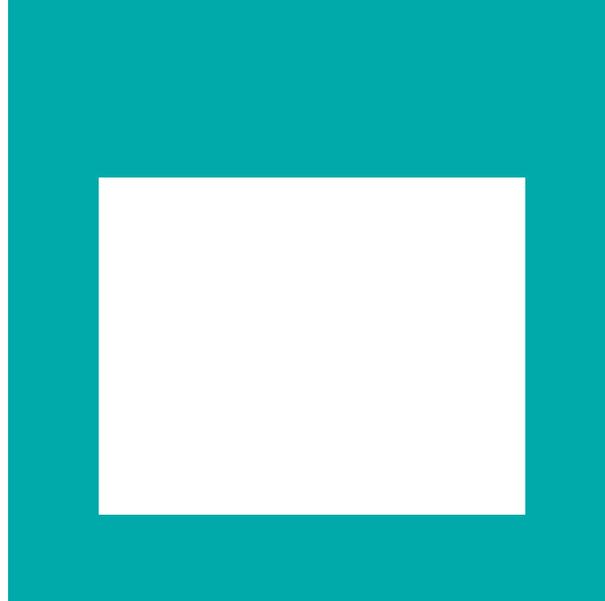
\_\_\_\_\_  
M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 2, 2021.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 2, 2022) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS December 22 , 2021

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

April 5, 2022

## PED22079– (ZAR-22-009)

Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton.

Presented by: Alaina Baldassarra

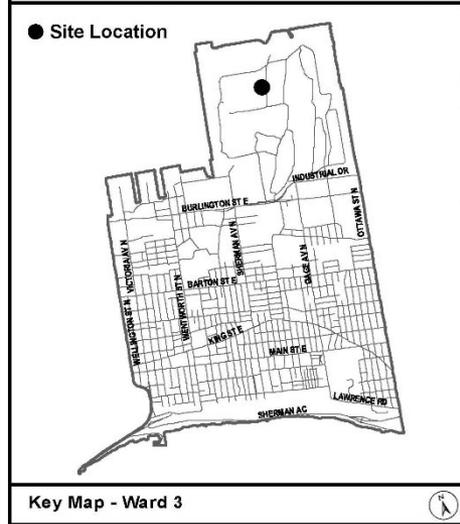
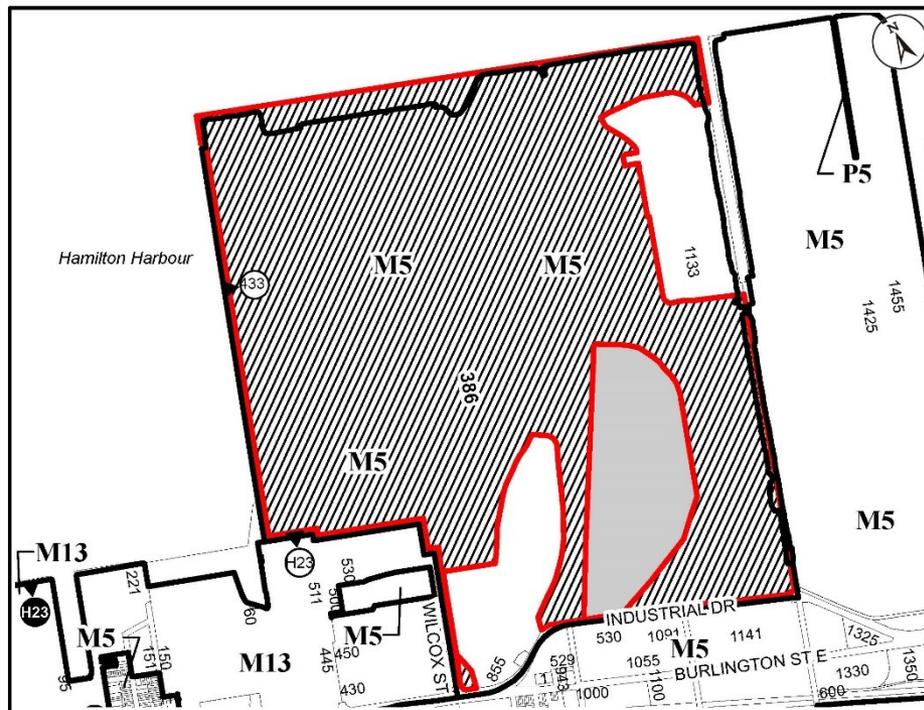
Hamilton Harbour



**SUBJECT PROPERTY**



**386 Wilcox Street, Hamilton**



### Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-22-009	Date: March 3, 2022	
Appendix "A"	Scale: N.T.S.	Planner/Technician: AB/AL

**Subject Property**

386 Wilcox Street

- Block 1 - Change in Zoning from General Industrial (M5, 433) Zone to General Industrial (M5, 433, H123)
- Block 2 - Other lands owned by applicant



Image of the Industrial Lands



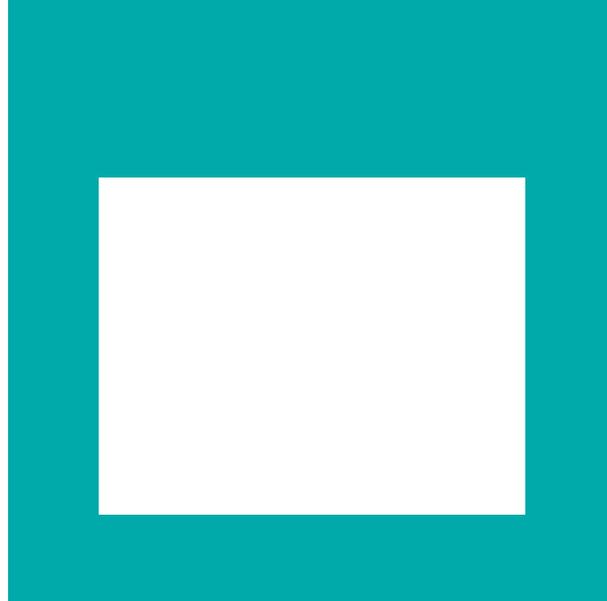
Image of the Industrial Lands



Looking north towards the Industrial lands



Looking south on Wilcox Street at Neighbouring Industrial



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Jennifer Allen (905) 546-2424 Ext. 4672
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-20-008 by UrbanSolutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner**, to redesignate a portion of the subject lands from “Low Density Residential” and a portion of the subject lands from “Local Commercial” to “Mixed Use” with a Special Policy Area in the City of Hamilton Official Plan, to permit a seven storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys, for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22062, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 2 of 38**

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- (b) That **Amended Zoning By-law Amendment Application ZAC-20-013 by UrbanSolutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner**, for a change in zoning from the “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a mixed use building with a maximum building height of 25 metres (seven storeys) with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor, 79 residential dwelling units on the upper floors and a total of 86 parking spaces for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22062, 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), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_\_;
  - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:
    - H124. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton, no development shall be permitted until such time as:
      - 1. The Owner submit and receive completion of a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 3 of 38**

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of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee;

2. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated November 22, 2019 by RWDI and updated July 26, 2021, to the satisfaction of the Director of Planning and Chief Planner;
  3. The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That Council deem the lands at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (see Appendix "A" attached to Report PED22062) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to the development proposal attached as Appendix "E" to Report PED22062 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section (b)(iii) b, and c. outlined above;
- (d) That upon finalization of the amending By-law, the subject lands be redesignated from "Single and Double" and "Commercial" to "Commercial and Apartments" in the Beasley Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 222, 226 and 228 Barton Street East and 255, 261, 263 and 265 Wellington Street North. UrbanSolutions Planning and Land Development Consultants Inc., (c/o Sergio Manchia) on behalf of 467052 Ontario Limited c/o Steve Joyce, Owners, has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit a seven storey mixed use building with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor and 79 residential dwelling units on the upper floors. A total

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 4 of 38**

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of 86 parking spaces will be provided at grade and within an underground parking structure.

The purpose of the Official Plan Amendment is to redesignate the lands from “Low Density Residential” and “Local Commercial” to “Mixed Use” with a Special Policy Area within the West Harbour (Setting Sail) Secondary Plan to permit a seven storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys.

The purpose of the Zoning By-law Amendment is to remove the subject lands from Zoning By-law No. 6593 with multiple properties zoned “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and add the lands to Zoning By-law No. 05-200 as Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone.

The following modifications to the C5a Zone are required:

- An increased setback from a street line from 3.0 metres to 3.7 metres;
- An increased building height from 22.0 metres to 25.0 metres;
- An increased first storey height from 4.5 metres to 5.4 metres;
- Modified fenestration requirements on the ground floor façade;
- A maximum gross floor area for a Medical Clinic being 505 square metres; and,
- A reduced parking requirement for Office from 1 parking space per 30 square metres and Medical Clinic from 1 parking space per 16 square metres to 1 parking space per 27 square metres for both an Office and Medical Clinic.

Based on the subject property being located in proximity to stationary noise sources (Hamilton General Hospital) the applicant is seeking to have the subject property classified as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks (MECP) Noise Guidelines NPC-300.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan; and,

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 5 of 38**

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- The proposed development is compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides an alternative housing form in the area and supports developing a complete community.

**Alternatives for Consideration – See Page 37**

**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 an amendment to the Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	467052 Ontario Limited c/o Steve Joyce (Owner).
File Number:	UHOPA-20-008 and ZAC-20-013.
Type of Application:	City of Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>To permit a seven storey (25.0 metres) mixed use building with a three storey podium to the west and south to create a transition in scale to the adjacent properties. The building will consist of 845.64 square metres of ground floor commercial space, 749.52 square metres of professional offices and professional medical offices on the second floor and 79 residential dwelling units on the upper floors.</p> <p>A total of 86 parking spaces will be provided at grade and within an underground parking structure. Vehicle access to the proposed development will be provided along Barton Street East and Wellington Street North. Fourteen short term bicycle parking spaces and 56 long term bicycle parking spaces are also proposed.</p>

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 6 of 38**

<b>Application Details</b>	
<b>Proposal (Continued):</b>	The Applicant submitted a revised proposal on February 5, 2021 that included minor modifications to the concept plan that addressed staff comments related to visibility triangles, snow storage, bicycle parking location, landscape strips and waste storage location (see Appendix "E" attached to Report PED22062).
<b>Property Details</b>	
<b>Municipal Address:</b>	222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North.
<b>Lot Area:</b>	Approximately 3,374.1 square metres (0.34 hectares).
<b>Servicing:</b>	Existing full municipal services.
<b>Existing Use:</b>	The subject lands are vacant.  The semi-detached dwellings located at 255 and 257 Wellington Street North were demolished in 2019.
<b>Documents</b>	
<b>Provincial Policy Statement (PPS):</b>	The proposal is consistent with the PPS.
<b>A Place to Grow:</b>	The proposal conforms to the Growth Plan.
<b>Official Plan Existing:</b>	<p>"Urban Area" in the Hamilton-Wentworth Official Plan.</p> <p>"Central Policy Area" in the City of Hamilton Official Plan.</p> <p>Multiple properties which are designated as follows on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan:</p> <ul style="list-style-type: none"> <li>• Part of 222 Barton Street East is designated "Mixed Use" in the West Harbour (Setting Sail) Secondary Plan; and,</li> <li>• Part of 222 Barton Street East, 226 Barton Street East, 228 Barton Street East and 265 Wellington Street North are designated "Local Commercial" in the West Harbour (Setting Sail) Secondary Plan.</li> </ul>

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 7 of 38**

<b>Documents</b>	
Official Plan Existing <b>(Continued):</b>	<ul style="list-style-type: none"> <li>255, 257, 261 and 263 Wellington Street North are designated “Low Density Residential” in the West Harbour (Setting Sail) Secondary Plan.</li> </ul> <p>“Ferguson-Wellington Corridor” on Schedule M-1: Planning Areas and Sub-Areas and within the Zone of Noise Influence on Schedule M-3: Zone of Noise Influence of the West Harbour (Setting Sail) Secondary Plan.</p>
Official Plan Proposed:	“Mixed Use” in the West Harbour (Setting Sail) Secondary Plan.
Zoning Existing:	<p>Multiple properties which are zoned as follows:</p> <ul style="list-style-type: none"> <li>Part of 222 Barton Street East is zoned “JJ/S-378” (Restricted Light Industrial) District, Modified;</li> <li>Part of 222 Barton Street East, 226 and 228 Barton Street East and 265 Wellington Street North are zoned “H” (Community Shopping and Commercial, Etc.) District;</li> <li>261 and 263 Wellington Street North are zoned “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified; and,</li> <li>255 and 257 Wellington Street North are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.</li> </ul>
Zoning Proposed:	Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone.
Modifications Proposed:	<p>Applicant requested modifications:</p> <ul style="list-style-type: none"> <li>To permit a maximum building setback of 10.5 metres from the Barton Street East Street Line, whereas a maximum of 3.0 metres is permitted; and,</li> <li>To permit a maximum building height of 25.0 metres; whereas a maximum building height of 22.0 metres is permitted.</li> </ul>

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 8 of 38**

<b>Documents</b>	
<p>Modifications Proposed <b>(Continued):</b></p>	<ul style="list-style-type: none"> <li>• To permit a minimum of 50% of the area of the ground floor façade facing the street to be composed of doors and windows whereas a minimum of 60% is required;</li> <li>• To permit the first storey to have a maximum height of 5.6 metres, whereas a maximum height of 4.5 metres is permitted;</li> <li>• To establish a maximum gross floor area for a Medical Clinic of 505 square metres; and,</li> <li>• To permit a parking ratio of 1 space per 27.0 square metres for Office and Medical Clinic.</li> </ul> <p>Staff recommended modifications:</p> <ul style="list-style-type: none"> <li>• To permit a maximum building setback of 3.7 metres from the Barton Street East street line, whereas a maximum of 3.0 metres is permitted (as supported by the applicant).</li> </ul> <p>(see Appendix “D” attached to Report PED22062).</p> <p>Staff have also included Holding Provisions in the amending Zoning By-law related to the requirements for a Record of Site Condition, noise mitigation measures and warning clauses. These requirements are discussed in detail in the Analysis and Rationale for Recommendation section of this Report.</p>
<b>Processing Details</b>	
Received:	December 20, 2019.
Deemed Complete:	January 17, 2020.
Notice of Complete Application:	Sent to 84 property owners within 120 metres of the subject property on January 31, 2020.
Public Notice Sign:	Posted January 28, 2020 and updated with public meeting date on March 9, 2022.
Notice of Public Meeting:	Sent to 84 property owners within 120 metres of the subject property on March 18, 2022.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 9 of 38**

<b>Processing Details</b>	
Public Consultation:	No Public Open House was held by the applicant.  The applicant prepared a website available to the public which generated a total of 161 users between November 2020 and January 2021. As of February 2021, no public correspondence was received by the Applicant regarding the applications.
Public Comments:	Staff received one email requesting information and expressing concern for the development and one email expressing no concerns with the proposal (see Appendix "F" attached to Report PED22062).
Processing Time:	836 days from date of receipt of initial Application, and 422 days from receipt of the revised proposal.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Vacant Land	"JJ/S-378" (Restricted Light Industrial) District, Modified; "H" (Community Shopping and Commercial, Etc.) District; "H/S-1259" (Community Shopping and Commercial, Etc.) District, Modified; and, "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

**Surrounding Land Uses:**

<b>North</b>	Motor vehicle service station and Hamilton Health Sciences building.	"H" (Community Shopping and Commercial, Etc.) District, and "K" (Heavy Industry) District.
<b>East</b>	Vacant land, single and semi detached dwellings, and a two storey institutional building.	Mixed Use Medium Density – Pedestrian Focus (C5a, 307) Zone and "H" Community Shopping and Commercial, Etc.) District.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 10 of 38**

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**Surrounding Land Uses:**

<b>South</b>	Single and semi detached dwellings.	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, and “H-H/S-1569b” (Community Shopping and Commercial, Etc.) District, Modified.
<b>West</b>	Surface parking lots and restaurants.	“JJ/S-378” (Light and Limited Heavy Industrial, Etc.) District, Modified, and “H-H/S-1569b” (Community Shopping and Commercial, Etc.) District, Modified.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

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. The following policies, amongst others apply to the proposal.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses:
- a) Efficiently use land and resources;
  - b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion;
  - e) Support active transportation; and,
  - f) Are transit-supportive, where transit is planned, exists or may be development;

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) Page 11 of 38**

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- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area as defined by the PPS. The proposed mixed use building will contribute to a mix of land uses in the area, is an efficient use of land and represents an appropriate redevelopment of the site. The subject lands are supported by public transit and in proximity to public open spaces and amenities including Hamilton General Hospital, Jackie Washington Rotary Park, Beasley Park and various commercial uses along Barton Street East (Policy 1.1.3.2). The subject property is in proximity to a stationary noise source (Hamilton General Hospital). The necessary measures will be taken to mitigate any risk to public health and safety (Policy 1.1.3.4).

#### Cultural Heritage and Archaeology

The City of Hamilton Official Plan has not been updated with respect to the cultural heritage policies of the PPS. The following policies, amongst others, of the PPS 2020 apply.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved; and,
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian Settlement; and,
- 2) Along historic transportation routes.

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Notwithstanding current surface conditions the criteria define the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings at the Site Plan Control stage (Policy 2.6.2).

The subject property is adjacent to 276 Wellington Street North, a property included on the City's Inventory of Buildings of Architectural and/or Historical Interest. In addition, the property is located within the historic Beasley neighbourhood and within the Wellington Street North Cultural Heritage Landscape. Based on the submitted Urban Design Brief, Cultural Heritage staff are satisfied the proposed scale, materials and overall design of the proposed seven storey mixed use building is contextually appropriate to the prevailing character of the neighbourhood and Wellington Street North Cultural Heritage Landscape.

The semi detached dwelling at 255 and 257 Wellington Street North was constructed in the mid to late 19<sup>th</sup> century. The dwellings were not in a condition to be considered for retention and were demolished in 2019 (Policy 2.6.3).

#### Noise

"1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities."

The subject lands are close to existing transportation noise sources and existing stationary noise sources in the area. A Functional Noise Study was prepared by RWDI dated November 22, 2019 and updated July 23, 2021 and submitted with the applications.

The following chart outlines the MECP requirements respecting Transportation Noise sources:

Time Period	Location	Assessment Location	Noise Level Criteria
0700 to 2300	Outdoor Living Area	Outdoor	55 dBA
Anytime	Living Area	Indoor	45 dBA
0700 to 2300	Bedrooms	Indoor	45 dBA
2300 to 0700	Bedrooms	Indoor	40 dBA

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The following chart outlines the MECP requirements respecting Stationary Noise sources for a Class 1 and Class 4 Area:

Time Period	Location	Assessment Location	Class 1	Class 4
0700 - 1900	Outdoor Living Area	Outdoor	50 dBA	55 dBA
0700 - 2300	Dwelling Unit	Plane of Window / Wall	50 dBA	60 dBA
2300 - 0700	Dwelling Unit	Plane of Window / Wall	45 dBA	55 dBA

The Noise Feasibility Study identified two potential transportation noise sources being Barton Street East and Wellington Street North, and one stationary noise source being the Hamilton General Hospital.

The Noise Feasibility Study identified that the daytime and night time noise levels from the transportation noise sources are predicted to meet guideline limits subject to using mitigation measures but will require noise warning clauses which will be addressed at the Site Plan Control stage and Draft Plan of Condominium, if applicable.

The study also identified off-site continuous stationary noise sources from Hamilton General Hospital which exceed the NPC-300 Class 1 limits. A 15 dB reduction in sound level for the stationary sources using mitigation measures would result in compliance with Class 1 limits, however the required sound reduction would require significant mitigation measures at the source of the noise (Hamilton General Hospital). The study indicated that mitigation measures at the source included a series of silencers and acoustic barriers which would be financially prohibitive and may not be structurally possible. Alternatively, the proposed development would need to be redesigned to have blank walls along Barton Street East and Wellington Street East which is contrary to the design principles of the West Harbour (Setting Sail) Secondary Plan. The Applicant is therefore seeking to have the subject property re-classified from a Class 1 Area to a Class 4 Area pursuant to the MECP Noise Guidelines NPC-300. The Class 4 designation will allow for on-site mitigation measures without requiring mitigation at the source and altering the current hospital operations.

The Noise Feasibility Study identifies that night time noise levels exceed Class 4 limits (55 dBA) by up to 3 dB for certain portions of the proposed building being the northern façade of the west wing and the northern and eastern façade of the building. Enclosed buffer windows and balconies as described in NPC-300 is the recommended approach for noise mitigation and considered feasible to meet Class 4 limits.

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The noise mitigation measures that will be implemented for the proposed development respecting both transportation noise sources and stationary noise sources are as follows:

- Standard Building materials, required under the Ontario Building Code for windows and exterior walls;
- Enclosed buffer windows and balconies;
- Centralized air conditioning will need to be provided in order to allow windows to remain closed and centralized air conditioning will need to be provided;
- A warning clause advising prospective purchasers and tenants that sound levels due to increased road traffic may exceed the MECP requirements;
- A warning clause advising prospective purchasers and tenants that centralized air conditioning is being established in order to allow windows and exterior doors to remain closed; and,
- A warning clause advising prospective purchasers and tenants that the property has been deemed a Class 4 Area.

The implementation of noise mitigation measures related to transportation and stationary noise sources have been incorporated into a Holding Provision and will be undertaken through the Site Plan Control application and if applicable a future Draft Plan of Condominium.

#### Site Contamination

The PPS provides the following policy direction:

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

The proposed mixed use building will establish a more sensitive land use (residential) on a site where there is potential for site contamination due to the previous uses. A Phase 1 and Phase 2 Environmental Site Assessment (ESA) was conducted by Landtek Limited for the subject lands.

Based on the findings of the Phase 2 ESA, the soil exceeds the applicable O. Reg 153/04 requirements for a sensitive land use. Therefore, a Record of Site Condition is required and will be filed once further study and/or remediation has been completed.

An ‘H’ Holding Provision will be applied to the Zoning By-law Amendment requiring completion of an RSC or for the applicant to enter into a conditional building permit and must be satisfied prior to final Site Plan approval.

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Based on the above, and subject to the proposed holding provision, the proposal is consistent with the policies of the PPS (2020).

**Growth Plan for the Greater Golden Horseshoe 2019, as amended**

The proposal conforms to the Guiding Principles, Section 1.2.1 of the Growth Plan, as it supports the achievement of complete communities, provides residential intensification to make efficient use of land and infrastructure, supports a range and mix of housing options, meets people's needs for daily living, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a. The vast majority of growth will be directed to *settlement areas* that:
  - i. Have a *delineated built boundary*;
  - ii. Have existing or planned *municipal water and wastewater systems*; and,
  - iii. Can support the achievement of *complete communities*;
- c. Within *settlement areas*, growth will be focused in:
  - i. *Delineated built-up areas*;
  - ii. *Strategic growth areas*;
  - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
  - iv. Areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a. Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- c. Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

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The subject lands are located within the City of Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure (Policy 2.2.1.2 a) and c)).

The proposal contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built-up area, in a location serviced by existing transit routes along Barton Street East and with access to local stores and services (Policy 2.2.1.4 a) and c)).

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. Should the Applications be approved, staff would request that the proposed Official Plan Amendment changes be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

### **Hamilton-Wentworth Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst other, apply to the proposal.

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Urban Area

“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped lands, without taking up agricultural or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal complies with the direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed mixed use building will contribute to a compact built form and represents a form of residential intensification in proximity to existing recreation, shopping and workplaces, and public transit systems.

Based on the foregoing, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

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### City of Hamilton Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands as "Central Policy Area". The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following policies, amongst others, apply to the proposal.

#### "Subsection A.2.8 - Central Policy Area

- A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan; and,
  - ii) Residential Uses of various housing types, including, but not limited to, single family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;

#### Subsection B.2.1 – Water Distribution

- B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

#### Subsection B.2.2 – Sewage Disposal

- B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL

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System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, 'zero run-off', and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City."

A Functional Servicing Report dated December 2019 and revised January 2021 by S. Llewellyn & Associated Limited was submitted in support of the applications. While no concerns were identified with respect to establishing the principal of the land use for the subject property, a revised Functional Servicing Report will be required at the Site Plan Control stage to address storm water management, water demand and required fire flow.

"Subsection B.2.4 - Solid Waste Disposal

B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service."

The proposed residential use is eligible for municipal waste collection but is subject to meeting the requirements of the City's Solid Waste Management By-law. The Applicant has not demonstrated that the proposed site layout will meet the City's requirements. The Applicant has been advised that waste collection will be examined in greater detail at the Site Plan Control stage. Should the Applicant be unable to meet the City's requirements for municipal waste collection then waste collection will be required to be provided by way of a private waste hauler. If waste collection will be provided by way of a private waste hauler then prospective purchasers and tenants will be required to be notified through a warning clause included in all purchase and sale or lease and rental agreements and the owner will need to agree to include this warning clause in a signed undertaking as part of the Site Plan Control Application and if applicable a future Draft Plan of Condominium.

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“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value;
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
  - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
  - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton Residents; and,
  - xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.”

The proposed development will establish a new residential development that will contribute to a range of tenure options for the area and contribute to providing a diversity of dwelling forms and housing options on a vacant parcel of land (Policy 7.3 iii), v) and ix)).

The building maintains a three storey massing along the west and south limits of the subject lands with a seven storey building at the corner of Wellington Street North and Barton Street East. The proposed stepbacks above the three storey podium create a built form that is compatible with the adjacent residential area with adequate

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separation to the seven storey building to protect adjacent properties from privacy and overview impacts. The seven storey height is appropriate based on massing, setbacks and lot coverage and will not create adverse shadow impacts on the surrounding area (Policy 7.3 iii) and v)).

The proposed development is located in proximity to existing public transit routes and will therefore establish a form of development that will be conducive to the efficient operation of public transit (Policy C.7.3 xii).

Based on the foregoing, the proposal complies with the City of Hamilton Official Plan with respect to the applicable policy direction of Sections B and C.

**West Harbour (Setting Sail) Secondary Plan (OPA No. 198)**

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB) (now Ontario Land Tribunal (OLT)), the Secondary Plan was not deemed to be in effect until the OLT issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the OLT in 2013, the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject lands are designated “Ferguson-Wellington Corridor” on Schedule M-1 – Planning Area and Sub-Areas. Part of 222 Barton Street East is designated “Mixed Use”, part of 222 Barton Street East, 226 and 228 Barton Street East and 265 Wellington Street North are designated “Local Commercial” and 255, 257, 261 and 263 Wellington Street North are designated “Low Density Residential” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan.

The following policies, among others, apply to the proposal.

**General Policies**

“A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan; and,

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- A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.”

The proposed seven storey mixed use building represents a development that will respect the scale and character of the surrounding neighbourhood. The three storey podium is effective in providing an appropriate transition in scale to adjacent buildings with materials that respect the adjacent residential streetscape along Wellington Street North (A.6.3.3.1.2). The development promotes a range of housing types in West Harbour (A.6.3.3.1.9).

#### Low Density Residential

“A.6.3.3.1.12 In Low Density Residential areas:

- i) The scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;
- ii) Single detached, semi-detached and street townhouses are permitted;
- iii) The density of development shall range from 25 to 60 units per gross hectare;
- iv) Existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected; and,
- v) Lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood.”

A portion of the subject lands being 255, 257, 261 and 263 Wellington Street North are designated “Low Density Residential” in the West Harbour (Setting Sail) Secondary Plan. The scale and type of the proposed mixed use is not permitted under Policy A.6.3.3.1.12 ii) and iii), therefore, an Official Plan Amendment is required to change the designation of this portion of the subject lands from “Low Density Residential” to “Mixed Use”.

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“A.6.3.3.1.19 In Local Commercial areas:

- i) Commercial uses, such as retail stores, restaurants, take-out restaurants, banks, professional offices and personal services, are permitted;
- ii) Other uses, including office and residential, are permitted and encouraged above the ground floor;
- v) The maximum height of buildings shall be four storeys;
- vi) Front yard setbacks shall be consistent with the setbacks of adjacent buildings;
- vii) For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- viii) Buildings shall be oriented to a public street, with main entrances on a street, with barrier free access at street level;
- ix) Parking shall be located at the rear or side of buildings; and,
- x) Loading and service areas shall be located at the rear of buildings wherever feasible.”

A portion of the subject lands being part of 222 Barton Street East, 226 and 228 Barton Street East and 265 Wellington Street North are designated “Local Commercial” in the West Harbour (Setting Sail) Secondary Plan. The “Local Commercial” designation permits ground floor commercial uses in accordance with Policy A.6.3.3.1.19 i) and office and residential uses above the ground floor as per Policy A.6.3.3.1.19 ii). However, the Local Commercial designation limits the maximum building height to four storeys (Policy A.6.3.3.1.19 v)), therefore an Official Plan Amendment is required to permit a maximum height of seven storeys.

“A.6.3.3.1.17 In Mixed Use areas:

- i) Apartment buildings and apartment buildings with ground-floor, street related commercial and/or community uses are permitted and encouraged;

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- ii) The range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;
- iv) The density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;
- vi) Buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;
- vii) For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- viii) Ground-floor uses shall have their main entrances on the street with barrier free access, at grade;
- ix) Parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings, with access from public streets or laneways;
- xi) Front yard parking shall not be permitted;
- xii) Private amenity space shall be provided on balconies and terraces and/or within internal courtyards outdoors and indoors;
- xiii) Common amenity space shall be consolidated to create useable spaces;
- xiv) The design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xv) The design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The “Mixed Use” designation permits apartment buildings with ground floor commercial uses (A.6.3.3.1.17 i)). The allowable height and density is not prescribed for the “Mixed Use” designation of the West Harbour Secondary Plan (A.6.3.3.1.17 iv)). The commercial uses for the proposed mixed use building shall comply with the uses

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permitted in Policy A.6.3.3.1.17 ii). A special policy area is required to permit professional medical offices, to permit any professional offices or professional medical offices on the second floor and to limit the maximum building height to seven storeys.

A 3.1 metre road widening dedication has been taken from the Wellington Street North right of way (Policy A.6.3.3.1.17 vii) (see Appendix “E” attached to Report PED22062). The proposed mixed use building will be built close to the front and flankage property line with direct access to the ground floor commercial uses from the street (Policy A.6.3.3.1.17 vi) and viii)). The required parking for the proposed development will be provided within one level of an underground parking structure and a surface parking area at the rear of the site (Policy A.6.3.3.1.17 ix) and xi)).

Private amenity space provided as balconies / terraces is not feasible for the proposed development due to traffic and stationary noise levels as discussed throughout Report PED22062, although indoor common amenity space will be provided within the proposed building (Policy A.6.3.3.1.17 xi) and xiii)). The proposed development does not create any adverse shadows on the public realm or surrounding area and maintains sufficient setbacks to adjacent buildings to respect light access and privacy for residents (Policy A.6.3.3.1.17 xiv) and xv)).

“A.6.3.3.4 Urban Design

A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,
- v) Ensure barrier-free access from grade level in commercial mixed use developments;

A.6.3.3.4.4 The integration of public art into the design of buildings and open spaces is strongly encouraged.”

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The proposed development will establish active uses along Barton Street East and Wellington Street North with minimal setback to the street, direct pedestrian connections at grade, and sufficient glazing on the façades facing the street to contribute to a comfortable pedestrian environment (A.6.3.3.4.1 i), iv) and v)). Further, surface parking for the development is located at the rear of the building (A.6.3.3.4.1 iii)).

The proposed seven storey mixed use building represents an appropriate scale for the surrounding area. The building maintains a three storey massing along the west and south limits of the subject lands with a seven storey building at the corner of Wellington Street North and Barton Street East. The three storey massing provides an appropriate transition in scale to the one and two storey dwellings along Wellington Street North and one storey commercial uses along Barton Street East, east of Wellington Street North. While the proposed seven storey building will be taller than existing buildings in the immediate vicinity, the proposed design allows for adequate separation to adjacent buildings, incorporates stepbacks to the seven storey height and focuses the massing at the corner of Barton Street East and Wellington Street North. As a result of the site layout and massing there are no adverse shadow impacts (A.6.3.3.4.1 ii)).

Based on the foregoing, the proposal complies with the policies of the West Harbour (Setting Sail) Secondary Plan, subject to the change in designation from “Low Density Residential” and “Local Commercial” to “Mixed Use” with a Special Policy Area. Therefore, the proposed Official Plan Amendment has merit and can be supported.

### **Beasley Neighbourhood Plan**

222, 226 and 228 Barton Street East and 265 Wellington Street North are designated “Commercial” and 255, 257, 261 and 263 Wellington Street North are designated “Single and Double” in the Beasley Neighbourhood Plan.

The Beasley Neighbourhood Plan identifies the subject lands as “Residential” (referred to as Single Detached and Semi Detached in the policies) and “Commercial” (referred to as Mixed Uses (Commercial and/ or Residential) in the policies). The following policies, among others, apply to the proposal.

#### **“4.3.1 Single Detached and Semi Detached**

This designation covers most of the interior of Beasley Neighbourhood. It is intended to re-affirm the lower density character of Beasley Neighbourhood. This designation will promote greater stability by encouraging residential redevelopment on vacant parcels of land within the built-up low density blocks

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at low residential densities. Areas previously designated for high density residential are now designated Single Detached and Semi Detached. As well, the incompatible industrial and automotive-related uses have been designated Single-Detached and Semi-Detached.

Within the Single Detached and Semi-Detached designation, attached row housing will be permitted provided the lot width is similar to that of single- and semi-detached units, it is in a form compatible to adjacent dwellings and is oriented towards the street. Any new residential construction shall not exceed a height of two and a half storeys.

#### 4.3.6 Commercial

The scope of the Commercial designation in Beasley Neighbourhood has been narrowed. This is in part because of the desire to encourage more Residential uses. As well, the Commercial "reach" of the downtown in other municipal planning documents has had the effect of undermining the stability of the existing residential community. By restricting the Commercial designation to the area immediately surrounding Gore Park, Hamilton's downtown would be more focused and dissipate the negative and destabilizing effects of land use planning uncertainty on the surrounding residential neighbourhood.

#### 4.3.5 Mixed Uses - Commercial and/or Residential

An important planning principle is to facilitate a number of different but compatible land uses in close proximity or within a specific property, i.e., "mixed use developments". Areas of mixed uses and mixed use developments can involve many uses but it is the commercial/residential combination which offers the greatest positive economic and social effect at the neighbourhood level as each use reinforces the viability of the other.

Extensive use of the Mixed Uses designation recognizes the importance of facilitating greater residential development in Beasley Neighbourhood and allows for flexibility in potential redevelopment opportunities. The logic is compelling as with more people in the neighbourhood, the viability of local commercial businesses would be enhanced which provide a further draw for people to move into the neighbourhood."

The subject development is proposed on a consolidated parcel of vacant land which has multiple designations within the Beasley Neighbourhood Plan. The mixed use building is appropriate for providing a transition to the adjacent low density residential uses along Wellington Street North and allowing for the continuation of at grade

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commercial uses along Barton Street East. The proposed mixed use building will establish a range of housing forms in the area and contribute to a complete community with connection to surrounding commercial and institutional uses.

Based on the foregoing, the proposal complies with the policies of the Beasley Neighbourhood Plan, subject to the change in designation from “Single and Double” and “Commercial” to “Commercial and Apartments” (Mixed Uses – Commercial and/or Residential in the Neighbourhood Plan policies) as outlined in the Recommendations section of Report PED22062.

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

The subject lands currently contain multiple properties which are zoned as follows:

- Part of 222 Barton Street East is zoned “JJ/S-378” (Restricted Light Industrial) District, Modified;
- Part of 222 Barton Street East, 226 Barton Street East, 228 Barton Street East and 265 Wellington Street North are zoned “H” (Community Shopping and Commercial, Etc.) District;
- 261 and 263 Wellington Street North are zoned “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified; and,
- 255 and 257 Wellington Street North are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

While the “JJ/S-378”, “H”, and “H/S-1259” Districts permit some commercial uses, the “D” District does not permit any commercial uses. A multiple dwelling is not permitted in any of the Zoning Districts. A Zoning By-law Amendment is required to permit the proposed mixed use building and the Applicant is proposing to remove the subject lands from Zoning By-law No. 6593 to add the subject lands to a more appropriate zone under Zoning By-law No. 05-200.

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

The Applicant is proposing to add the subject lands to Zoning By-law No. 05-200 as Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a seven storey mixed use building. Modifications to the parent C5a Zone will be required to implement the proposal which are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “D” attached to Report PED22062.

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**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>Recreation, Healthy and Safe Communities; and,</li> <li>Landscape Architectural Services, Strategic Planning Division, Public Works Department.</li> </ul>	No Comment.
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	No further comments on stormwater management, sanitary servicing, minor storm servicing, and water servicing at the Official Plan and Zoning By-law Amendment stage. These matters will be reviewed at the time of detailed design during the Site Plan Control stage.	Updated stormwater management and sanitary servicing studies will be required at the Site Plan Control Stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry approves the Tree Management Plan revision #3 dated 01/28/21.  Amendments to the submitted Landscape Plan dated 01/28/21 are required.	These matters will be addressed at the Site Plan Control stage.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning generally supports the proposed development.  The safety review component of the Traffic Impact Study has been forwarded to Transportation Operations and Maintenance staff who did not identify any concerns.  In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, Transportation Planning shall require the following: <ul style="list-style-type: none"> <li>A pavement marking design for Barton Street East to allow for left-turns into the proposed development; and,</li> <li>Parking stalls are not permitted to be located within 6.0 metres of the municipal right-of-way at the driveway access to Wellington Street North.</li> </ul>	These matters will be addressed at the Site Plan Control stage.

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<p>This development is eligible for municipal waste collection service subject to meeting the City's requirements for serviceability.</p> <p>A private waste hauler will be required if the property will be generating more than the allowable waste collection limit.</p>	This matter will be addressed at the Site Plan Control stage.
Healthy Environments Division, Healthy and Safe Communities Department	Recommend opportunity for urban agriculture such as edible landscaping and roof top gardens.	Noted.

<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Parking	There is concern about the number of parking spaces for the commercial uses and the proportion of surface parking area on site.	<p>The surface parking area will be limited as the majority of the parking will be underground, and the surface parking area will be screened from the street by the proposed building.</p> <p>Staff are not supportive of the modified parking ratio for the Medical Clinic and requests the applicant provide parking in accordance with the Zoning By-law.</p>

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Building design and materials	There is concern the proposed design of the building reflects an institutional character.	<p>The applicant has revised the colour of brick used for the podium to better reflect the neighbouring residential streetscape.</p> <p>The material treatment will be further evaluated at the Site Plan Control stage.</p>
Bicycle Parking	There is concern about the location of the bicycle parking on site.	The Applicant has revised the initial concept plan to provide pedestrian connections between the proposed bicycle parking and the building entrance.
Snow Storage	There is concern about no provision for snow storage.	The applicant has revised the initial concept plan to include the snow storage location.
Street trees and green space	There is concern that insufficient street trees and green space is being provided on site.	<p>Landscaped areas will be provided between the surface parking area and the rear and side property lines. Street trees will be provided along the Barton Street East and Wellington Street North street lines.</p> <p>This will be further evaluated at the Site Plan Control stage.</p>

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Public Consultation		
Issue	Comment	Staff Response
Access to adjacent alleyway	Concern was raised about maintaining access to the acquired alleyway.	The Owner has received approval for permanent closure of the east / west alleyway and part of the north / south alleyway abutting the subject lands (refer to Report PW16053 and PW19033). Access to the north / south alleyway will be maintained from Robert Street for residents with properties along Wellington Street North.

## PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 84 property owners within 120 metres of the subject property on January 31, 2020. A Public Notice sign was posted on the property on August 7, 2020 and updated on March 9, 2022. Finally, Notice of the Public Meeting was given on March 18, 2022 in accordance with the requirements of the *Planning Act*.

One email requesting information and expressing concern and one email expressing no concerns with the proposal were received (see Appendix “F” attached to Report PED22062).

### Design Review Panel

The Applicant presented the original proposal for a seven storey mixed use commercial / residential building containing consisting of a 79 dwelling units and commercial uses on the ground and second floor to the City’s Design Review Panel (DRP) on August 13, 2020. The DRP provided advice to City staff on a number of design recommendations including the below summarized comments, amongst others:

- The proposed massing is indicative of a tower on a podium design, when the proposal is for a mid-rise development. The panel recommended providing a

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consistent mid-rise building height along the entire Barton Street East frontage with stepbacks to reduce shadow impacts;

- Recommended further evaluation of the massing and material strategy to better reflect a mid-rise condition, suggesting an integrated material strategy to unify the built form with one material applied to the overall massing and reduce the institutional character of the proposal;
- The three storey building height along the southerly portion of the Wellington Street North frontage is effective at providing a transition to the adjacent residential uses to the south. The transition could be further improved by choosing materials that reflect the residential character of the adjacent dwellings and providing a consistent setback to match the existing streetscape along Wellington Street North;
- Recommended considering higher quality materials such as brick and masonry to better complement the character of the area and reduce the institutional feel of the development;
- Recommended removal of one driveway access to improve the pedestrian environment and provide more commercial frontage; and,
- Recommended including outdoor amenity area at grade or on the rooftop.

The Applicant's Response to DRP advice is summarized as follows:

- When evaluating different massing options, it was determined by the applicant that a consistent building height along Barton Street East would cast the same shadow at the intersection of Barton Street East and Wellington Street North;
- Shifting the tower component further west will not allow for a smooth transition from the seven storey building to the podium and will create an elevated gap at the corner of Barton Street East and Wellington Street North;
- The elevation drawings have been updated to reinforce the articulation of the seven storey building and the podium with materials reflective of the residential character of the neighbouring streetscape;
- The building materials and landscape design will be further evaluated at the Site Plan Control stage; and,

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- Two vehicle access points are necessary to provide a functioning internal route for service vehicles including waste collection vehicles.

### **Public Consultation Strategy**

The Applicants submitted a Public Consultation Strategy with the initial submission of the Application. The Applicant proposed to create a website accessible to the public for the proposed development.

The website generated a total of 161 users between November 2020 and January 2021. As of February 2021, no public correspondence was received by the Applicant regarding the Applications.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan upon approval of the Official Plan Amendment; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. Official Plan Amendment

The proposed Official Plan Amendment seeks to change the designation of the subject lands from “Low Density Residential” and “Local Commercial” to “Mixed Use” in the West Harbour (Setting Sail) Secondary Plan to permit a seven storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys.

As outlined in detail in the Policy Implication and Legislated Requirements section of Report PED22062, the proposed change in designation facilitates a form of

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development that is compatible with the scale and character of the area. The proposed change in designation is appropriate for the subject lands.

The change in designation is being undertaken on a consolidated parcel of land which will be of sufficient size to accommodate a mixed use building that will be of a size and scale that is compatible with the area. The proposed seven storey building utilizes setbacks above the third storey to provide an appropriate transition in scale to adjacent properties with sufficient building separation to mitigate any privacy concerns. The proposed seven storey building will not create adverse shadow impacts on the surrounding area.

Therefore, the proposed Official Plan Amendment has merit can be supported.

### 3. Zoning By-law Amendment

The purpose of the Application for Zoning By-law Amendment is to remove the subject lands from Zoning By-law No. 6593 and add the lands to Zoning By-law No. 05-200 as Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone. The existing “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District under Zoning By-law No. 6593 do not permit the use and scale of the proposed mixed use development.

The proposed site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone permits various commercial uses including office uses and dwelling units above the ground floor. Modifications to the C5a Zone are to permit the proposed seven storey mixed use building with a maximum building height of 25.0 metres, reduced glazing on the front façade and an increased height for the first storey. The Applicant requested an increased setback of 10.5 metres from the Barton Street street line. With the Applicant’s agreement, Staff have amended the By-law attached as Appendix “C” to Report PED22062 to allow for a 3.7 metres setback in accordance with the submitted Concept Plan. The modifications are discussed in greater detail in Appendix “D” attached to Report PED22062.

The proposed development complies with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan subject to the OPA being approved. It contributes to a complete community by providing additional housing forms in the surrounding area and provides a built form that is compatible with the scale and character of the area.

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Therefore, staff support the proposed Zoning By-law Amendment.

4. Class 4 Designation – MECP Noise Guidelines NPC-300

The Applicant is seeking permission from Council to change the classification of the subject lands from a Class 1 Area to a Class 4 Area pursuant to the MECP Noise Guidelines NPC-300 in order to address compliance with respect to stationary noise sources located in proximity to the subject lands.

As outlined in detail in the Policy Implications and Legislated Requirements section of Report PED22062, staff agree that mitigating noise at the source is not feasible and that noise mitigation measures required to mitigate noise from the façade of the buildings is not practical or feasible. Therefore, staff recommend a change from Class 1 Area to Class 4 Area. The change from Class 1 Area to Class 4 Area is to be applied to the entirety of the subject lands in order to apply a consistent standard for the entire development subject to this specific proposal.

As outlined in detail in the Policy Implications and Legislated Requirements section of Report PED22062, the proposed change in classification of the subject lands from a Class 1 Area to a Class 4 Area will not adversely impact the residents of the proposed development, subject to the implementation of all required noise mitigation measures and warning clauses, as well as informing all prospective purchasers and tenants that the lands have been classified as Class 4 required at the Site Plan Control stage and if applicable a future Draft Plan of Condominium.

To ensure that all noise mitigation measures are implemented at the Site Plan Control stage, an ‘H’ Holding Provision is included in the proposed By-law (attached as Appendix “C” to Report PED22062) which will be removed upon the owner/applicant implementing all required noise mitigation measures identified in the Acoustical Study dated November 22, 2019 by RWDI and updated July 23, 2021 through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner.

Additionally an ‘H’ Holding Provision is to be included requiring that the owner agree to advise prospective purchasers and tenants that the dwellings are located in a Class 4 Area and to register this notice and any and all noise warning clauses on title and include the notice and noise warning clauses in any purchase and sale and in any lease or rental agreements, to the satisfaction of the Director of Planning and Chief Planner.

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5. Holding Provision

An 'H' Holding Provision is recommended to address the following:

- To require the Owner to submit a signed Record of Site Condition (RSC) to the City of Hamilton and MECP for the subject property or to enter into a conditional building permit agreement with respect to completing a Record of Site Condition. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use). The Applicant has undergone a Phase 2 Environmental Site Assessment.
- To require the Owner/Applicant to agree in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Acoustical Study dated November 22, 2019 by RWDI and updated July 23, 2021, to the satisfaction of the Director of Planning and Chief Planner.

Additionally an 'H' Holding Provision is to be included requiring that the owner agree as part of a Site Plan Agreement to advise prospective purchasers and tenants that the dwellings are located in a Class 4 Area and to register this notice and any and all noise warning clauses on title and include the notice and noise warning clauses in any purchase and sale and in any lease or rental agreements, to the satisfaction of the Director of Planning and Chief Planner.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject lands can be used in accordance with the respective "JJ/S-378" (Restricted Light Industrial) District, Modified, "H" (Community Shopping and Commercial, Etc.) District, H/S-1259 (Community Shopping and Commercial, Etc.) District, Modified and D (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593.

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

### **Community Engagement and Participation**

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

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**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Clean and Green**

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

**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Official Plan Amendment

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

Appendix "D" – Zoning By-law Site Specific Modification

Appendix "E" – Chart Revised Concept Plan and Elevations

Appendix "F" – Public Submissions

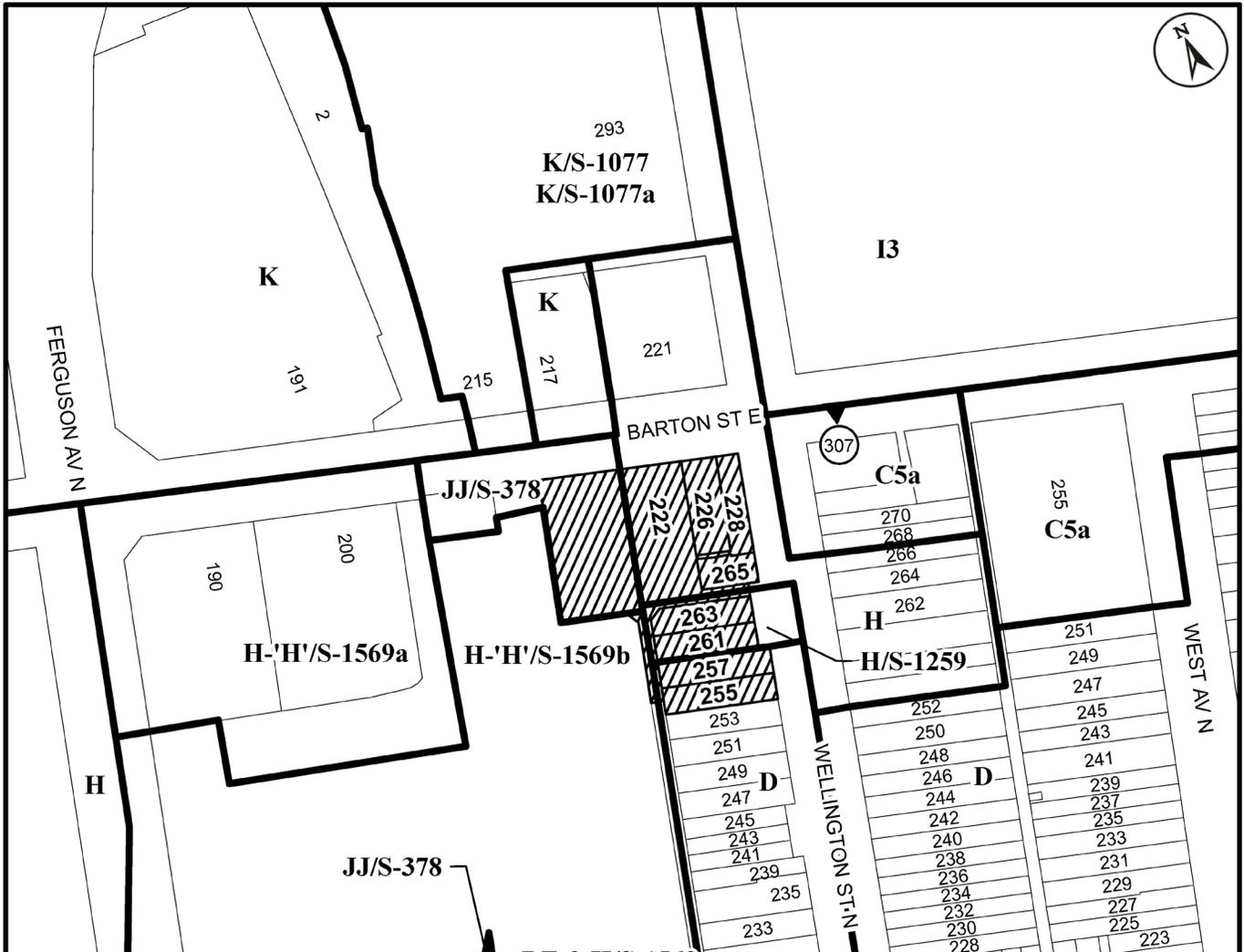
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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.



● Site Location



Key Map - Ward 2



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-013/UHOPA-20-008

Date:  
February 14, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JA/NB

### Subject Property

222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, (Ward 2)

 Change in zoning from "JJ/S-378" (Restricted Light Industrial) District, "H" and "H/S-1259" (Community Shopping and Commercial, Etc.) District, and "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District under Zoning By-law No. 6593 to the Mixed Use - Medium Density (C5a, 774, H124) Zone under Zoning By-law No. 05-200

Schedule "1"

**Amendment No. "X"**  
**to the**  
**City of Hamilton Official Plan**

The following text, together with Appendix "A" Schedule M-2: General Land Use attached hereto, constitutes Official Plan Amendment No. "X" to the City of Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation of a portion of the subject lands from "Low Density Residential" and "Local Commercial" to "Mixed Use" and by establishing a Special Policy Area to permit a seven storey mixed use apartment building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, in the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape, and makes use of an underutilized parcel;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in that it maintains Barton Street East as a primary retail street, while providing intensification at a form and scale that is compatible with the surrounding area;

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### **4.0 Changes:**

#### **4.1 Text Changes:**

- 4.1.1 That Section A.6.3.3.1.17 be amended by adding Policy No. A.6.3.3.1.17.X as follows:

"A.6.3.3.1.17.X The following shall apply to the lands known municipally as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, designated Mixed Use and identified as Site Specific Policy Area - X on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan:

- i. In addition to Policy A.6.3.3.1.17 i), an apartment building with ground-floor, street-related commercial uses and second floor commercial uses shall be permitted;
- ii. In addition to Policy A.6.3.3.1.17 ii) a professional medical office shall be permitted on the ground floor;
- iii. The range of commercial uses permitted on the second floor of the building shall include business, personal services, professional office, and professional medical offices; and,
- iv. Notwithstanding Policy A.6.3.3.1.17 iv), the maximum building height shall be 7 storeys."

#### **4.2 Map / Schedule Changes:**

- 4.2.1 That Schedule "M-2": General Land Use of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) Redesignating the lands at 255, 257, 261, 263 and 263 Wellington Street North from "Low Density Residential" to "Mixed Use";

- b) Redesignating the lands at part of 222 Barton Street East, 226 and 228 Barton Street East and 265 Wellington Street North from "Local Commercial" to "Mixed Use"; and,
- c) identifying the subject lands as Special Policy Area "X"

as shown on Appendix "A" to this Amendment.

**5.0 Implementation:**

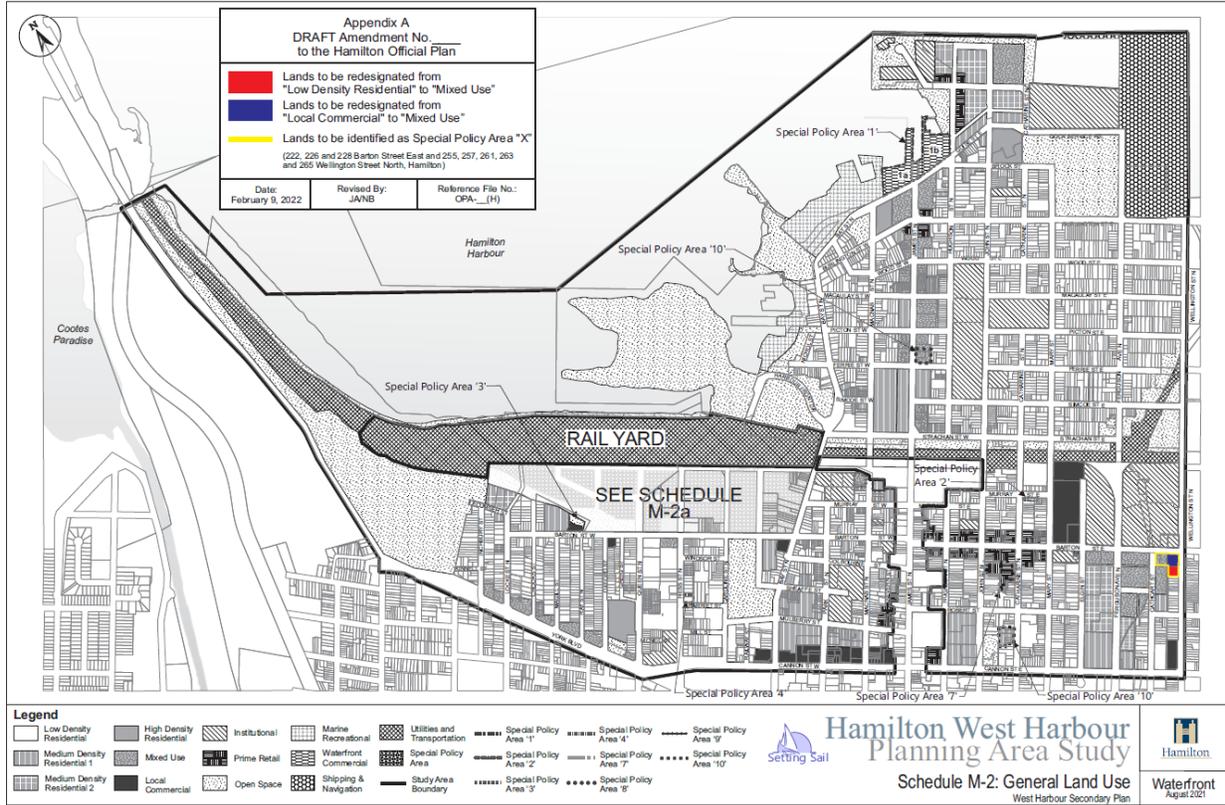
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_ day of \_\_\_, 2022.

**The  
City of Hamilton**

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

\_\_\_\_\_  
A. Holland  
CITY CLERK



**Appendix “C” to Report PED22062****Page 1 of 4**

**Authority:** Item ,  
Report (PED22062)  
CM:  
Ward: 2

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

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at  
222, 226 and 228 Barton Street East and  
255, 257, 261, 263 and 265 Wellington Street North, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on April 5, 2022; and.

**AND WHEREAS** this By-law conforms to the City of Hamilton Official Plan, upon the adoption of the City of Hamilton Official Plan Amendment No. XXX;

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Map 911 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 is amended by adding the lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone for the lands identified in the Location Map attached as Schedule “A” to this By-law;
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
  - “774. Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 774, H124) Zone, identified on Map 911 of Schedule “A” – Zoning and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, the following special provisions shall apply:
    - a) Notwithstanding Section 5.6 c) iv) as it relates to Office and Medical Clinic the following minimum parking requirements shall apply:
      - i) Office 1 space per 27 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
      - ii) Medical Clinic 1 space per 27 square metres of gross floor area which accommodates such use.

**Appendix “C” to Report PED22062**  
**Page 2 of 4**

b) Notwithstanding Section 10.5a.3 a), d) ii); and, h) ix) and x) the following regulations shall apply:

- |      |   |   |
|------|---|---|
| i)   | Maximum Building Setback from a Street Line | 3.7 metres  |
| ii)  | Building Height                             | Maximum 25.0 metres.  |
| iii) | Built form for New Development              | <p>A) A minimum of 50% of the area of the ground floor façade facing the street shall be composed of doors and windows.</p> <p>B) The first storey shall have a maximum height of 5.6 metres.</p> |
| iv)  | Maximum Gross Floor Area for Medical Clinic | 505 square metres.  |

3. That Schedule “D” – Holding Provisions is amended by adding the following new provision:

124. Notwithstanding Section 10.5a of this By-law, on those lands zoned Mixed Use Medium Density (C5a, 774, H124) Zone, identified on Map 911 of Schedule “A” – Zoning and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, no development shall be permitted until such time as:

- i) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conversation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
- ii) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in Acoustical Study dated November 22, 2019 by RWDI and updated July 23, 2021, through the Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner; and,

**Appendix "C" to Report PED22062**  
**Page 3 of 4**

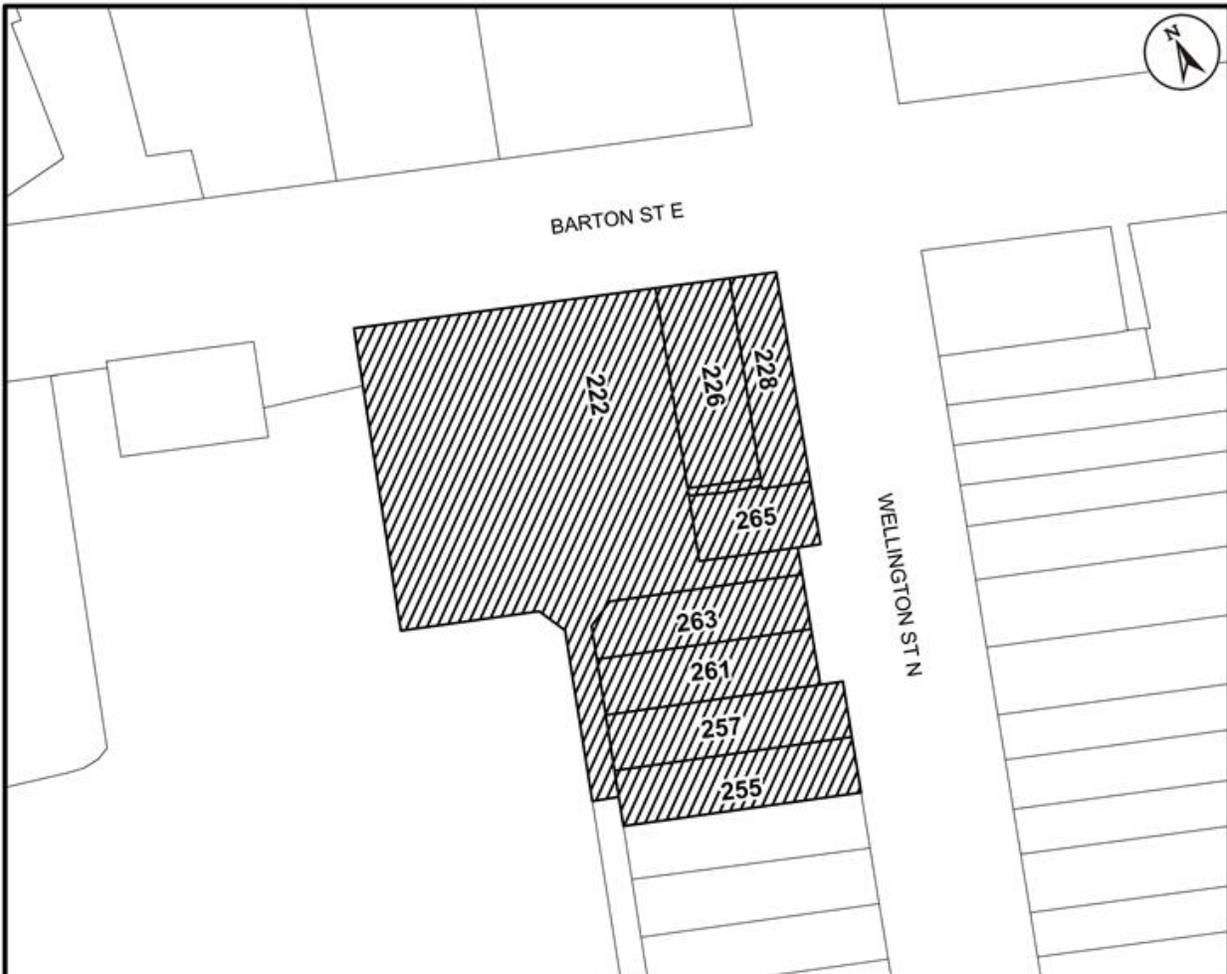
- iii) The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.
  
- 4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone, subject to the special provisions referred to in Section 2 of this By-law; and,
  
- 5. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

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

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

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

ZAC-20-013  
UHOPA-20-08



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

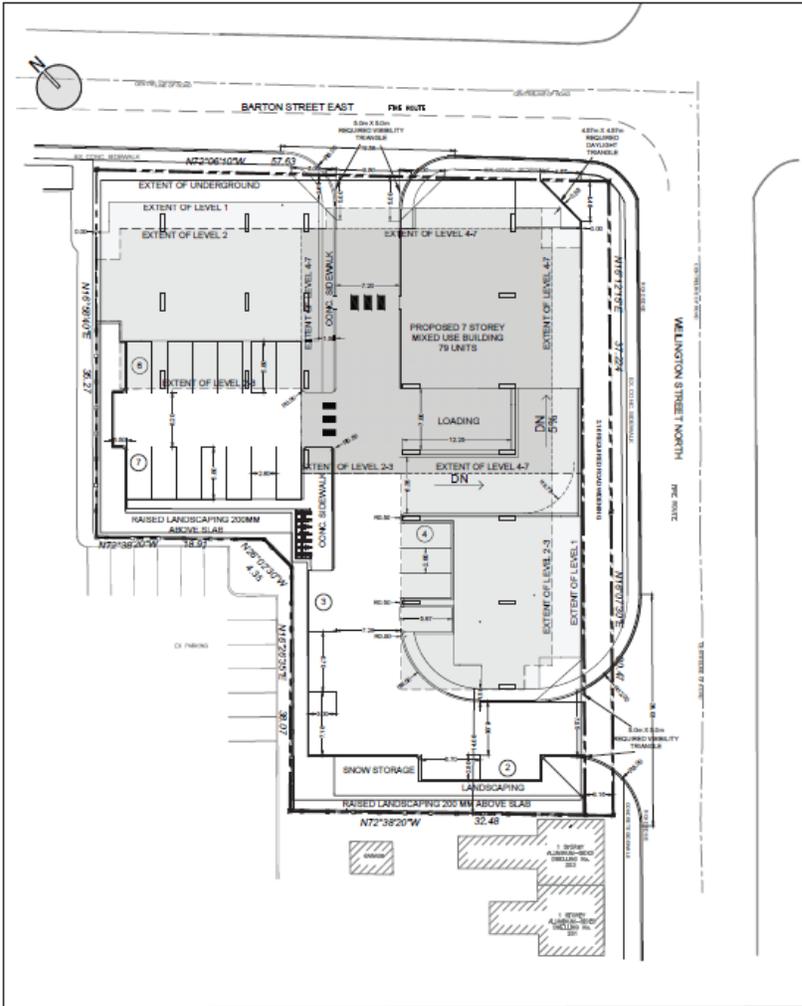
<h2>Schedule "A"</h2> <p><b>Map forming Part of By-law No. 22-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>	<p><b>Subject Property</b></p> <p>222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (Ward 2)</p> <p> Change in zoning from "JJ/S-378" (Restricted Light Industrial) District, "H" and "H/S-1259" (Community Shopping and Commercial, Etc.) District, and "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District under Zoning By-law No. 6593 to the Mixed Use - Medium Density (C5a, 774, H124) Zone under Zoning By-law No. 05-200</p>
--	---

Scale: N.T.S	File Name/Number: ZAC-20-013/UHOPA-20-008	
Date: February 14, 2022	Planner/Technician: JA/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

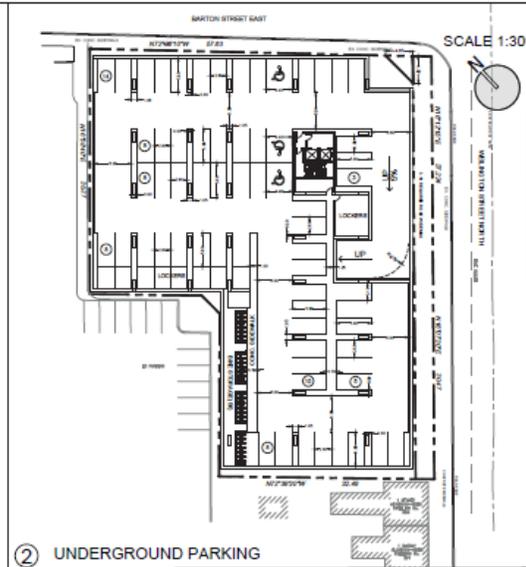
### Site Specific Modifications to the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

Regulation	Required	Modification	Analysis
Maximum building Setback from a Street Line	3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback.	<p>Maximum setback of 3.7 metres from the street.</p> <p>The Applicant requested a maximum setback of 10.5 metres and have since confirmed this was an error and the modification can be changed to 3.7 metres.</p>	<p>This modification relates to the building setback from Barton Street East which is designated as a Primary Mobility Street under the West Harbour (Setting Sail) Secondary Plan. While no road widening is required, Transportation Planning recommends a minimum building setback of 3.0 metres from the existing property line. The proposed building setback from Barton Street East ranges from approximately 3.0 metres to 3.7 metres. The proposed setback allows for flexibility with the future right-of-way width of Barton Street East while also maintaining a consistent street wall and opportunity for enhanced landscaping.</p> <p>Therefore, staff support this modification.</p>
Building Height	Maximum 22.0 metres	Maximum 25.0 metres	<p>This modification is required to permit a maximum height of 25.0 metres and seven storeys. The proposed development does not create any adverse shadows on the surrounding area and provides an appropriate transition in scale to the residential uses along Wellington Street North.</p> <p>Therefore, staff support this modification.</p>
Built Form for New Development	A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.	A minimum of 50% of the area of the ground floor façade facing the street shall be composed of doors and windows.	<p>The intent of this regulation is to ensure adequate glazing is provided along the street to maintain a consistent streetscape and create a pedestrian oriented environment through passive surveillance. The proportion of windows and doors along the ground floor façades facing Barton Street East and Wellington Street North is appropriate. There is only one portion of the ground floor façade facing Wellington Street North which does not have glazing in order to accommodate the ramp to the underground parking structure. Additionally, it should be noted the ground floor height exceeds the maximum permitted height outlined in the parent by-law thus increasing the ground floor façade area facing the street and amount of doors and windows required.</p> <p>Therefore, staff support this modification.</p>

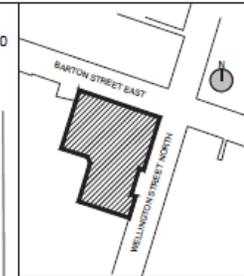
Regulation	Required	Modification	Analysis
Built Form for New Development	The first storey shall have a minimum height of 3.5 metres and a maximum height of 4.5 metres.	The first storey shall have a maximum height of 5.4 metres.	<p>The subject lands are just outside of the recommended Pedestrian Predominant Street overlay along Barton Street identified in the Barton Kenilworth Corridor Study Recommendation Report. It is recommended buildings proposed between Wellington Street and Lottridge Street require minimum floor to ceiling heights of 4.5 metres on the ground floor.</p> <p>The intent of this regulation is to maintain a consistent streetscape and create an inviting pedestrian oriented environment. The proposed development maintains a ground floor height of 5.4 metres throughout the entire building. The windows, doors and signage on the ground floor facades of the proposed building facing the street maintains a height consistent the parent C5a Zone requirements. The building materials used on the ground floor (i.e. brick) are continued to the second storey for the majority of building northern and eastern facades, thus the increase in height is not anticipated to have a visual impact on the streetscape.</p> <p>Therefore, staff support this modification.</p>
Maximum Gross Floor Area for Medical Clinic	N/A	505 square metres	<p>The proposed modification has been added to establish a cap on the size of a Medical Clinic to ensure conformity with the proposed parking ratio.</p> <p>Therefore, staff support this modification.</p>
Parking as it relates to Office and Medical Clinic	<p>Office: 1 space for every 30 square metres of gross floor area for that portion of a building that is in excess of 450 square metres.</p> <p>Medical Clinic: 1 space for every 16 square metres of gross floor area.</p>	1 space for each 27.0 square metres of gross floor area which accommodates such use.	<p>The intent of this regulations is to provide sufficient on-site parking. The proposed modification recognizes the combined use of the second floor as office and medical clinic space. The subject lands are within the Barton Street - Kenilworth Avenue Commercial Corridor study area with direct access to public transit, local services, parks and open space and schools. The Study further supports reducing parking indicating that the corridor has sufficient supply of parking with opportunity for shared and on-street parking options. The amending By-law includes a maximum gross floor area for medical clinics to ensure conformity with the parking ratio.</p> <p>Therefore, staff support this modification.</p>



1 CONCEPT PLAN



2 UNDERGROUND PARKING



KEY MAP - N.T.S.

SCALE 1:200

METRES

LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDING
- EXISTING BUILDINGS
- EXTENT OF UNDERGROUND PARKING
- 1.8m VISUAL BARRIER

DEVELOPMENT STATISTICS

Item	Required (as per draft By-Law)	Proposed
Lot Area	3451.43 m <sup>2</sup>	3451.43 m <sup>2</sup>
Min. Setback from Sidewalk	3.75 m	3.58 m
Min. Side Yard	7.5 m	N/A
Min. Front Yard	7.5 m	8.54 m
Building Height	25.0 m	7 storeys (27.4 m)
Min. Gross Floor Area for Office	2,800.0 m <sup>2</sup>	707.80 m <sup>2</sup>
Min. Gross Floor Area for Commercial	2,800.0 m <sup>2</sup>	707.30 m <sup>2</sup>
Planning Strip	0 m	3.49 m
Off-street Parking	11,307 m <sup>2</sup> in excess of 450 m <sup>2</sup> = 15 spaces	10 spaces
Commercial	11,307 m <sup>2</sup> in excess of 450 m <sup>2</sup> = 11 spaces	12 spaces
Residential	Units Greater than 90 m <sup>2</sup> : 1.14 ÷ 0.71 unit = 1.6 spaces Units 50 - 90 m <sup>2</sup> : 0.85 ÷ 0.50 unit = 1.7 spaces Units 15 - 50 m <sup>2</sup> : 1.1 ÷ 0.25 unit = 4.4 spaces Total: 7.7 spaces	64 spaces
Street Free Parking	3 spaces	3 spaces
Total Parking	84 spaces	85 spaces
Short Term Bicycle Parking	18 spaces	18 spaces
Long Term Bicycle Parking	91 spaces	90 spaces

Item	No. Units
2nd Floor	12 residential units
3rd Floor	10 residential units
4th Floor	42 residential units
<b>Total Residential</b>	<b>79 units</b>
Units Greater than 90m <sup>2</sup>	83 units
Units Less than 90 m <sup>2</sup>	35 units
<b>Total Commercial</b>	<b>3 units</b>
<b>Total Office Units</b>	<b>3 units</b>

NOT FOR CONSTRUCTION  
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DESIGNED BY: INCLUSIVE DESIGN CHECKED BY: W. JOHNSON

DRAWN BY: L. GERRARD DATE: July 24, 2020

URBAN SOLUTIONS  
 PLANNING & LAND DEVELOPMENT  
 3 STUDEBAKER PLACE, UNIT 1  
 HAMILTON, ON L8L 0C8  
 905-545-1087 • urbansolutions.info

PROJECT:  
 BARTON AND WELLINGTON  
 CITY OF HAMILTON

CLIENT:  
 467052 ONTARIO LTD  
 C/O STEVEN JOYCE

TITLE:  
 CONCEPT PLAN

US FILE NUMBER: 2381-17 SHEET NUMBER: 1



**From:** [Peter Tice](#)  
**To:** [Kehler, Mark](#)  
**Cc:** [Martin Hotz](#); [Ron Wojcicki](#)  
**Subject:** UHOPA-20-008 & ZAC-20-013  
**Date:** February 27, 2020 2:29:17 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[new doc 2020-02-12 14.16.00.pdf](#)

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Hello Mark

We act on behalf of B&F Investments (Nova Scotia) Company (Mr. Martin Hotz), the owner of the property immediately to the west of the lands that are the subject of these applications by 467052 Ontario Ltd. (Mr. Steven Joyce). A copy of your Notice of Complete Application is attached here for reference purposes.

Our client does not have any concerns with these applications for an Official Plan Amendment (File No. UHOPA-20-008) and for a zoning by-law amendment (File No. ZAC-20-013) at this time. Our client reserves the right to submit further comments in the event that there are changes to the applications.

We would request that copies of any further notifications and the staff report be sent to me at [REDACTED] and to Mr. Hotz at [REDACTED] whenever such notification or report is issued.

Kindly advise if anything further is required at this time. Best regards, Peter Tice

**Peter R. Tice**

Of Counsel to the Business Law Group

**Direct:** [REDACTED]  
practising through a professional corporation

**Ross & McBride LLP**

1 King Street W., 10<sup>th</sup> Floor Hamilton, ON L8P 1A4

**Phone:** 905.526.9800 | **Fax:** 905.526.0732

[Website](#) | [Twitter](#) | [LinkedIn](#)

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**From:** [Laurie Pringle](#)  
**To:** [Kehler, Mark](#); [McKie, Shannon](#)  
**Cc:** [Robichaud, Steve](#); [Fabac, Anita](#); [Farr, Jason](#); [Farruggia, Cetina](#)  
**Subject:** RE: design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls  
**Date:** October 14, 2020 3:12:22 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Mark,

Apologies for the delay in my response.

I should also add – that your team should be made aware that the western most lane of Wellington N. will soon be a parking lane. The city council approved this some time ago, as I understand it.

It appeared from your meeting that people weren't aware of this. So that too, should be a consideration for the design consultations.

*Laurie Pringle*

**Director, Communications & Engagement**

70 Macklin St. N. Hamilton, Ontario L8S 3S1

[REDACTED]  
[REDACTED]

---

**From:** Kehler, Mark <Mark.Kehler@hamilton.ca>  
**Sent:** Wednesday, September 9, 2020 2:22 PM  
**To:** Laurie Pringle [REDACTED] McKie, Shannon  
<Shannon.McKie@hamilton.ca>  
**Cc:** Robichaud, Steve <Steve.Robichaud@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>;  
Farr, Jason <Jason.Farr@hamilton.ca>; Farruggia, Cetina <Cetina.Farruggia@hamilton.ca>  
**Subject:** RE: design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls

Hi Laurie,

There will be a public meeting for the proposed Official Plan Amendment and Zoning By-law Amendment applications required to facilitate the development. If you provide your mailing address we will send you a Notice of Public Meeting in the mail once the meeting has been scheduled.

The laneway acquisition process was completed by our Corridor Management Section. If you have further questions about this you can speak with Cetina Farruggia – 905-546-2424, Ext. 5803 or [Cetina.Farruggia@hamilton.ca](mailto:Cetina.Farruggia@hamilton.ca).

**Mark Kehler**

Planner I - Urban Team  
Planning and Economic Development  
Planning, City of Hamilton

(905) 546-2424 Ext.4148



**NOTE:** As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

Planning staff will continue to serve the community over the phone or by email. However, staff are working from home as a precautionary measure to protect both the public and staff and staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

Thank you for your anticipated cooperation.

---

**From:** Laurie Pringle [REDACTED]  
**Sent:** September 9, 2020 11:07 AM  
**To:** Kehler, Mark <[Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca)>; McKie, Shannon <[Shannon.McKie@hamilton.ca](mailto:Shannon.McKie@hamilton.ca)>  
**Cc:** Robichaud, Steve <[Steve.Robichaud@hamilton.ca](mailto:Steve.Robichaud@hamilton.ca)>; Fabac, Anita <[Anita.Fabac@hamilton.ca](mailto:Anita.Fabac@hamilton.ca)>; Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>  
**Subject:** RE: design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls

Hi Mark,

Thank you for your prompt reply.

I am aware that for this meeting there is no public consultation. And just to clarify – I'm asking to be made aware of all city meetings related to this development, not just the design meetings.

I'm not sure if the design team are involved with the alley acquisition, but there too – we need to ensure some quick action. I know all of my neighbours are very concerned that we agreed to this in good faith, and to be facing the possibility that we will be unable to access our vehicles over winter, is a concern for all of us. Everyone on this block who uses that alley is wondering who we speak to about this, and how we can ensure it's taken care of in short order. There is already some talk of going to a lawyer as some people here feel that we were "duped" into agreeing to this, and we without legal intervention we will be left without any ability (or leverage) to ensure that our needs are addressed in a timely manner. I'm working to avoid that – but people are getting increasingly agitated about it.

Thank you!

*Laurie Pringle*

**Director, Communications & Engagement**

70 Macklin St. N. Hamilton, Ontario L8S 3S1

---

**From:** Kehler, Mark <[Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca)>

**Sent:** Wednesday, September 9, 2020 9:19 AM

**To:** McKie, Shannon <[Shannon.McKie@hamilton.ca](mailto:Shannon.McKie@hamilton.ca)>; Laurie Pringle

**Cc:** Robichaud, Steve <[Steve.Robichaud@hamilton.ca](mailto:Steve.Robichaud@hamilton.ca)>; Fabac, Anita <[Anita.Fabac@hamilton.ca](mailto:Anita.Fabac@hamilton.ca)>;  
Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>

**Subject:** RE: design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls

Good morning Laurie,

Thank you for the comments.

Your feedback will be considered by staff and addressed in a staff report provided to Planning Committee.

If you provide your mailing address, I can add you to the notification list for the Public Meeting / Planning Committee that will be scheduled after the applicant has had a chance to respond to comments from staff, the public and the Design Review Panel. You will be able to participate in the Public Meeting by making verbal or written submissions.

Design Review Panel (DRP) agendas are posted on the City's website in advance of the DRP meetings: <https://www.hamilton.ca/develop-property/policies-guidelines/design-review-panel>.

The DRP meetings can be viewed by the public but there is no opportunity for the public to participate. During the COVID-19 shutdown we are posting videos of the meetings to the website.

If you have any further questions or comments, please let me know.

**Mark Kehler**

Planner I - Urban Team  
Planning and Economic Development  
Planning, City of Hamilton  
(905) 546-2424 Ext.4148



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Thank you for your anticipated cooperation.

---

**From:** McKie, Shannon <[Shannon.McKie@hamilton.ca](mailto:Shannon.McKie@hamilton.ca)>  
**Sent:** September 9, 2020 7:47 AM  
**To:** Laurie Pringle [REDACTED]  
**Cc:** Robichaud, Steve <[Steve.Robichaud@hamilton.ca](mailto:Steve.Robichaud@hamilton.ca)>; Fabac, Anita <[Anita.Fabac@hamilton.ca](mailto:Anita.Fabac@hamilton.ca)>; Kehler, Mark <[Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca)>; McDonald, Andrea <[Andrea.McDonald@hamilton.ca](mailto:Andrea.McDonald@hamilton.ca)>; Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>  
**Subject:** RE: design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls

Good Morning Laurie,

Thank you for your email and comments related to the feedback that was given for the application related to 222-228 Barton Street East and 255-265 Wellington Street North (UHOPA-20-008) (ZAC-20-013). I have forwarded your comments to Mark Kehler who is the lead planner on the file. If you have any further questions related to the application please feel free to contact Mark at [Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca).

I have also followed up with Public Works staff regarding your questions related to a dog park at Robert Street and Cathcart. I will follow up again once I have some additional information for you.

Shannon

**Shannon McKie**

Senior Project Manager - Urban Team  
Planning and Economic Development  
Planning, City of Hamilton  
(905) 546-2424 Ext.1288



**NOTE:** As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

Planning staff will continue to serve the community over the phone or by email. However, staff are

working from home as a precautionary measure to protect both the public and staff and staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

Thank you for your anticipated cooperation.

---

**From:** Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>  
**Sent:** September 8, 2020 11:47 AM  
**To:** Laurie Pringle [REDACTED]  
**Cc:** McKie, Shannon <[Shannon.McKie@hamilton.ca](mailto:Shannon.McKie@hamilton.ca)>  
**Subject:** RE: design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls

There's a number of items that I will need to look into (ie Small Dog park – not sure it is City Land – but like the idea).

On the good planning questions you have, I have ccd our Manager, Shannon. Shannon, please keep me ccd. Thanks

---

**From:** Laurie Pringle [REDACTED]  
**Sent:** September 7, 2020 7:46 PM  
**To:** Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>  
**Subject:** design and planning mtgs (Wellington/Barton development) & small dog park - Borer's Falls

Hi Jason, (this is a 2 issue email... although I think there is some potential to connect them, so I've included both items, but feel free to deal with them separately if you feel it's more appropriate)

I just happened to see a link to the design consultation meeting for the Joyce development and sat through to watch it.

Before I provide my feedback, I have a couple of questions:

1. I'd like to know if there is some way to ensure that I am informed of these meetings in advance, so that I can participate (where possible) and/or be able to view them – when open to the public?
2. In addition to this, I'd like to find out if there are any committees where residents would be invited to be a part of the consultation/feedback teams? I noticed that many (if not most) of the participants in this meeting, really didn't appreciate the fact that there are families living

on Wellington. Additionally, the initial concept designs clearly didn't allow for any turn-around or space for snow to be stacked up... We are fast approaching winter and if they don't do something about those blocks, we are going to be unable to leave our homes in winter because the snow removal people won't be able to maneuver or have a place to put the snow once it's plowed.

- a. **This can't wait and requires some kind of solution in the next couple of months.**

Additional feedback...

- Not enough parking
  - They are providing 1:1 parking – but they are renting commercial space. Most commercial businesses have more than 1 employee, and then you have visitors to the businesses. Their plans are woefully inadequate and we already have an issue with hospital staff parking along Wellington because they're too lazy to walk from the staff parking by Tim Horton's.
  - Much of the site is street-level parking... I realize it would create additional costs, but I think they should consider 2 underground levels of parking – instead of the single level underground parking they are currently proposing.
- Many participants commented on the "institutional" look and I have to agree... it really didn't make the corner look welcoming or residential.
- Greenspace – There was also mention of the lack of use of the rooftops.
  - I do understand that they have zoning/permit issues around noise, but that doesn't mean they can't make use of those spaces to further provide greening or green spaces.
  - As you know, I've been asking about getting more trees... I'd like to see the developer required not only to maximize green/tree spaces on their development, but it would be nice if we could also require them to add trees to Wellington Street. This would not only have a beneficial impact to the neighbourhood, but it would also make it easier to make their design transition to the neighbourhood, by creating a consistent look and feel to the street.
- Bike Racks – one of the participants spoke about the bike rack/storage placement... They were concerned about people walking across a busy driveway, but in reality, the bigger concern is theft and vandalism. That alleyway is a conduit for bad behavior, and storing bikes in that area is not wise. I'd suggest that they consider my suggesting for another level of garage space, and providing indoor storage for resident bikes.

Lastly – this is related, but also could be a separate issue....

Hamilton only has 1 dog park that has a "small dog" space (Borer's Falls). Currently it's closed until at least October... there isn't another spot in the city where those of us (mostly downtown people) who have small dogs can take our dogs where they won't get run over by large dogs.

- I'd like to suggest that we take the empty lot that is on the corner of Robert & Cathcart and convert that to a small dog park.. It's more than big enough for small dogs to run and play – and it's got a natural grade, so water wouldn't puddle etc. People who live in condo's tend to use dog parks a lot – and with so many new builds happening in the core, and now on our corner, it would be a great little spot for those of us who live downtown to take our dogs to

run and play with other dogs.... And this would also be a big selling point for the condo developer. Perhaps they'd be willing to help make the appropriate changes to the site, to allow for it to be made into a small dog park?

- Also – while we're on the topic... would you be able to convince the Borer's Falls dog park people to temporarily reclassify the Borer's Falls "large dog area" into a "small dog area" until the construction is done on the small dog area? That is the ONLY spot in all of Hamilton for small dogs and it's closed – so given that people can take their large dogs to any dog park... could we not temporarily restrict the large area for small dogs... just for a couple months?

Thanks again for everything you do for us! I'd love to get more involved in any committee's where perhaps my expertise or feedback might be of use. If ever you hear of something, please don't hesitate to let me know.

Have a lovely evening!

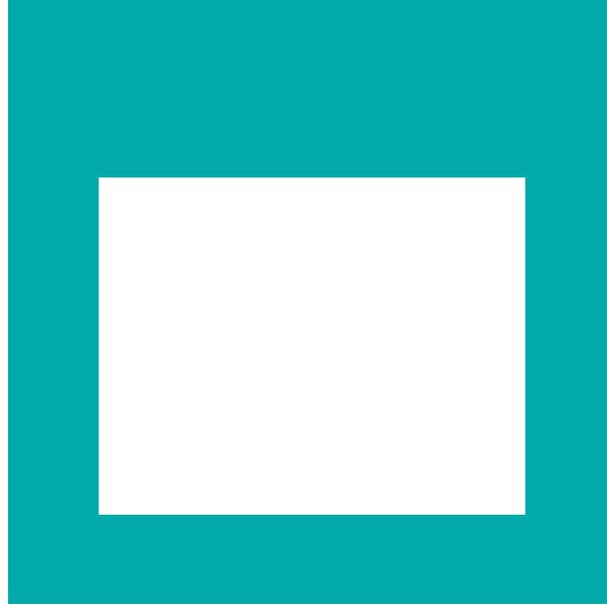
*Laurie Pringle*

**Director, Communications & Engagement**

70 Macklin St. N. Hamilton, Ontario L8S 3S1

[REDACTED]

[REDACTED]



WELCOME TO THE CITY OF HAMILTON

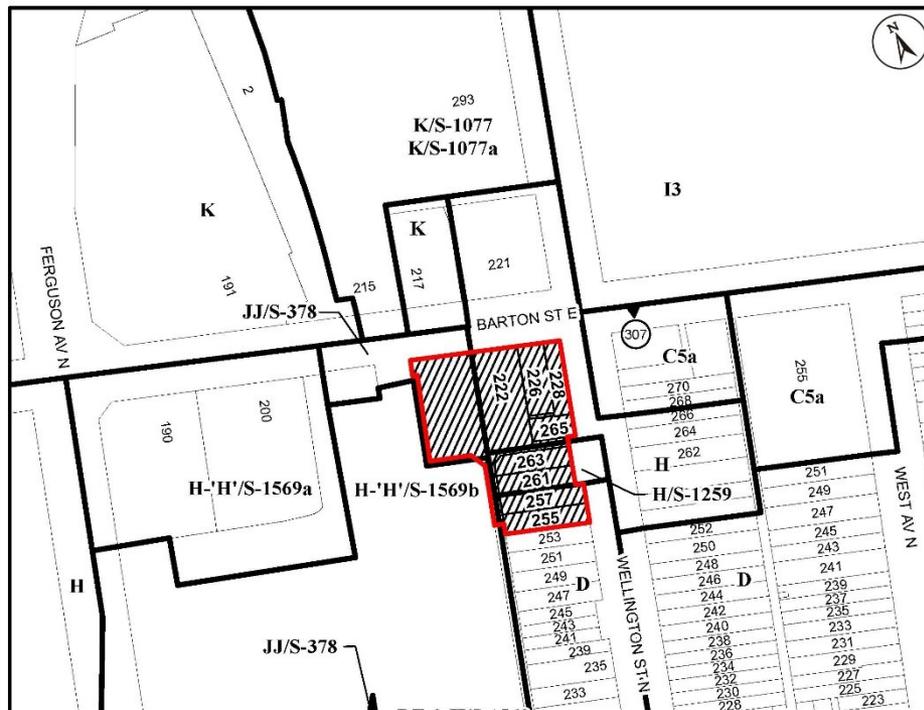
# PLANNING COMMITTEE

April 5, 2022

## **PED22062– (ZAC-20-013 / UHOPA-20-008)**

Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton

Presented by: Jennifer Allen



● Site Location



Key Map - Ward 2

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-20-013/UHOPA-20-008	Date: February 14, 2022
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Appendix "A"	Scale: N.T.S.	Planner/Technician: JA/NB
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**Subject Property**

222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, (Ward 2)

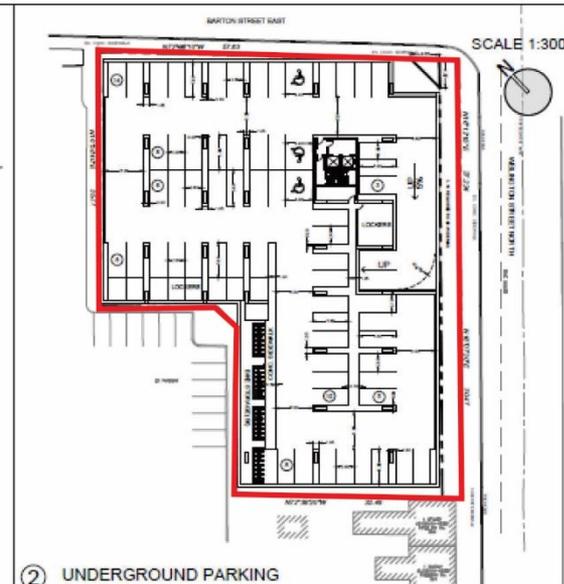
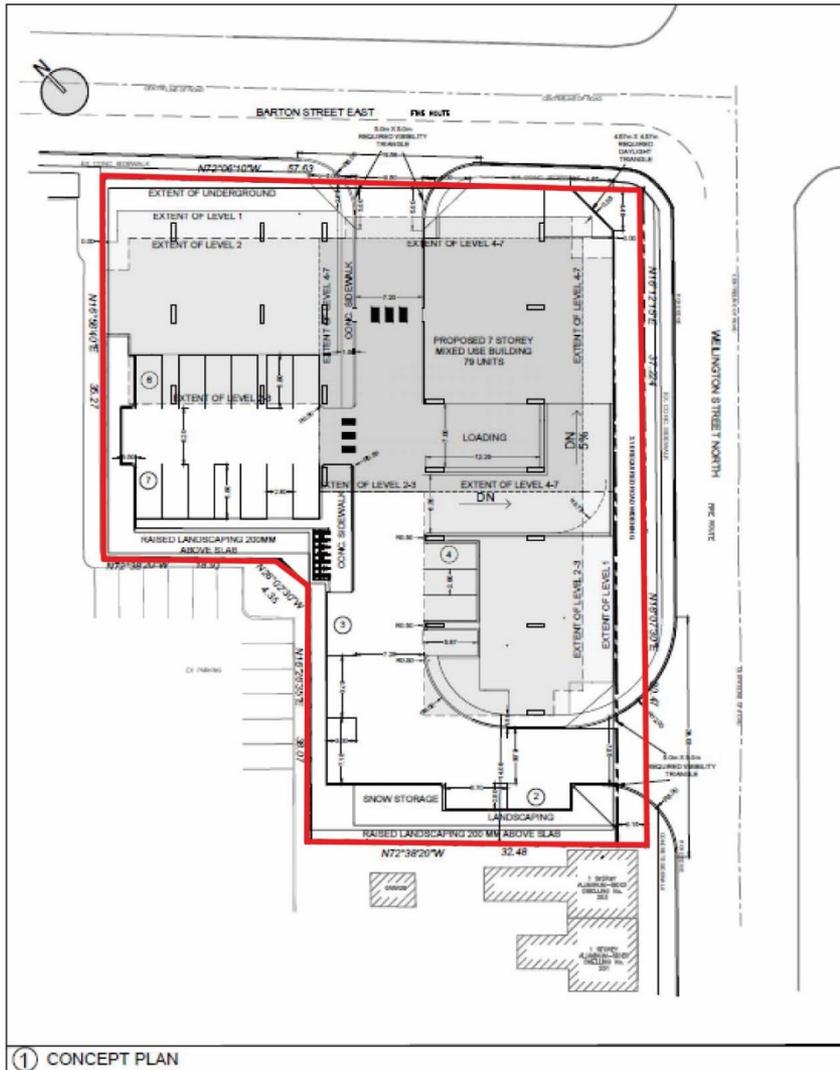
Change in zoning from "JJ/S-378" (Restricted Light Industrial) District, "H" and "H/S-1259" (Community Shopping and Commercial, Etc.) District, and "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District under Zoning By-law No. 6593 to the Mixed Use - Medium Density (C5a, 774, H124) Zone under Zoning By-law No. 05-200



**SUBJECT PROPERTY**



**222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton**



**DEVELOPMENT STATISTICS**

Item	Req'd	Proposed
Proposed Zoning: C1	1000 sqm	1000 sqm
Max. Setback from Street Line	5.75 m	5.58 m
Min. Side Yard	7.5 m	N/A
Max. Rear Yard	7.5 m	8.64 m
Building Height	25.0 m	7 stories (22.4 m)
Max. Gross Floor Area for Office	2,800.0 m <sup>2</sup>	707.30 m <sup>2</sup>
Max. Gross Floor Area for Commercial	2,800.0 m <sup>2</sup>	707.30 m <sup>2</sup>
Max. Gross Floor Area for Residential	0 m	3.49 m
Min. Gross Floor Area for Office	11,300 m <sup>2</sup> in excess of 400 m <sup>2</sup> = 11 spaces	10 spaces
Commercial	11,300 m <sup>2</sup> in excess of 400 m <sup>2</sup> = 11 spaces	12 spaces
Residential	Units Greater than 90 m <sup>2</sup> : 1-14 = 0.71 unit = 9.8 spaces 15-50 = 0.05 unit = 0.5 spaces 51+ = 11 unit = 13 spaces Units Less than 90 m <sup>2</sup> : 0.25 unit = 4.8 spaces Total: 58.1 spaces	64 spaces
Home Free Parking	3 spaces	3 spaces
Total Parking	64 spaces	66 spaces
Short Term Bicycle Parking	14 spaces	14 spaces
Long Term Bicycle Parking	91 spaces	95 spaces

Item	No. Units
2nd Floor	12 residential units
3rd Floor	19 residential units
4th-7th Floor	48 residential units
<b>Total Residential</b>	<b>79 units</b>
Units Greater than 90m <sup>2</sup>	63 units
Units Less than 90m <sup>2</sup>	16 units
<b>Total Commercial</b>	<b>3 units</b>
<b>Total Office Units</b>	<b>3 units</b>

**KEY MAP - N.T.S.**

**SCALE 1:200**

LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDING
- EXISTING BUILDINGS
- EXTENT OF UNDERGROUND PARKING
- 1.0m VISUAL BARRIER

**NOT FOR CONSTRUCTION**  
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.048.

DESIGNED BY: nicolaus walter      CHECKED BY: W. JOHNSON  
 DRAWN BY: L. DEWICK      DATE: July 24, 2020

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 PLANNING & LAND DEVELOPMENT  
 3 STUBBS BAKER PLACE, UNIT 1  
 HAMILTON, ON L8L 0C8  
 905-546-1087 • urbansolutions.info

**PROJECT:**  
 BARTON AND WELLINGTON  
 CITY OF HAMILTON

**CLIENT:**  
 467052 ONTARIO LTD  
 C/O STEVEN JOYCE

**TITLE:**  
 CONCEPT PLAN

US FILE NUMBER: 2381-17      SHEET NUMBER: 1





View of site looking west from Wellington Street North



View of site looking south-west from the corner of Barton Street East and Wellington Street North



View of site looking south from Barton Street East



View of site looking south-east from Barton Street East



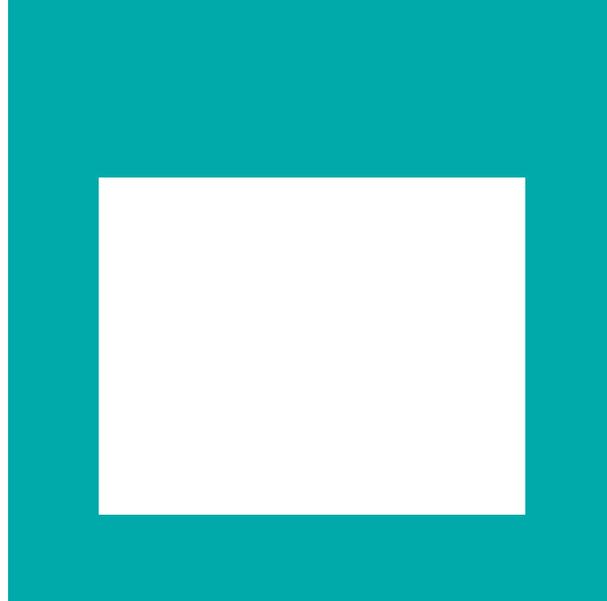
View of looking east on Barton Street East



View looking west on Barton Street East



View looking north on Wellington Street North



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner)**, to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 2 of 44**

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- (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (b) That **Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner)**, to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m<sup>2</sup> of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, be **DENIED** on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, setbacks, and massing;
- (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
- (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.

## EXECUTIVE SUMMARY

Applications have been submitted to amend both the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to permit the development of an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m<sup>2</sup> of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue.

The lands are presently designated “Low Density Residential 1” and “Mixed Use - Medium Density” within the Ancaster Wilson Street Secondary Plan and zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone, and Existing Residential “ER” Zone.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 3 of 44**

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Based on a review of the proposed development concept and associated materials submitted with the Applications, the proposed Official Plan and Zoning By-law amendments do not meet the general intent of the Urban Hamilton Official Plan (UHOP), the Ancaster Wilson Street Secondary Plan, and the Zoning By-law with respect to matters including, but not limited to:

- Right-of-way dedications;
- Building height;
- Residential density;
- Massing;
- Privacy;
- Overlook;
- Setbacks; and,
- Compatibility with and enhancement of the character of the existing neighbourhood.

This proposal is not considered to be good planning and is considered an overdevelopment of the site. Staff recommend that the Applications be denied.

**Alternatives for Consideration – See Pages 43-44**

**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 an Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner / Applicant:	Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti)
File Number:	UHOPA-22-004 ZAC-22-011
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 4 of 44**

<b>Application Details</b>	
Proposal:	<ul style="list-style-type: none"> <li>The development of an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m<sup>2</sup> of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East; and,</li> <li>The relocation of the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue. While the proposed relocation is based on the need for soil remediation, the intended future uses of the heritage building have not been indicated within the materials submitted with the Applications other than it will be integrated with an outdoor amenity space.</li> </ul>
<b>Property Details</b>	
Municipal Address:	392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (see Location Map attached as Appendix "A" to Report PED22070).
Lot Area:	±7,791.7 m <sup>2</sup> (irregular)
Servicing:	Full municipal services.
Existing Use:	<ul style="list-style-type: none"> <li>A two-storey building, built c. 1840, and known as the Phillip Marr House, on the lands located at 398 Wilson Street East, designated under Part IV of the <i>Ontario Heritage Act</i>, under By-law No. 78-87.</li> <li>The remaining lands are presently vacant.</li> </ul>
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Community Node" on Schedule E – Urban Structure and "Mixed Use - Medium Density" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 5 of 44**

<b>Documents</b>	
Secondary Plan Existing:	Ancaster Wilson Street Secondary Plan – “Mixed Use - Medium Density” with a “Pedestrian Focus” and “Low Density Residential 1” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East are within the “Community Node Area” and the “Village Core” Character Area as shown on Appendix “A” of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features.
Secondary Plan Proposed:	Ancaster Wilson Street Secondary Plan – Redesignate the lands located at 15 Lorne Avenue from the “Low Density Residential 1” designation to the “Mixed Use - Medium Density” designation with a “Pedestrian Focus” and to establish a Site Specific Policy Area to permit a maximum height of eight storeys and a maximum density of 220 units per hectare.
Zoning Existing:	<ul style="list-style-type: none"> <li>• Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone;</li> <li>• Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and,</li> <li>• Existing Residential “ER” Zone.</li> </ul>
Zoning Proposed:	Further modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone.
Further Modifications Proposed:	<p>Increases in:</p> <ul style="list-style-type: none"> <li>• Building Height: <ul style="list-style-type: none"> <li>○ from a maximum of 9.0 metres to 32.0 metres;</li> <li>○ from a minimum 7.5 metre façade height for any portion of a building along a street line to no minimum; and,</li> <li>○ from a first storey minimum of 3.6 metres and a maximum height of 4.5 metres to a maximum height of 5.3 metres and no minimum;</li> </ul> </li> <li>• Building Setback from a Street Line from no minimum and a maximum of 3.0 metres for the first storey to: <ul style="list-style-type: none"> <li>○ a minimum of 3.0 metres to a four storey structure and 5.0 metres for an eight storey structure along Wilson Street East;</li> <li>○ a minimum of 2.5 metres along Academy Street; and,</li> <li>○ no maximum;</li> </ul> </li> <li>• Accessory Building maximum height from 4.5 metres to two storeys (no dimension specified);</li> <li>• Accessory Building setbacks for Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres from conforming to the regulations for the principal use to 1.25 metres and having a maximum gross floor area of 100.0 square metres.</li> </ul>

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 6 of 44**

<b>Documents</b>	
Further Modifications Proposed <b>(Continued):</b>	<ul style="list-style-type: none"> <li>• Required Parking: <ul style="list-style-type: none"> <li>○ For residential uses from a maximum of 1.25 spaces/dwelling unit to 1.55 spaces/dwelling unit; and,</li> <li>○ For commercial uses from varies by use to 1 space per 30 square metres of gross commercial floor area.</li> </ul> </li> </ul> <p>Reductions in:</p> <ul style="list-style-type: none"> <li>• Minimum Side Yard from 7.5 metres abutting a lot containing a residential use to 2.5 metres to a four storey structure and 5.0 metres for an eight storey structure (intended for the north lot line);</li> <li>• Minimum Rear Yard from 7.5 metres (or 3.0 metres for 392 Wilson Street East) from the east lot lines to: <ul style="list-style-type: none"> <li>○ 5.0 metres to a five storey structure and 7.5 metres for an eight storey structure, for the portion of a structure measuring approximately 23.5 metres in length; and,</li> <li>○ 37.0 metres for the portion of a structure measuring approximately 77.0 metres in length;</li> </ul> </li> <li>• Minimum area of the ground floor façade facing the street composed of doors and windows from 60% to 45%;</li> <li>• Planting Strip requirements along lot lines abutting a Residential Zone or an Institutional Zone from 1.5 metres to 0.5 metres; and,</li> <li>• Minimum of one principal entrance provided from within the ground floor façade that is set back closest to a street to within the ground floor façade fronting any street.</li> </ul>
<b>Processing Details</b>	
Received:	December 22, 2021
Deemed Incomplete:	January 6, 2022
Deemed Complete:	January 11, 2022
Notice of Complete Application:	Sent to 101 property owners within 120 m of the subject lands on February 4, 2022.
Public Notice Sign:	Posted January 26, 2022.
Notice of Public Meeting:	<ul style="list-style-type: none"> <li>• Sent to 101 property owners within 120 m of the subject lands on March 18, 2022; and,</li> <li>• Statutory notice given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on March 18, 2022.</li> </ul>
Public Comments:	77 letters / emails opposing the proposed development (see Appendix “C” attached to Report PED22070).

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 7 of 44**

<b>Processing Details</b>	
Processing Time:	104 days from when the Application was received to Planning Committee.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Two-storey designated heritage building on the lands located at 398 Wilson Street East; otherwise vacant.	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, Existing Residential “ER” Zone.
<b>Surrounding Land Uses:</b>		
North	Commercial Buildings and Single Detached Dwellings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone.
South	Commercial Buildings and Single Detached Dwellings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone.
East	Single Detached Dwellings	Existing Residential “ER” Zone.
West	Commercial Buildings	Mixed Use Medium Density - Pedestrian Focus (C5a, 569) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 304, 570) Zone; and, Mixed Use Medium Density - Pedestrian Focus (C5a, 572) Zone.

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

The following policies of the PPS (2020), amongst others, are applicable to the Applications.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development;
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;
  - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - d) Prepare for the *impacts of a changing climate*;
  - e) Support *active transportation*;
  - f) Are transit-supportive, where transit is planned, exists or may be developed;
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety;
- 1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

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- b) Permitting and facilitating:
  - 1. All *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and,
  - 2. All types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) Directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) Requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and,
- f) Establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

In response to Policy 1.1.3.2, the proposal provides for the efficient use of land and resources by intensifying in the existing built-up area where there are existing services. The proposal is located along a major arterial road (Wilson Street East) where transit exists and may be further developed. Hamilton Street Railway (HSR) bus Route 16 services the site along Wilson Street East and provides a connection through Ancaster from Meadowlands to Duffs Corners. The proposed development will support active transportation and provide opportunities for multi-modal transportation options.

In response to Policy 1.1.3.2 b), the Applicant has not demonstrated that the proposal complies with the sanitary sewer design criteria. Staff note that the sanitary sewers along Wilson Street East are designed for 125 people per hectare. The Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, does not identify the proposed density of the Application for comparison. Staff have concerns that the proposal’s population density would exceed design capacity and have downstream impacts. It has also been identified that the proposed development would

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increase traffic infiltration on local roadways as well as result in an increase in traffic volumes which would negatively impact the arterial roadway operations that are already approaching capacity during peak hours.

Policy 1.4.3 speaks to the promotion of an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area. The proposed use of the subject lands for a mixed use building would help contribute to a range and mix of housing types.

#### Cultural Heritage and Archaeology

- “2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved;*
- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved; and,*
- 2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*”

A portion of the subject lands, known as 398 Wilson Street East, contains a rubble stone structure known as the Phillip Marr House which is designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the PPS (2020).

The subject lands are located within the Ancaster Village Core Cultural Heritage Landscape Inventory and adjacent to numerous other properties with a variety of heritage statuses. Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, including public views of the building fabric, building setback, the streetscape and significant vistas.

In 2021, the Applicant submitted a Heritage Permit Application (HP2021-033) for the proposed relocation of the rubble stone structure from its current location to the northeast corner of the subject site, on the lands located at 15 Lorne Avenue. The Applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. and dated June 4, 2021, in support of the proposed development as part of the Heritage Permit process.

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At the October 13, 2021 meeting of Council, Council approved HP2021-033 with conditions (Report PED21196). Condition (a) (xvii) requires that the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands. Heritage staff advise that several conditions remain outstanding at this time and are required to be cleared by the Applicant / property owners by July 31, 2023, which must be addressed separately as part of the Heritage Permit process.

A Stage 1 and 2 Archaeological Assessment (P462-0008-2020) for the subject property has been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton. The report recommends that further archaeological work should be conducted to address the archaeological potential of the subject property. Staff concur with this recommendation and prior to any redevelopment of the subject lands the Applicant would be required to conduct a Stage 3 assessment, along with any subsequent assessment depending on the findings from the previous investigative work, and that these reports be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton.

#### Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The proposed development is a sensitive land use fronting a major arterial road. A detailed noise study is therefore required to identify the sources of noise and any noise mitigation measures / construction techniques that may be required and any necessary warning clauses for future residents of the units.

The Applicant submitted a Noise Impact Study, prepared by dBA Acoustical Consultants Inc, dated June 2021 and revised November 2021, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to noise anticipated from Wilson Street East. Staff have reviewed the study and advise that insufficient information has been provided. A revised Noise Impact Study that clarifies the operating hours of the adjacent carwash, noise levels from the adjacent automotive repair shop, and which of the proposed dwelling units are considered the north and east units of the development is required. If the subject Applications were to be approved, a Holding Provision should be applied to require the Applicants to provide

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an updated noise study or as a condition of site plan approval if development proceeds based on the existing as of right permissions.

#### Human-Made Hazards

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

The Applicant submitted a Phase One Environmental Site Assessment (ESA), prepared by Landtek Limited Consulting Engineers and dated July 16, 2018, as part of the Applications. This study reviewed the site for areas of potential contamination due to previous commercial land uses and the proposal for a more sensitive land use (residential). The Phase One ESA identified several Areas of Environmental Concern (APECs) in and around the site, including petroleum fuel storage, commercial autobody shops, potential for fill of unknown quality, and the release of furnace oil. Based on these results, a Phase Two ESA is recommended to be completed for the subject lands to investigate the APECs identified prior to the submission of a Record of Site Condition (RSC). An RSC is required to be filed with the Ministry of Environment, Conservation and Parks prior to approval of the subject Applications. If the subject Applications were to be approved, a Holding Provision should be applied to require the Applicants to submit an RSC to the City and the Ministry of the Environment, Conservation and Parks (MOECP), and to receive a notice of acknowledgement of the RSC by the MOECP. Alternatively, an RSC would be required as a condition of site plan approval should the site be redeveloped based on the as of right planning permissions.

Based on the foregoing, and subject to the satisfactory resolution of the archaeological, noise, filing of a Record of Site Condition, servicing, and transportation related matters, the use of the subject lands for residential or similar uses is consistent with the PPS (2020).

#### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019). The following policies, amongst others, apply to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) The vast majority of growth will be directed to *settlement areas* that:

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- i. Have a *delineated built boundary*;
  - ii. Have existing or planned *municipal water and wastewater systems*; and,
  - iii. Can support the achievement of *complete communities*;
- c) Within *settlement areas*, growth will be focused in:
- i. *Delineated built-up areas*;
  - ii. *Strategic growth areas*;
  - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
  - iv. Areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) Provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;”

The subject lands are located within the built-up area of Hamilton, and the lands are within the Community Node that is associated with the former Ancaster downtown. The subject lands are located where full municipal services are available, and along an existing transit route. The proposed development will contribute to creating complete communities by providing an additional housing form for an area with convenient access to local stores and services.

As discussed in the Provincial Policy Statement section above, there are concerns regarding the existing and planned sanitary servicing capacity and existing roadway infrastructure to accommodate the proposed development that have not yet been addressed.

Based on the foregoing, and subject to the satisfactory resolution of the servicing, transportation and other issues, as discussed in the PPS section of this Report PED22070, the redevelopment of the subject lands for residential and similar uses

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conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Community Node” on Schedule E – Urban Structure and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.

The subject lands are designated “Low Density Residential 1” and “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East are within the “Community Node Area” and the “Village Core” Character Area as shown on Appendix A of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features. The following policies, amongst others, apply to this proposal.

Mixed Use - Medium Density Designation

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place;
- E.4.6.2 The Mixed Use - Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm;
- E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors;
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) Commercial uses such as retail stores, auto and home centres, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

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f) *Multiple dwellings;*

- E.4.6.9 The predominant built form shall be mid rise and low rise, mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for *pedestrian focus streets* as listed by Policy E.4.3.1. (OPA 65) (OPA 142);
- E.4.6.10 Permitted uses shall be located in single or mixed use buildings;
- E.4.6.15 Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan;
- E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density;
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places;
- E.4.6.18 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established, and shall be enhanced through new *development*; and,
- E.4.6.22 *Development Applications shall be encouraged to provide a mix of uses on the site.*”

The proposed development includes four commercial units with a total of 1,677 m<sup>2</sup> of at grade commercial space along Wilson Street East, with sizes ranging from 375.5 m<sup>2</sup> to 463.5 m<sup>2</sup>. The commercial uses would provide day-to-day services for the residents of the multiple dwelling units and serve the surrounding community. Retail and service commercial uses are key elements in ensuring the continued vibrancy of the pedestrian realm.

The proposed development provides access from Wilson Street East; however, on the Site Plan, as shown in Appendix “B” attached to Report PED22070, only residential accesses are shown. The commercial accesses should be identified to enable staff to assess how they will add to the vibrancy of the pedestrian realm.

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Policies E.4.6.16 – E.4.8.17 encourage a design that is pedestrian oriented. A design that would include more entrances off Wilson Street East would be more aligned with policies that are intended to promote pedestrian focus areas. The street-facing plaza primarily serves and relates to the private residential function of the development as opposed to supporting the commercial function on the site. Further, the rear facing component provides a mixture of private service functions and commercial parking, and the connection between the parking lot and the retail entrances on the street should be improved.

Policy E.4.6.18 indicates that new development should enhance historic areas. It is noted that the historic Ancaster downtown area is unique in that the street front has many breaks and spacing between buildings. Based on the scale and massing of the proposed building, the proposed development would interrupt this pattern. The solid massing is not representative of the village form of individual buildings along the street, the proposed height is more than triple what is currently supported, and the arrangement of building components does not complement the nature of the Ancaster Village Core area.

#### Residential Intensification

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) A balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.”

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The development provides for intensification within the Ancaster Community Node, as directed by the policies cited above. With respect to character, the existing surrounding buildings consist of low rise built forms being mainly one to three storeys in height. To the north are single detached dwellings used for residential and commercial uses, and to the east and southeast are single detached dwellings. To the west and south are commercial uses along Wilson Street East of predominantly two storeys in height, with a three storey commercial office building to the southwest.

The UHOP defines 'Compatible' as "land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean "the same as" or even as "being similar to". With respect to Policy B.2.4.1.4 (d), while compatibility does not necessarily mean that the development must be identical to existing adjacent development, it does mean that proposed development needs to be in keeping with the surrounding context of the area.

The surrounding area is made up of a low rise built form and there are no other properties within the Village Core Area that are higher than three storeys. The adjacent residential neighbourhoods also do not contain any buildings of a mid or high rise built form. In terms of density, the proposed development is for a proposed maximum of 220 units per hectare, which is higher than the City's in force and effect high density designation that allows up to a maximum of 200 units per hectare and is directed to primary and secondary corridors. As mentioned previously, Wilson Street has a distinctive street character, rhythm and pattern spacing between low rise buildings. The proposal at eight storeys would project much higher than that of surrounding properties.

The proposed setback reductions, such as the eastern side yard setbacks to the abutting single detached dwelling lots from 7.5 metres to 2.5 metres and the northern rear yard setback from 7.5 metres to 5.0 metres, coupled with the proposed increase to maximum building height from nine metres and two and a half storeys to 32 metres and eight storeys, results in the proposed building encroaching into the 45 degree angular plane. The Angular Plane Sketch, prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, show encroachments of up to five storeys into the 45 degree angular plane. The purpose of the 45 degree angular plane is to mitigate and avoid any adverse privacy, overlook, and shadowing impacts on neighbouring properties. As a result of the encroachments into the 45 degree angular plane, based on the proposed height, density, massing, and setbacks the proposed building would not be compatible with the existing surrounding development.

With respect to policy B.2.4.2.2, the proposed scale of the development is not in keeping with the existing character of the neighbourhood. While medium to high density residential development contributes to several planning objectives, staff note that the

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Ancaster Wilson Street Secondary Plan’s vision and intent carefully considers the merits of maintaining a low rise built form and has further considered the development densities that are based on transportation constraints. The proposed development, with additional height of eight storeys and a maximum density of 220 units per hectare, represents an overdevelopment of the site, and is not in keeping with the surrounding area. The proposal does not meet the residential intensification policies of the UHOP, as the proposal does not provide appropriate transitional measures to mitigate the height, scale, and massing being proposed. As such, the proposal does not build upon or enhance the established and planned character of the neighbourhood. It is the opinion of staff that the proposal does not demonstrate compatible integration with the surrounding area.

The Functional Servicing Report (FSR), prepared by S. Llewellyn and Associates and dated December 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the submitted FSR and other information, these Applications are not supportable. Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours. The projected traffic volumes from the proposed development will also increase traffic infiltration on local roadways.

#### Niagara Escarpment Plan

- “C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail.
- C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:
- a) The design of the development shall be compatible with the visual and natural environment; and,
  - b) Setbacks and screening adequate to minimize the visual impact of development on the Escarpment landscape shall be required.”

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The subject lands are not within the Niagara Escarpment Development Control area but are identified within the “Urban Area” of the Niagara Escarpment Plan (2017). The following Niagara Escarpment Plan policy, amongst others, applies to the proposal:

“1.7.5.1 All development shall be of an urban design *compatible* with the *scenic resources* of the *Escarpment*. Where appropriate, provision for maximum *heights*, adequate setbacks and screening are required to minimize the visual impact of urban development.”

Accordingly, the Niagara Escarpment Commission (NEC) has not provided comment to determine compliance with the Niagara Escarpment Plan (NEP) and therefore the UHOP. A Visual Impact Assessment (VIA) would be the mechanism to assess any potential impacts on key views from the Niagara Escarpment. If the subject Applications were to be approved, a Holding Provision may be applied to require the Applicants to provide a VIA, if required by the NEC.

#### Tree Protection

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject property. Staff have reviewed the Tree Protection Plan (TPP), prepared by Adesso Design Inc. (Scott Henderson, OALA) and dated December 15, 2021. A total of 46 trees have been inventoried, 25 of which are located on the subject lands. Of these trees, 15 have previously been removed (Ancaster Tree By-Law Permit 2020-03-05) and three are proposed to be removed, one of which has been partially removed. The 18 trees identified for removal are all located on the subject lands. Only seven of the trees located on the subject lands, and seven boundary trees, are proposed to be retained. At this time the TPP has not been approved because the proposed development, including any proposed grading within the dripline of on-site and adjacent trees, identification of tree protection fencing, and adequate tree compensation, has not been provided.

#### Transportation Network and Right-of-Ways

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

c) Major arterial roads, subject to the following policies:

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iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.

f) Local roads, subject to the following policies:

ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

iii) The City recognizes that in older urban built up areas there are existing right-of-way widths significantly less than 20.117 metres. Notwithstanding the other right-of-way dedication policies of this Plan, it is the intent of the City to increase these existing rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced right-of-way width; (OPA 142)

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

a) It is determined through a development planning approval process that due to significant adverse impacts on:

- i) Existing built form;
- ii) Natural heritage features;
- iii) An existing streetscape; or,
- iv) A known *cultural heritage resource*;

It is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable *infrastructure*, complete streets and mobility can be achieved;

C.4.5.12 The City shall require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.”

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Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021. Area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways.

The existing right-of-way (ROW) width along Wilson Street East varies between approximately 19 and 20 m fronting the subject lands. Wilson Street is classified as a Major Arterial with a future right-of-way width of 20.117 m from Rousseaux Street to Halson Street specified in Schedule C-2 – Future Right-of-Way Dedications of the UHOP. Academy Street has an existing ROW of 12.192 m tapering to 15.24 m at the Wilson Street intersection and is classified as a Local road. Further, in accordance with Policy C.4.5.7, a 12.19 m x 12.19 m daylighting triangle is required at the intersection of Wilson Street East and Academy Street.

In support of the proposed development, the Applicant submitted a Right-of-Way Impact Assessment (ROWIA), prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, which seeks to waive all right-of-way (ROW) and daylighting triangle dedication requirements. Transportation Planning staff have reviewed the ROWIA and advise that it cannot be supported as the ROW dedications are required to support current and future infrastructure needs, are minimal in nature, and do not critically affect the proposed building envelope. As the heritage building is proposed to be relocated, no exception is warranted. The reduced minimum of 15.24 m for Academy Street can be supported in accordance with Policy C.4.52 f) iii). Therefore, ROW dedications are required:

- Along Wilson Street East from  $\pm 0.8$  m at the north end of the subject lands to  $\pm 0.1$  m at the intersection of Wilson Street East and Academy Street; and,
- Along Academy Street from 0.1 m at the intersection of Wilson Street East and Academy Street to 1.524 m at the east end of the subject lands.

Notwithstanding the foregoing, Transportation Planning staff support a reduced 9.14 m x 9.14 m daylighting triangle, from the widened ROW limits at the intersection of Wilson Street East and Academy Street, in lieu of the required 12.19 m x 12.19 m daylighting triangle, to minimize impacts on the existing streetscape in accordance with Policy C.4.5.6.5.

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Revisions to the proposal would be required to provide for all necessary ROW dedications. It is noted that the proposed development cannot encroach into the ultimate future ROWs.

#### Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

Growth Management staff are unable to support the proposed Applications because population projections have not been provided for the proposed developments and there is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site.

Based on the foregoing, the proposal does not comply with the applicable servicing policies of the UHOP.

#### **Ancaster Wilson Street Secondary Plan**

The Ancaster Wilson Street Secondary Plan (AWSSP) objectives are described in Volume 2, Section B.2.8.5. The Secondary Plan recognizes the historic value of the Ancaster Village Core and encourages development that provides for a range of housing, employment, services, and recreation options in a form that is appropriately integrated with the existing historic buildings and landscapes, and promotes a liveable, walkable community.

The subject lands are designated “Low Density Residential 1” and “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East are within the “Community Node Area” and the “Village Core” Character Area as shown on Appendix A of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features. The following policies, amongst others, apply to this proposal

#### Ancaster Community Node

“B.2.8.6.1 In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, *development*, and *intensification* within the Ancaster Wilson Street Secondary Plan;

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- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan;
- c) *Intensification* and *infill development* shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and *intensification* is provided in the supporting Ancaster Wilson Street Urban Design Guidelines;
- d) Within the Ancaster Community Node, larger scale *development* and *redevelopment* are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix “A” – Character Areas and Heritage Features;
- e) Mixed Use, Commercial, and Institutional *development* and *redevelopment* is encouraged within the Village Core area, though the scale of *development* shall be consistent with the historic character of the area. The scale and design of buildings is detailed in Policy 2.8.12 of this Plan, and the supporting Urban Design Guidelines;
- f) Commercial and Mixed Use areas within the Community Node shall provide an important source of employment in the Ancaster Wilson Street Secondary Plan, and shall support the viability of the Ancaster Community Node and meet the daily needs of residents and visitors to Ancaster; and,
- g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.”

The AWSSP forms part of the UHOP and is consistent with the policies of Volume 1. Volume 1, Policy E.2.3.3.11 states that Secondary Plans are to provide more detailed direction for appropriate mix of uses, heights, densities, built form, and design based on local context and that the location, scale and amount of residential intensification shall be established through detailed secondary plans.

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Further, Volume 1 states:

- “E.2.3.3.12 Notwithstanding Policy E.2.3.3.7, some Community Nodes may be developed as lower intensity nodes appropriate to the character of their adjacent Neighbourhoods, other infrastructure, or transportation constraints as follows:
- a) Due to transportation constraints and the existing character of the adjacent neighbourhoods, a target density in the range of 50 persons and jobs per hectare shall apply to the Ancaster Community Node. This target may be adjusted through the *development* of a secondary plan.”

The AWSSP was adopted as an amendment into the UHOP in 2014. Growth and development are to be focused in the Ancaster Community Node, however, large scale development or redevelopment are to be directed to other districts such as the Gateway Residential area or Uptown Core area. Further direction is provided to ensure that the scale of development is consistent with the Village Core Area and its historic character.

The scale of the proposed eight storey building is not consistent with the existing heritage and historic character of the Ancaster Village Core which promotes low rise built form with more spacing in between buildings and the proposed density of 220 units per hectare is inconsistent with the overall intended density for the Community Node Area. Moreover, as previously noted this proposal will have a negative impact on the area with regards to transportation constraints.

The AWSSP requires all new development to be consistent with the Ancaster Wilson Street Urban Design Guidelines. The Guidelines further describe the design objectives, functional and design character of each character area within the Community Node.

The establishment of a Site Specific Policy Area to permit a maximum height of eight storeys and a maximum density of 220 units per hectare would not be consistent with the Ancaster Wilson Street Secondary Plan.

Mixed Use - Medium Density Designation, Pedestrian Focus Streets

- “B.2.8.8.4 In addition to the policies of Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1, for lands designated Mixed Use – Medium Density on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:
- a) There shall be two primary commercial areas in the Ancaster Wilson Street Secondary Plan and Community Node which function as

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community focal points: The Village Core area and the Uptown Core area, as shown on Appendix A – Character Areas and Heritage Features. Retail uses shall be directed to these two primary Mixed Use areas; and,

- c) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, a minimum building height of two storeys and a maximum height of three storeys shall be permitted;

Village Core Area

- g) The Village Core area, shown on Appendix A – Character Areas and Heritage Features, shall primarily consist of service and retail uses, as well as residential uses. The Village Core area shall serve the daily retail, commercial, and personal service needs for the Ancaster Community.
- h) Commercial facilities to be encouraged within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street; and,
- i) The design of buildings and lands located in the Village Core area, shown on Appendix A – Character Areas and Heritage Features, are detailed in Policy 2.8.12.1 and are further described in the supporting Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

**B.2.8.8.5** A portion of the lands designated Mixed Use – Medium Density within the Village Core area are also identified as *Pedestrian Focus Streets* on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan. In addition to the Policy E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply:

- a) Notwithstanding Policy 2.8.8.4 c), building height shall not exceed 2.5 storeys on *Pedestrian Focus Streets*;
- c) Notwithstanding Policy E.4.3.4 b) of Volume 1, building setbacks may vary along Wilson Street, and parking, driveways, or lands shall be discouraged from being located between the buildings and the street;
- d) New *development* shall respect and reflect the existing heritage character of the Village Core, and shall be in accordance with

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Section B.3.4 – Cultural Heritage Resource Policies, in Volume 1 and Sections 2.8.12 and 2.8.13 of this Plan;

- e) Private and public parking areas are permitted on lands designated Mixed Use – Medium Density, and identified as *Pedestrian Focus Streets*, subject to the following:
  - i) Parking areas shall be buffered from the street through the use of building placement or enhanced landscaping;
  - ii) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings; and,
  - iii) Private and public parking areas are encouraged to provide for shared parking for several uses within the Village Core.”

The Secondary Plan permits buildings with a maximum height of two and a half storeys on Pedestrian Focus Streets. The proposed development does not comply with the Secondary Plan as the proposed building height will be eight storeys. The scale and massing of the proposed building does not reflect the existing heritage character of the Village Core which is characterized by many breaks and spacing between buildings. The solid massing is not compatible with the village form of individual buildings along the street, and the arrangement of building components does not compliment the nature of the Ancaster Village Core area.

Along Wilson Street East, the proposed development includes four commercial units with a total of 1,677 m<sup>2</sup> of at grade commercial space, with sizes ranging from 375.5 m<sup>2</sup> to 463.5 m<sup>2</sup>, but direct access to Wilson Street East is not shown. The principal residential entrance is located within a street-facing plaza. The commercial uses would provide day-to-day services for the residents of the multiple dwelling and serve the surrounding community.

The development proposes two levels of underground parking with a total of 257 underground residential and 55 surface commercial parking spaces, all accessed via Academy Street. While the parking location is buffered from the pedestrian environment along Wilson Street East, the rear facing component provides a mixture of private service functions and commercial parking, and the connection between the parking lot and the retail entrances on the street should be improved.

While the proposal applies a 5.2 metre setback to the property to the east and a 3.2 metre setback to the property to the north, the proposed zoning modifications include a respective minimum rear yard of 5.0 metres and minimum side yard of 2.5 metres. A minimum of 7.5 metres is required for both side and rear yards in the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone. In the context of Ancaster and its Village Core, the setbacks and smaller buildings are viewed as a unique characteristic.

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Urban Design

- “B.2.8.12.1 In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:
- a) *Development and redevelopment* shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when *adjacent* to a designated or listed heritage building;
  - c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
    - ii) Village Core, located from Rousseaux Street to Dalley Drive, which is the traditional downtown of Ancaster consisting of retail, commercial, and mixed residential uses;
  - d) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines further describe the design objectives, function, and design character of each Character Area;
  - e) New *development or redevelopment* shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area;
  - f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings;
  - h) *Development and redevelopment* shall foster streets as interactive outdoor spaces for pedestrians;
  - i) Mixed use and commercial *development or redevelopment* shall provide a buffer, such as landscaped areas, for adjacent sensitive land uses;

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- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A - Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
- ii) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
1. Notwithstanding Policy E.4.3.4 b) of Volume 1, for buildings fronting onto Wilson Street, setbacks may be varied, as per the character of the Village Core area;
  2. Buildings within the Village Core should incorporate historical building features and styles in order to encourage a village atmosphere and pleasant pedestrian experience, where feasible;
  3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any *development or redevelopment*;
  4. The Village Core area should express a strong heritage design character that invites pedestrians and encourages interaction; and,
  5. The heritage characteristic of the Village Core area can be strengthened through the use of a public walkway linking buildings and other land uses.”

The proposed building spans nearly the entire width of the lands. The proposed building does not continue the regular rhythm of the street which includes generous side yards and individually separated buildings creating exterior space for gathering, and access to rear parking lots. At eight storeys in height and no transition to adjacent buildings, the proposed building is not sympathetic to adjacent low rise building forms and is not consistent with the AWSSP in terms of height, massing and character as prescribed by the applicable secondary plan policies.

The proposal applies a 5.2 metre setback to the property to the east and a 3.2 metre setback to the property to the north. The setbacks and angular plane along the eastern property line should be achieved to mitigate overlook and privacy concerns. An increase in setback would also provide an opportunity for increased landscaping and buffering from the adjacent properties, particularly to provide more comfortable and accessible pedestrian and visual connections between Lorne Avenue and Wilson Street

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East and the proposed relocation of the heritage building. Further, a significant expanse of the ground floor north elevation is a blank wall, which does not enhance the public realm and opportunities for open space connections through the site.

The architectural design of the proposed building is not considered to be compatible or consistent with its context of the Ancaster Village Core, given the numerous identified heritage resources in the Ancaster Village Core. Staff are of the opinion that there may be an opportunity to accomplish a more compatible built-form through enhanced design, sensitive massing at street level, and fenestration to break up the extensive façade.

Additional concerns regarding the proposed design are:

- The two-dimensional use of stone as a thin façade along the first three storeys of the building, to reference the surrounding streetscape, is not appropriate or respectful to the historic context of the area and does not offer the appearance of a true podium;
- The visual connection of the floor to ceiling height should be consistent with those along Wilson Street East;
- The archways that are incorporated throughout the first three storeys of the proposed building are not complementary to the surrounding character; and,
- The lack of transition between the proposed development and adjacent heritage resources provided by an inconsistent building podium height around the building and building step backs above the podium that are not much larger than the proposed projecting balconies.

Due to the scale of the proposal, the proposed development is inconsistent with the overall intent of the AWSSP Urban Design Guidelines to provide a lower scale of development in this area that considers the area's existing heritage character.

### Cultural Heritage

“B.2.8.13.1 The following policies shall apply to the cultural heritage resources within the Ancaster Wilson Street Secondary Plan:

- a) Due to the important heritage and character considerations within the Ancaster Wilson Street Secondary Plan, in addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the evaluation of new *development* or *redevelopment* Applications in the Ancaster Wilson Street Secondary Plan shall emphasize the requirements of the Cultural Heritage Resources Policies of Volume 1;

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- b) The retention and conservation of historical buildings, structures, or features on their original sites shall be encouraged through:
  - i) Adaptive re-use and preservation of existing buildings before new *development or redevelopment* is considered;
  - ii) Maintaining a listing of historical designated and listed properties of interest. Historic buildings are shown on Appendix A - Character Areas and Heritage Features; and,
  - iii) Integrating cultural heritage resources into new development or redevelopment proposals in their original use or an appropriate adaptive reuse where possible;
- c) When *development or redevelopment* is proposed adjacent to existing designated or listed heritage buildings, as shown on Appendix “A” - Character Areas and Heritage Features, a Planning Justification Report shall detail how the proposed *development or redevelopment* is consistent with the character and style of the surrounding heritage buildings;
- d) The tree lined streetscape of portions of the Ancaster Wilson Street Secondary Plan shall be maintained and protected, where feasible, to enhance and preserve the character of the street and surrounding neighbourhood area; and,
- e) *Cultural Heritage Landscapes* shall be conserved and protected with the intent of retaining major characteristics. This shall be implemented by the review of planning Applications under the *Planning Act*, R.S.O., 1990 c. P.13. The City shall ensure that any proposed change is consistent within the policies of the Secondary Plan. The Village Core, as shown on Appendix “A” - Character Areas and Heritage Features and in the supporting Urban Design Guidelines, has been identified as a *Cultural Heritage Landscape*;

B.3.4.6.2 *Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.”*

As discussed above, the Applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. and dated June 4, 2021, in support of the proposed development as part of the Heritage Permit (HP2021-033) Application. The Heritage Permit Application was for the proposed relocation of the rubble stone structure known as the Phillip Marr House from its current location to the proposed

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location adjacent to Lorne Avenue. HP2021-033 was approved by Council with conditions on October 13, 2021 (Report PED21196). Several of these conditions remain outstanding at this time and are required to be cleared by the Applicant / property owners by July 31, 2023, which must be addressed separately as part of the Heritage Permit process.

Based on the foregoing, the proposal does not comply with the Ancaster Wilson Street Secondary Plan.

### **Hamilton Zoning By-law No. 05-200**

The subject property is currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, Existing Residential “ER” Zone, in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED22070. The Applicant is proposing to rezone the lands to a further modified Medium Density - Pedestrian Focus (C5a) Zone. The proposed modifications to the Medium Density - Pedestrian Focus (C5a) Zone include:

- Increases in maximum principal and accessory building heights;
- Removal of minimum façade height along a street line and minimum first storey height, and an increase in the maximum first storey height;
- Addition of minimum, and removal of maximum, building setbacks from a street line;
- Reduction in minimum interior side yard and rear yard setbacks;
- Reduction in minimum area of the ground floor façade facing the street composed of doors and windows;
- Reduction in planting strip requirements along lot lines abutting a Residential Zone or an Institutional Zone;
- Modification to minimum principal entrances provided within the ground floor façade set back closest to a street;
- Increase in maximum required parking for residential uses and modifications to required parking for commercial uses; and,
- Increases in accessory building setbacks and adding a maximum gross floor area for accessory buildings.

The proposed modifications to the Zone are discussed in greater detail in the Analysis and Rationale section of this Report.

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**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
	<ul style="list-style-type: none"> <li>Asset Management, Strategic Planning Division, Public Works Department;</li> <li>Construction, Strategic Planning Division, Public Works Department;</li> <li>Real Estate, Economic Development Division, Planning and Economic Development Department; and,</li> <li>Canada Post Corporation.</li> </ul>	No Comment
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>The site falls within the tributary area of the sanitary sewer along Wilson Street East which is designed for a population density of 125 ppha. The Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, does not identify the proposed density of the Application for comparison. The proposed high density development is anticipated to generate more flows than planned;</li> <li>No downstream analysis has been provided for the proposed sanitary design flows to review the impact of the proposed density if it is higher than the prescribed; and,</li> <li>Due to the size of the proposed development, a watermain hydraulic analysis (WHA) is required to demonstrate that the required domestic and fire flows are available within the appropriate pressure ranges and that the impact of this development on the surrounding areas is not adverse.</li> </ul>	<ul style="list-style-type: none"> <li>Staff do not support the proposed density for reasons including but not limited to lack of sanitary capacity being demonstrated; and,</li> <li>Should the Applications be approved, a Holding Provision should be applied to the amending Zoning By-law requiring the Applicant to demonstrate adequate sanitary capacity.</li> </ul>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• A hydrogeological study is required to determine potential dewatering needs. Due to the limited capacity in the sanitary sewer system, no long term dewatering post-construction would be supported by Hamilton Water. Foundation design should be designed accordingly.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, the hydrogeological and drainage concerns will be addressed at the Site Plan Control stage. Water demand and fire flow calculations shall also be updated, as necessary, and resubmitted at that stage.</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• There are no municipal tree assets on site; therefore, a Tree Management Plan and public tree permit will not be required; and,</li> <li>• A landscape plan, depicting street tree plantings, is required.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, a landscape plan will be required at the future Site Plan Control stage.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Determine if the proposed multiple dwelling will be condominium tenure. Confirm if the proposed parking and any proposed storage lockers will be unitized. A PIN Abstract would be required with the submission of a future Draft Plan of Condominium Application; and,</li> <li>• Municipal addressing will be determined at a future Site Plan Control stage.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, these matters will be addressed at the future Site Plan Control stage and, if proposed, the Draft Plan of Condominium stage.</li> </ul>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> <li>The subject lands are located within the Ancaster Creek subwatershed, which drains into Cootes Paradise and Hamilton Harbour. As the proposed new development will result in a significant increase in the imperviousness of the site, implementation of Enhanced (Level 1) stormwater quality control and sediment and erosion control measures should be provided to address the Hamilton Harbour Restoration Action Plan recommendations.</li> <li>Stormwater quantity control measures should satisfy the municipality's requirements; and,</li> <li>HCA staff reviewed the Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, and identified concerns with the proposed quality control measures. A full Stormwater Management Report and related grading, servicing, and erosion and sediment control plans should be provided with the future Site Plan Control Application.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, these matters would be required to be addressed before these Applications are approved.</li> </ul>
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> <li>Requests cash in lieu of parkland dedication.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, cash in lieu of parkland dedication will be addressed at the future Site Plan Control stage.</li> </ul>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>This development is eligible for municipal waste collection service subject to meeting City requirements. As currently designed, the development is not serviceable and more information, including a multi-sort waste chute system for the building, size and location of waste storage and loading areas, truck movements which allow for continuous forward movement, and other details, are required to be adequately illustrated on the Site Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, an updated Concept Plan / Site Plan would be required to address waste collection requirements.</li> </ul>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department (HSR)	<ul style="list-style-type: none"> <li>• An existing bus stop (Route 16) is located immediately adjacent to the site, on the east side of Wilson Street, 32 m north of Academy Street. HSR does not plan on relocating this bus stop away from the site;</li> <li>• The Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated December 2021, states the frequency of Route 16 is <math>\pm 30</math> minutes during the weekday peak periods and weekend peak periods. Route 16 operates every 60 minutes during the daytime on Saturdays; and,</li> <li>• The TIS states the frequency of Route 5 is <math>\pm 15</math> minutes during the weekday peak periods and weekend peak periods. Route 5 operates every 36 minutes during the daytime on Saturdays and Sundays.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, a revised Transportation Impact Study would be required with any future Applications.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Transportation Planning staff do not support the proposed development;</li> <li>• Reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the Arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on Local roadways; and,</li> <li>• A resubmission of the TIS, that includes a Traffic Calming Assessment and Transportation Demand Management section is required, in which a scope is to be submitted prior to commencement of the study.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff do not support the proposed density for reasons including but not limited to lack of transportation network capacity.</li> <li>• Should the Applications be approved, a revised TIS, right-of-way dedications, daylighting triangles, and access design would be required to be addressed before these Applications are approved.</li> </ul>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• The Right-of-Way Impact Assessment (ROWIA), prepared by UrbanSolutions Planning &amp; Land Development Consultants Inc. and dated December 9, 2021, which seeks to waive all right-of-way (ROW) and daylighting triangle dedications, cannot be supported as the ROW dedications are required to support current and future infrastructure needs, are minimal in nature, and do not critically affect the proposed building envelope. As the heritage building is proposed to be relocated, no exception can be granted;</li> <li>• Wilson Street East is to be 20.117 m in width. ROW dedications are required from <math>\pm 0.8</math> m at the north end of the subject lands to <math>\pm 0.1</math> m at the intersection of Wilson Street East and Academy Street.</li> <li>• Academy Street has a 12.192 m ROW. Transportation Planning staff can support a reduced widening to the minimum of 15.24 m permitted. A tapered ROW dedication ranging from 0.1 m at the intersection of Wilson Street East and Academy Street to 1.524 m at the east end of the subject lands is required;</li> <li>• Transportation Planning staff can support a reduced 9.14 m x 9.14 m daylighting triangle, from the widened ROW limits, in lieu of the required 12.19 m x 12.19 m daylighting triangle;</li> <li>• A survey conducted by an Ontario land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the ROW dedications;</li> <li>• The structure (both above and below ground) of the building cannot encroach into the ultimate future ROWs; and,</li> <li>• Site access shall be in accordance with City standards.</li> </ul>	

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Alectra Utilities Corporation	<ul style="list-style-type: none"> <li>• Provided information for electrical service and facility requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Developer to contact Alectra Utilities for hydro facilities and services.</li> </ul>
Enbridge Gas	<ul style="list-style-type: none"> <li>• Unable to determine if there is sufficient pressure in the existing gas main to support this development. Developer to determine proper clearances, loads, and meter station requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Developer to contact Enbridge Gas for gas facilities and services.</li> </ul>

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Existing Neighbourhood Character, Heritage, Density, Built Form (Height and Massing), Architectural Design, and Shadowing	<ul style="list-style-type: none"> <li>• The area is viewed as a historic area that defines the character of the community and needs to be preserved. The subject lands represent the core of the town;</li> <li>• The maximum building height of 2.5 storeys permitted in the Ancaster Wilson Street Secondary Plan was adopted only seven years ago, following an extensive public consultation process;</li> <li>• The eight storey height, massing, and design of the proposed building is out of character for Ancaster Village and surrounding buildings, which is characterized by low rise buildings and heritage vernacular;</li> <li>• The building will take away from the sunlight on Wilson Street East; and,</li> <li>• Locating buildings along the front lot lines does not permit landscaping in front of buildings and obstructs street views of adjacent buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Relocation of the Phillip Marr House	<ul style="list-style-type: none"> <li>• The existing building is in poor condition due to lack of maintenance and there is concern that it is not structurally sound enough to relocate;</li> <li>• The heritage designation of the existing building should be respected and incorporated into redevelopment of the lands;</li> <li>• The proposed location lacks visibility and should be fronting Wilson Street East, not Lorne Avenue; and,</li> <li>• Relocating the building to Lorne Avenue could result extending Lorne Avenue to Wilson Street East, opening Lorne Avenue to through vehicular traffic.</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage Permit HP2021-033 was approved by Council with conditions. Heritage Planning staff advise that several of these conditions remain outstanding and must be addressed separately as part of the Heritage Permit process; and, The proposed development does not contemplate extending Lorne Avenue to Wilson Street East.</li> </ul>
Environmental Site Conditions	<ul style="list-style-type: none"> <li>• There is inadequate information regarding hydrocarbon contents of the soil, which purportedly necessitates the relocation of the Phillip Marr House, which is necessary to be remedied for redevelopment of the lands; and,</li> <li>• Although recommended by the consultant's reports, no hydrogeological report or Phase Two Environmental Site Assessment has been submitted.</li> </ul>	<ul style="list-style-type: none"> <li>• A Record of Site Condition is required to be filed with the Ministry of Environment, Conservation and Parks prior to approval of the subject Applications.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Traffic, Parking, Noise, and Pollution	<ul style="list-style-type: none"> <li>• The proposed development will cause an increase in traffic, adding to already heavy traffic along Academy Street, Wilson Street East, and Rousseaux Street;</li> <li>• Academy Street is not built to accommodate large volumes of traffic;</li> <li>• There is concern that the proposed access along Academy Street will cause further congestion at the intersection of Academy Street and Wilson Street East;</li> <li>• There is concern that the public transit system for the area is inadequate;</li> <li>• There is concern that the Traffic Impact Study methodology is inadequate;</li> <li>• There is not enough parking to accommodate the commercial uses; and,</li> <li>• There is concern that additional traffic will overflow onto Lodor Street and Academy Street.</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways; and,</li> <li>• A revised Transportation Impact Study would be required with any future submissions.</li> </ul>
Water, Sanitary and Storm Sewer Capacity	<ul style="list-style-type: none"> <li>• There is concern that the existing water and sewer system cannot support the additional flows from the development; and,</li> <li>• There is concern that the Functional Servicing Study methodology for sanitary flows is inadequate.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff do not support the proposed density for reasons including but not limited to sanitary capacity; and,</li> <li>• Should the Applications be approved, a Holding Provision should be applied to the amending Zoning By-law requiring the Applicant to demonstrate adequate sanitary capacity downstream.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Compatibility with Adjacent Residential Development	<ul style="list-style-type: none"> <li>The proposed development does not incorporate appropriate transitions in height from the low rise dwellings to the east along Lorne Avenue and Academy Street, and presents privacy, overlook, and shadow impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.</li> </ul>
Appropriate Development Alternatives	<ul style="list-style-type: none"> <li>The subject lands present an opportunity to develop a park in the middle of Ancaster village; and,</li> <li>In favour of allowing low rise development (i.e. 2-5 storeys), asserting that the Ancaster Wilson Street Secondary Plan is out of date considering the City's recent climate emergency declaration and direction for no urban boundary expansion. However, maintains the public consensus that the proposed eight storey height is out of character for the area and doesn't respect the heritage of the subject lands and surrounding area.</li> </ul>	<ul style="list-style-type: none"> <li>The lands are privately owned and are currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a) Zones and Existing Residential "ER" Zone. A park was not envisioned for these lands through the Secondary Plan; and,</li> <li>Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.</li> </ul>
Revenue Generated from Development and Planning Application Status	<ul style="list-style-type: none"> <li>Sentiment that the City is driven by revenues generated by the proposed development; and,</li> <li>Unsure how an Application so far removed from the Secondary Plan has advanced to this stage of the planning process.</li> </ul>	<ul style="list-style-type: none"> <li>All planning Applications are considered on their own merits against all relevant provincial and local planning policies; and,</li> <li>The City is required to process all complete Applications for an Official Plan Amendment and Zoning By-law Amendment in accordance with the <i>Planning Act</i>.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>Concern that mechanical, HVAC units, and residents will have an impact on noise on the surrounding neighbourhood.</li> </ul>	<ul style="list-style-type: none"> <li>As part of the Site Plan Control process further investigation will be required for noise from the proposed development.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Natural Heritage	<ul style="list-style-type: none"> <li>• Assert that the Niagara Escarpment Commission (NEC) does not support this development and that the proposal does not comply with the Niagara Escarpment Plan; and,</li> <li>• Concerns regarding the loss of canopy cover on this property and concern that several mature trees have already been removed.</li> </ul>	<ul style="list-style-type: none"> <li>• The NEC has not provided comment on the subject Applications;</li> <li>• Staff have reviewed the TPP and are not satisfied.</li> <li>• Should the Applications be approved, compensation for tree removal will need to be provided in the form of replanting or cash in lieu; and,</li> <li>• Replanting and cash-in-lieu will be further addressed through Site Plan Control.</li> </ul>

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 101 property owners within 120 m of the subject lands on February 4, 2022.

A Public Notice Sign was posted on the property on January 26, 2022. Notice of the Public Meeting was sent to 101 property owners within 120 m of the subject lands on March 18, 2022 and statutory notice given by way of newspaper ad published in The Hamilton Spectator on March 18, 2022, in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which identified an information meeting held on July 4, 2019, hosted by the Applicant at the Ancaster Rotary Centre located at 385 Jerseyville Road West. The meeting provided members of the public with a broad overview of the intent to develop at the subject lands, the proposed built form, and answered questions presented by the public. The attendees included the owner, Ward Councillor, and members of the public. The Public Consultation Strategy further states that following the 2019 information meeting, further consultation with the public will reconvene once the Application has been deemed complete by the City of Hamilton. At the time of this Report being written, a subsequent neighbourhood meeting had not been scheduled.

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The Applicant's planning consultant has launched a project website providing the complete Application documents and key project status dates.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Official Plan and Zoning By-law amendments cannot be supported for the following reasons:
  - i) The proposed amendments do not meet the general intent of the UHOP, Ancaster Wilson Street Secondary Plan, and the Zoning By-law with respect to right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, compatibility, and enhancing the character of the existing neighbourhood.
2. As discussed in the Official Plan and Secondary Plan analyses sections of this report, staff are not in support of the proposal for the following reasons:
  - i) Modifications to Development Standards and Regulations

Staff do not support the proposed Amendment to the UHOP as the proposal does not meet the intensification and compatibility policies of the UHOP. While the UHOP focuses intensification to "Community Nodes", it requires that infill development should enhance and be compatible with the scale and character of the existing neighbourhood in terms of matters such as privacy, overlook, built form, density, height, scale, and massing.

The cumulative effect of the requested zoning modifications would result in an overdevelopment of the site and do not meet the general intent of the UHOP and Ancaster Wilson Street Secondary Plan.

- ii) Compatibility with Character of Existing Neighbourhood

The UHOP and Ancaster Wilson Street Secondary Plan require that intensification and infill development shall be balanced with the heritage and historic character of Ancaster. To the north are single detached dwellings used for residential and commercial uses, and to the east and southeast are single detached dwellings. To the west and south are commercial uses along Wilson Street East of predominantly two storeys in height, with a three storey commercial office building to the southwest. The surroundings are of a scale representative of low density typology and are representative of Ancaster's downtown historic development pattern of low profile buildings with spacing in between.

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To locate an eight storey building with a high density immediately adjacent to low density, low profile buildings within the Village Core would not be compatible with, nor complement, the character of the Village Core. There are also privacy and overlook concerns to the property to the east. Further, the height and density being proposed was not contemplated for this area through the AWSSP and are not compatible with the surrounding area.

Staff do not support the proposed Amendment to the UHOP as it is contrary to the overall vision, planning principles and policies for the area. Based on the rationale above, staff recommend that the Applications be denied.

iii) Servicing Constraints

Growth Management staff have reviewed the Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021. Staff indicated that they are not able to support the Applications until the Applicant provides population projections for the proposal. The site falls within the tributary area of the sanitary sewer along Wilson Street East which is designed for a population density of 125 ppha.

Transportation Planning staff are concerned that the proposed development would result in an increase in traffic volumes which would negatively impact the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways.

3. The proposed Zoning By-law would not implement the policies of the UHOP and the AWSSP with regards to height, density, built form, design, and scale within the local context.

Therefore, based on the foregoing, staff recommend the Applications be denied.

## **ALTERNATIVES FOR CONSIDERATION**

- 1) Should the Applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including but not limited to, filing of a Record of Site Condition, and addressing archaeological and built heritage impacts, noise impacts, sanitary sewer system capacity constraints, transportation impacts, right-of-way dedication requirements, visual impacts, and any other necessary agreements to implement Council's direction;

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- 2) Council could direct staff to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion; and,
- 3) Should the Applications be denied, the lands could be developed in accordance with:
  - a) The Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone which permits a building with a maximum height of nine metres;
  - b) The Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone which permits a building with a maximum height of nine metres; and,
  - c) The Existing Residential “ER” Zone which permits single detached dwellings.

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

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Culture and Diversity**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

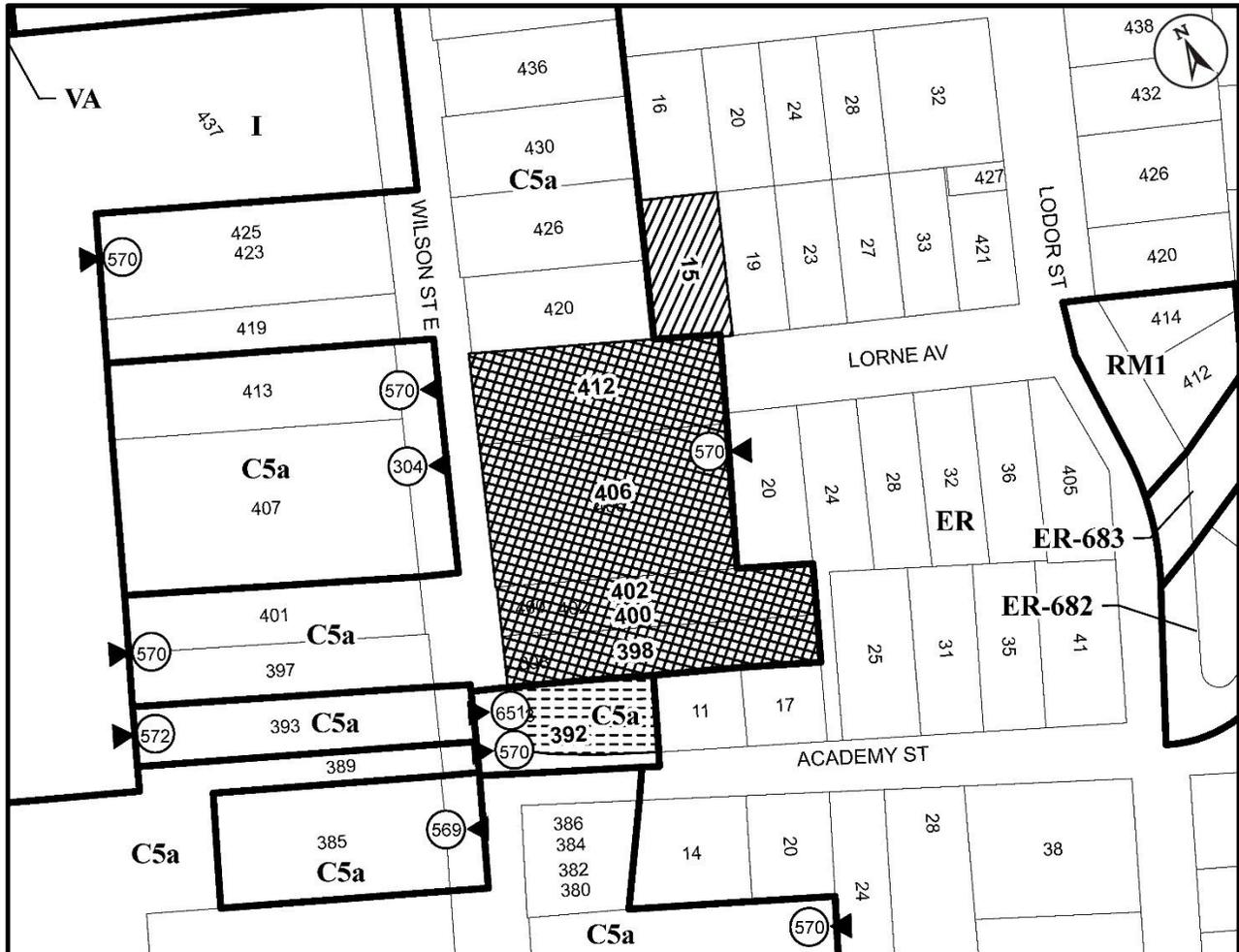
Appendix “A” to Report PED22070 – Location Map

Appendix “B” to Report PED22070 – Concept Plan

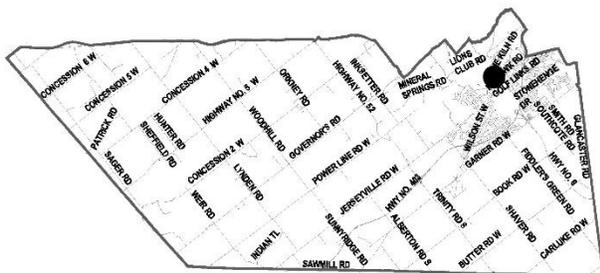
Appendix “C” to Report PED22070 – Public Submissions

TV:sd

Appendix "A" to Report PED22070  
Page 1 of 1



● Site Location



Key Map - Ward 12

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-011/UHOPA-22-004

Date:  
March 8, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
TV/NB

### Subject Property

392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster (Ward 12)



Block 1: Change in zoning from the Existing Residential "ER" Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone



Block 2: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone



Block 3: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone





Appendix "B" to Report PED22070

**GENERAL NOTES**

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES PRIOR TO CONSTRUCTION.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE. THE CONSULTANT SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.

**Project North**

**True North**

**Wilson St.**  
WILSON ST. ARCHITECTS INC.

**srm**  
ARCHITECTS INC.

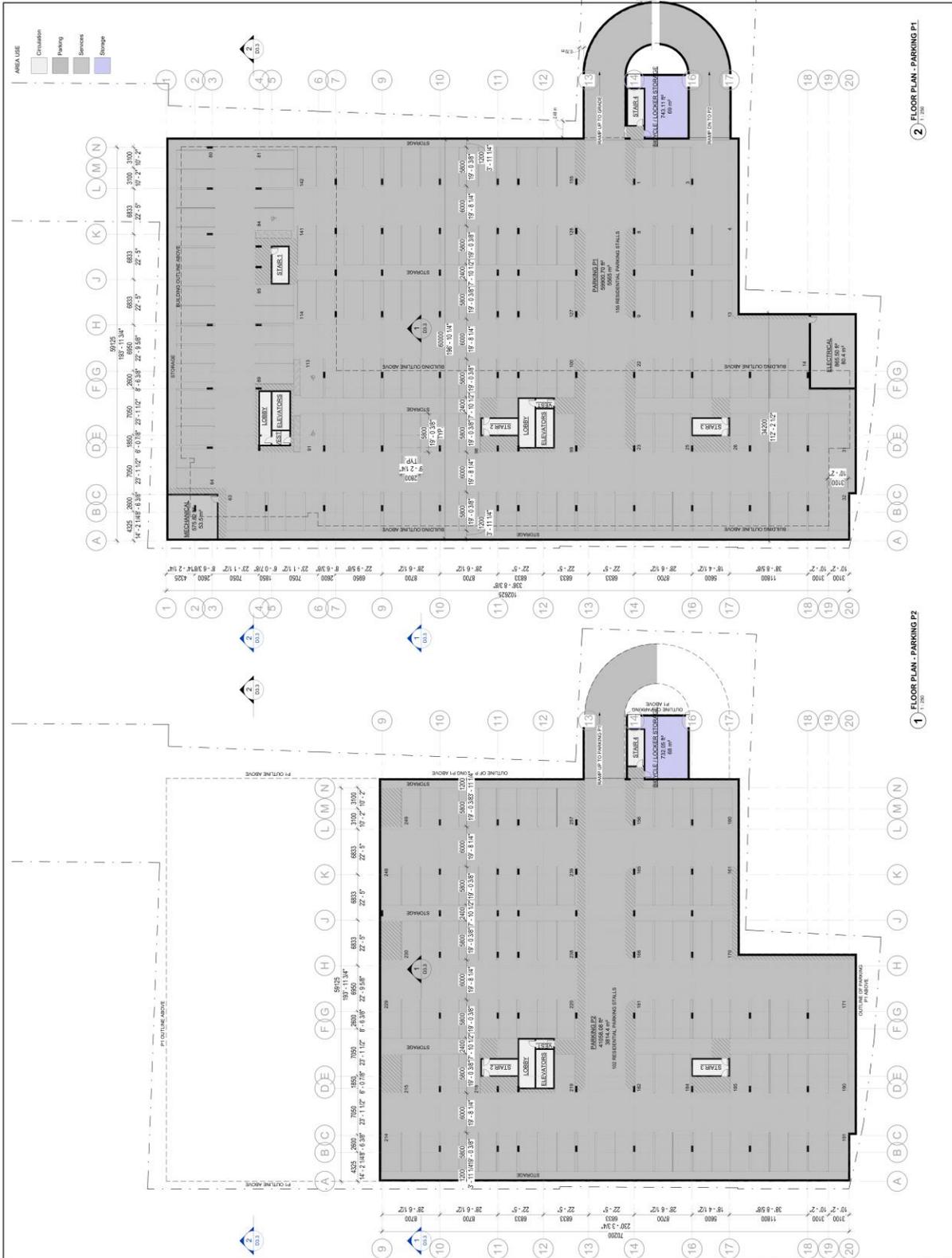
392-412 WILSON STREET  
EAST & 15 LORNE AVENUE, ANCASTER

FLOOR PLANS - PARKING P1 & P2

ASSOCIATION OF ARCHITECTS OF ONTARIO  
REGISTERED ARCHITECTS  
1997-2021

2023  
Project No. 20033  
Client: TH  
Contract: ET  
Date: 2023.02.26 10:13:53 AM

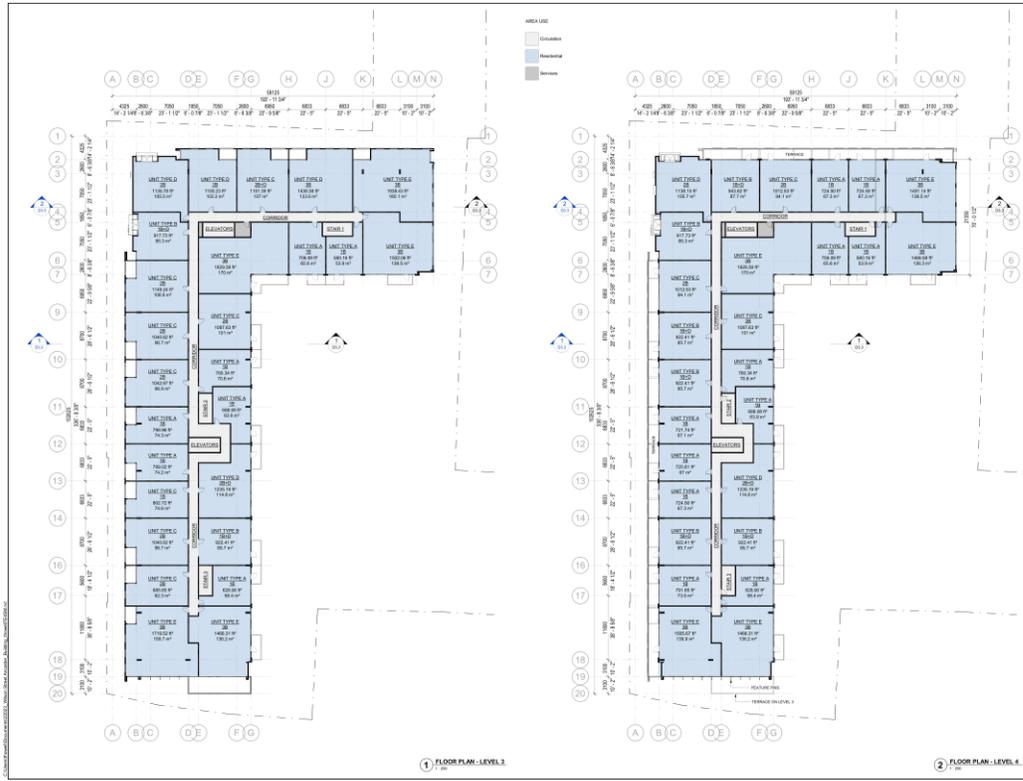
No. Date Revision



2 FLOOR PLAN - PARKING P1

1 FLOOR PLAN - PARKING P2

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- GENERAL NOTES**
1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING CONDITIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  2. BUILDING CODE AND REGULATIONS SHALL APPLY TO ALL WORK.
  3. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING CONDITIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING CONDITIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING CONDITIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING CONDITIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF DIMENSIONS OR CONDITIONS OF EXISTING CONDITIONS OR FOR THE RESULTS OF ANY INVESTIGATION OR ACTION BASED ON THE INFORMATION PROVIDED.

No.	Date	Revision
1	10/20/22	ISSUED FOR PERMITS
2	10/20/22	ISSUED FOR CLIENT REVIEW
3	10/20/22	ISSUED FOR CLIENT REVIEW
4	10/20/22	ISSUED FOR CLIENT REVIEW
5	10/20/22	ISSUED FOR CLIENT REVIEW
6	10/20/22	ISSUED FOR CLIENT REVIEW
7	10/20/22	ISSUED FOR CLIENT REVIEW

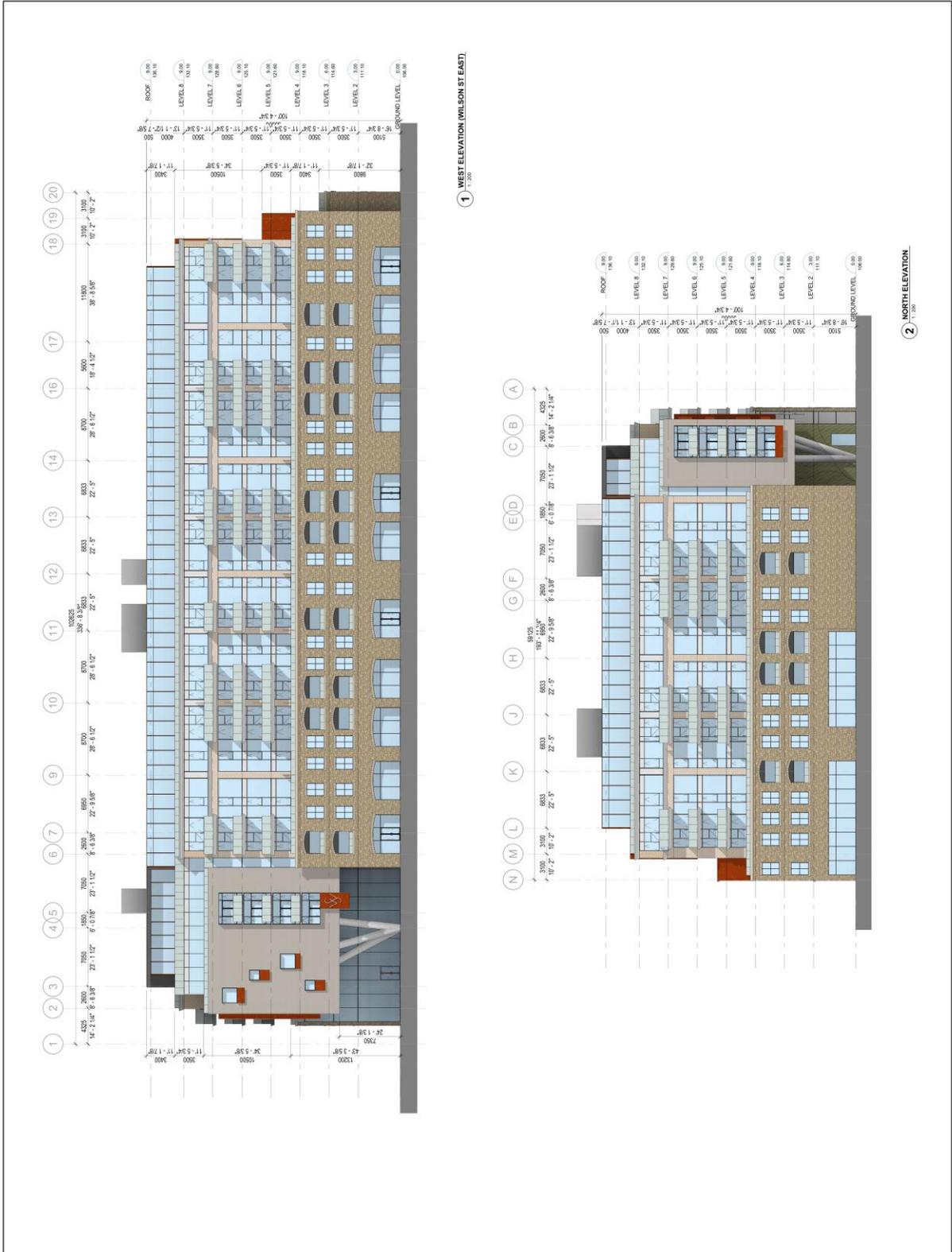



PROJECT No. 22023  
 DRAWING No. ET  
 DATE 10/20/22 10:02:28 AM

392-412 WILSON STREET  
EAST & 15 LORNE  
AVENUE, ANCASTER

ELEVATIONS

Drawing Date 1/20/20  
 Scale 1/200  
 Drawing No. D3.1 - r4  
 ONTARIO ASSOCIATION OF ARCHITECTS  
 ESTABLISHED 1938  
 LICENSE NO. 1017



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**GENERAL NOTES**

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND MATERIALS TO BE USED IN THE PROJECT BEFORE PROCEEDING WITH THE WORK.
2. BUILDING CODE AND REGULATIONS.
3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND MATERIALS TO BE USED IN THE PROJECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE LICENSED AND QUALIFIED TO PERFORM THE WORK.
5. ARCHITECT'S INTENT IS TO PROVIDE A HIGH QUALITY PROJECT WITHIN THE BUDGET AND ON THE PLANT TERMS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND MATERIALS TO BE USED IN THE PROJECT BEFORE PROCEEDING WITH THE WORK.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION OR ACTIONS BASED ON THE INFORMATION PROVIDED.

No.	Date	Revision
1	14/03/2020	ISSUED FOR PERMITS
2	14/03/2020	ISSUED FOR CLIENT REVIEW
3	14/03/2020	ISSUED FOR CLIENT REVIEW
4	14/03/2020	ISSUED FOR CLIENT REVIEW
5	14/03/2020	ISSUED FOR CLIENT REVIEW



**WILSON ST.**  
ARCHITECTS INC.



**sr**  
ARCHITECTS INC.

Project No: 20023  
 Drawing No: ET  
 Date: 13/03/2020 10:22:00 AM

**392-412 WILSON STREET  
EAST & 15 LORNE  
AVENUE, ANCASTER**

**ELEVATIONS**

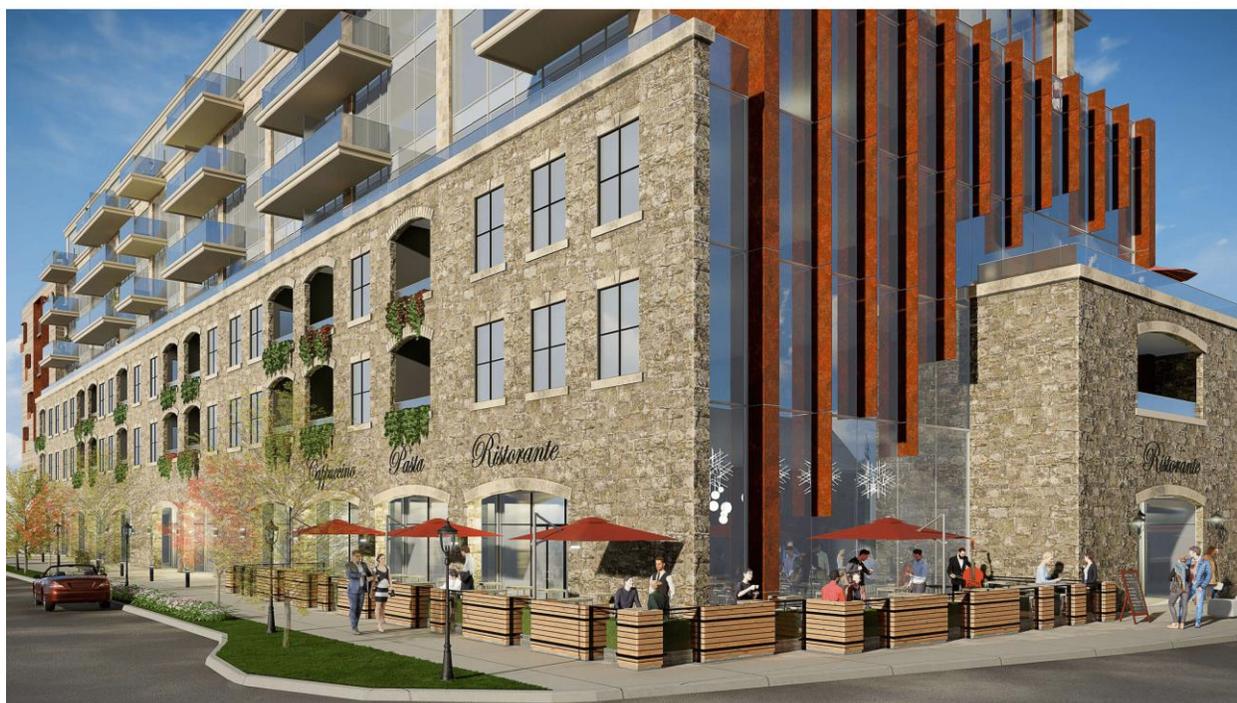
Drawing Date: 13/03/2020  
 Scale: 1:200  
 Drawing No: D3.2 - r4  
 Project No: 20023



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**Appendix "C" to Report PED22070**  
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**From:** [REDACTED]  
**Sent:** January 25, 2022 7:22 PM  
**To:** Bishop, Kathy <[Kathy.Bishop@hamilton.ca](mailto:Kathy.Bishop@hamilton.ca)>; Ferguson, Lloyd <[Lloyd.Ferguson@hamilton.ca](mailto:Lloyd.Ferguson@hamilton.ca)>; Thorne, Jason <[Jason.Thorne@hamilton.ca](mailto:Jason.Thorne@hamilton.ca)>  
**Subject:** NEW development projects at Wilson/Rousseau and Wilson/Academy

Hello Councillor Ferguson,

I'm not sure if this is the correct way to send my feedback on these 2 development projects, but I have read through all of the documentation online for both proposals and have some thoughts to share:

1 - my main concern is the lack of compatibility with the existing neighbourhood, and with the Wilson ST Secondary Plan.

In both proposals, the developer shows the photos of the surrounding context. It is glaringly obvious that these developments don't fit in the slightest. They look like they'd be better at Yonge and Eglinton. The feel of Ancaster is a very green village. Trees dominate the landscape, and should remain so. The raised elevation at Wilson/Rousseau already makes any development there dramatic. Adding 7-8 stories would be ridiculous.

I'm not saying that I think we should stick strictly to 2.5 stories. With the right design and scale, I could see some portions of both developments landing in the 3.5- 4.5 storey range.

2 - on the plus side: I like the addition of retail space and patios on both projects. Wilson St desperately needs this.

I like the retention of the two homes in the Wilson/Rousseau project, and the retention of the stone building in the Wilson/Academy project. However, surrounding those homes with 7-8 stories of glass again, doesn't fit in the slightest.

3 - the cobblestone/village square concept at Wilson/Academy is very nice

4 - architecture: the podium of Wilson/Rousseau works for me...it is pedestrian scaled and 3-4 stories. I could see that development consisting of 3 or 4 of these buildings instead of one giant long slab running along the back of the property.

I believe that both projects need to use a historic village architectural design, as laid out in the Wilson St Secondary plan.

I'll attach some photos to demonstrate the feel I believe we should be trying to enhance in this village, not destroy.

Some of the pics are from Unionville in Markham, and Kleinburg Village in Vaughan...neither village is adding 6-8 stories of modern glass. Nor is Niagara on the Lake. Historic villages need to be walkable and green. Wilson Streets' worst feature is the car driveways on every single property cutting across the sidewalk.

The following photos will give a better idea of how we should be developing the village, and some courtyard/piazza concepts for the public patio/dining spaces.

Thx for the time, and opportunity to share feedback.

[REDACTED]

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alamy

Image ID: B4EB78  
www.alamy.com

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alamy

Image ID: WABN7Y  
www.alamy.com

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**Page 5 of 120**

**From:** Gen  
**Sent:** February 4, 2022 12:20 PM  
**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>  
**Subject:** Moving of the Marr house

Hi Mr. Van Rooi,

In regards to the moving of the Marr house in Ancaster. First of all I hear different stories as to the location. Is it to be placed at the top of Lorne Ave. or Acedemy.

I have lived on Lorne Ave. For almost 30 years and I love the fact that it is a Cul-De-Sac.

My worry is that if you move the Marr house to the top of Lorne Ave. you will want to Open up Lorne Ave. to Wilson St. and I am opposed to this.

Lorne Ave. has an opening for pedestrians at the top to access Wilson St..

I am OK with foot and bike traffic only.

We have new families with children who have moved in because our street is quiet , Safe , a Cul-De-Sac.

We have constant high speed traffic issues on Lodor. Some vehicles going at least 50 - 60 Kms on a small side street.

Our street only houses about 10 homes.

Please let me know if you intend on trying to open up the top of Lorne Ave. To Wilson.

Thank you ,  
Genevieve

Sent from my iPad

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**From:** David Hardcastle

**Sent:** February 10, 2022 11:11 AM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Re: Proposed Building Development. Files UHOPA-22-004 / ZAC-22-011

> On Feb 10, 2022, at 11:08 AM, David Hardcastle <[REDACTED]> wrote:

>

> Dear Sirs

> I have the following comments to make with regards to the proposed development on the lands located at 392, 398, 400,402,406 and 412 Wilson Street East and 15 Lorn Avenue, Ancaster Ontario. My first comment is that I object to the high of this proposed building which is being quoted at eight (8) stories high where as the current regulations state a maximum height of 2.5 stories. Also I am concerned regarding how this development will effect the existing services especially the sanitary sewers systems and how and where they propose to discharge the storm water run off from this development without effecting existing adjoining properties. This is even more critical given the increased rainfall we are experiencing due to climate change. Will the developer be paying for the upgrading of the sewer system, incoming water gas and electrical services for this building.

> This developer is proposing to have the main entrance to this development to be off of Academy Street which is a side road and is not built to have an extra 200 plus car using it on a daily basis. This will also cause even more congestion at the junction of Wilson and Academy Streets. How will the developer control the traffic when carrying out works on the sewer and incoming services which will cause major disruption on Wilson, Academy and Rousseaux Streets.

> The developer also wants to move the existing designated Heritage building which is in a poor condition due to the lack of repairs carried out since being purchased by the developer, the possibility of it surviving the move is very low and I would request a full report from the developer on their proposal on how they will carry out this work and what guarantee they will give us on this work being carried out successfully.

> This proposed building is totally out of keeping with the existing architectural features of the Ancaster Village and I would ask how the developer and architect came up with this design as it is obvious that they do not live in the area and I question how much time they have spent in the Ancaster Village. I would ask them to explain to us who reside in this area, how this development will help enhance the Village, when it bears no resemblance to any other building in shape or size in Ancaster Village.

>

> Regards

> David Hardcastle

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**From:** Linda Clements  
**Sent:** February 13, 2022 9:47 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Construction at Academy and Wilson Street

Dear Tim;

I have concerns over the proposed building on the corner of Academy and Wilson Street.

I live on Academy Street and find the ability to turn onto Wilson St. a challenge at the present time due to traffic. The parking in front of Hanley's makes visibility difficult and the Coach and Lantern has food and beer trucks parked on Academy for delivery .

The street is narrow so I can't imagine anymore traffic at any point.

When we had the farmers market on the proposed lot everyone parked against the law on Academy Street. This didn't allow two way traffic let alone an emergency vehicle. I can't imagine where people going to the Coach and Lantern Pub and shops will park once the construction takes place.

During construction it isn't possible for the large trucks to park on Academy. This has been happening a lot when there is construction in the area and is a safety hazard.

I wonder how the increased waste water will be managed as well.

I am concerned about the relocation of the heritage building onsite because of lack of visibility as well as damage during the movement I can't say I like the idea of a building of that height that doesn't fit into the ambience of the village.

A lot of concerns which I don't feel can be alleviated

Sincerely;

Linda Clements

Sent from my iPad

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Page 8 of 120**

**From:** Larry Travis  
**Sent:** February 18, 2022 1:45 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Fwd: Ancaster - Wilson Street Plan Amendment - -file - UHOPA-22-004 / ZAC-22011

Good day - I am writing to express my concern over the proposed plan amendments to Wilson Street East / Lorne Avenue.

It is my understanding that there is a desire to build an eight story structure. It is interesting that the proposed amendment deems this a “Pedestrian Focus (C5a) Zone. While I cannot begin to understand the nuances of the various zoning terms, as I look at the elevation and proposed footprint of the structure, this is not a building that one would call Pedestrian Focused. I believe a vibrant town core should encourage pedestrian traffic in order for retail / commercial space to thrive.

The city of Hamilton has a unique opportunity to create a cohesive town core in Ancaster. The lots in question anchor the core and will dictate the character of the town. Rarely is there an opportunity to create a space that will enhance the heart of a town and invite people to visit (eat / drink / shop). The bones of Ancaster are already in place. The Barracks Hotel, the Needle Emporium and the retail/pub space on the corner of Wilson and Academy. Even Glendale Motors when updating their space made every effort to maintain the integrity of the town core. Just up the street, there is the old town hall and the library which was updated sympathetically. The green space surrounding those buildings softens and invites people to linger. The proposed structure offers no evidence of landscaping to soften the street and provide shade on a hot summer day. It does nothing to enhance the current streetscape and I would suggest it will stand out (to quote Prince Charles) 'like a monstrous carbuncle on the face of a much-loved and elegant friend'. While Ancaster is not London, the sentiment remains valid.

I understand the business case for Hamilton - maximize the tax base. I would suggest that the tax base / income to Hamilton could be increased by looking at this from a different perspective. I was in Paris, ON this past fall (during COVID). It was a Saturday and the streets were shoulder to shoulder with people. There were many restaurants and all were full. Tourists flock to Paris as the town has character. Ancaster could offer this same opportunity for tourism - we do not have the Grand River but we have world class hiking trails on our doorstep. The same folks that come to visit the waterfalls and hike the trails will want to stroll the streets of a town with character. A building that could have been plucked from King Street in Toronto stands out of place and holds no allure.

A further consideration to the equation is the inadequate infrastructure to accommodate this level of increased density. The sewage system currently struggles to cope and we have poor

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public transit. Before dramatically increasing density (if this passes then one would assume all future builds will be for 8 stories) the current issues should be addressed.

Developers may argue that they cannot make money without building the proposed structure. I would argue that they were aware of the building codes when purchasing the property. They should have done more diligence rather than assume a project that could only be profitable at the expense of the existing character of the town.

You are about to make a decision that Hamilton cannot reverse. It is an opportunity to make a visionary choice with an eye to sustainability that future generations will look and respect or to choose to rubber stamp a building that will maximize short term profits for developers at the expense of pedestrians and town residents forever.

I appreciate your taking the time to consider the options.

Regards,

Lynn Travis

24 Academy Street, Ancaster.

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**From:** Lucie Poling  
**Sent:** February 22, 2022 2:22 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** UHOPA-22-004/ZAC-22-011

Hi,

I'm writing today in reference to the applications by Wilson St. Ancaster Inc for Official Plan Amendment and Zoning By-law Amendment for lands located at 392,398,400,402,406 and 412 Wilson St. East and 15 Lorne Avenue.

I originally chose to live in Ancaster on Wilson street because of the appealing historical character of the village, the small town feel afforded by the one or two storey buildings fronting Wilson and the great green canopy the numerous trees in the area provide. I realize that some development is bound to take place but the essence of this precious heritage village should be protected.

If the above referenced applications are approved and an eight storey building is permitted to be built in the centre of the village it would be a travesty. We don't want buildings that exceed the present height restrictions in the village centre.

As depicted in the notice sent by the city, the proposed building looks like a massive prison! In the case of this development, or any other, why would we not ensure that the aesthetics of the building complement the character of the village, that it is pleasing to the eye, that it fits in.

We have an opportunity to control the development in the village now. We have a responsibility to get it right. It's too late for Brandon House. Let's protect the Marr-Phillippo house at 398 Wilson! It should be fronting Wilson! It does not belong on Lorne Ave! The fact that the Wilson street view includes the Marr-Phillippo house adds so much to the special character of the village. It's too precious to hide away.

Lastly, I'd like to point out that your current policy of positioning newly constructed buildings at the very front of the property by the sidewalk does not allow for any strip of green space in front of the building which is a negative- we are losing some of our green canopy. Also as a result of this policy, the recently constructed building at 385 Wilson St. East obstructs the street view of its neighbour, the beautiful stone building at 375 Wilson St. East which is a historical building and which is located more than several feet from the sidewalk. Shouldn't the placement of a new building take into consideration it's neighbour's placement and the resulting street view?

I know what kind of town I enjoy living in.....Please, let's get it right!

Sincerely,  
Lucie Poling

Sent from my iPad

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**Page 11 of 120**

**From:** [REDACTED]  
**Sent:** February 22, 2022 5:41 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Opposition to Proposed Development at Wilson St. E. and Academy St., Ancaster

Dear Mr. Vrooman,

I am writing in strong opposition to the proposed 8 story "mixed use" development at Academy and Wilson Street East in Ancaster; reference: "Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)".

I am a lifelong resident of Ancaster. I live directly across the street from the site of the proposed development. My community and I would be significantly negatively impacted if it were built.

I have a number of concerns regarding this proposed development.

Traffic along Wilson Street and Rousseaux appears to be already near or at capacity. At peak travel times, I have observed traffic to be backed up and long lines of traffic (up to several kilometers) extend both up and down Wilson Street and down Rousseaux Street. During rush hour it can be almost impossible to make a left hand turn out of my driveway onto Wilson Street East. This congestion is further exacerbated when an accident on the 403 drives additional traffic onto either or both of these roads. The streets in my neighbourhood are, without question, not designed to accommodate the large volume of traffic that would ensue if the proposed development was allowed.

I understand that, according to the Wilson Street Secondary Plan, buildings can be a height of 9 m only and must be consistent with the character of the existing neighbourhood. I have seen pictures of the proposed development. The proposed new 8 storey building clearly exceeds these height restrictions and certainly is not in character with the buildings in my neighbourhood and the Ancaster Village core, which includes a number of heritage and historic buildings. It would be a gross overdevelopment of this site and would change the character of the area substantially.

I have environmental concerns regarding this proposal. I am not aware of evidence of adequate waste water pipe capacity for this area. The addition of large buildings may also negatively impact the natural watershed, including Ancaster creek.

I understand that the Niagara Escarpment Commission does not support this development and that the proposal does not comply with the Niagara Escarpment Plan (NEP). Apparently the Urban Hamilton Official Plan (UHOP) requires NEP conformity - therefore, as the NEP does not support the proposal, the UHOP also cannot support it. I have personally witnessed at least three huge, beautiful, environmentally relevant mature trees being cut down at this property,

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far in advance of any actual development. Green space around my neighbourhood - a vitally important part of my community, for environmental and a multitude of other reasons - has already been destroyed in the past 5 years with development, and I have sadly observed a number of mature trees destroyed to accommodate new buildings. I oppose further decimation of green space in my community. I would think that removing any more trees at the proposed new development site would also violate the city's Climate Emergency Plan.

For the above reasons, I request that this proposed development be stopped.

I expressly request that the City remove my personal information from my submission.

Sincerely,

A solid black rectangular redaction box covering the signature area.

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**From:** Marilyn Presutti  
**Sent:** February 23, 2022 2:00 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>; timvrooman@hamilton.ca  
**Subject:** Fwd: UHOPA-22-004/ZAC-22-01

----- Forwarded message -----

**From:** Marilyn Presutti [REDACTED]  
**Date:** Wed, Feb 23, 2022 at 1:43 PM  
**Subject:** UHOPA-22-004/ZAC-22-01  
**To:** [REDACTED], [REDACTED], <[timvrooman@hamilton.ca](mailto:timvrooman@hamilton.ca)>

This message is in reference to the applications by Wilson St. Ancaster Inc for Official Plan Amendment and Zoning By-law Amendment for lands located at 392,398,400,402,406 and [412 Wilson St. East](#) and 15 Lorne Avenue.

Further to the email sent by our neighbour [REDACTED] we also reside at 371 Wilson Street East and are in total agreement with the sentiments of her message. We are distressed by the nature and scope of the proposed development.

Wilson Street as a major artery with only two lanes through the village core would become a traffic nightmare for so many multiple units to be squeezed in as residential /commercial space. We totally agree this building has no architectural flair or reverence for the scale or charm of our village. We would like to add our names as objecting to this proposal.

Paolo and Marilyn Presutti  
371 Wilson St East Unit 1  
Ancaster Ontario L9G2C1

Sent from my iPhone

Mr. E. Tim Vrooman, City of Hamilton  
Planning and Economic Development Dept.  
Development Planning, Heritage and Design – Suburban Team  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Hello Mr. Vrooman:

**Re: Response to Application for Official Plan Amendment and Zoning By-Law  
Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and  
15 Lorne Avenue, Ancaster.**

I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report, it is most welcome.

1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster’s heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

“The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster....”

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this report. Further, if approved and built, it will consume so much of the capacity of locally

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available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants’ reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of “reasonable” that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

## 2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

“The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) **during the morning and afternoon peak hours, respectively.**”

*I.e., “during the morning and afternoon peak hours, respectively”.*

The data cited by the consultants’ report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer’s Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson

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intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street.

The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children’s playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

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Based on the City’s By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

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The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since

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peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

#### 5) Hydrocarbons in the Soil

It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

“It’s true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

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And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

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The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,

Bob Maton PhD, President  
Ancaster Village Heritage Community  
330 Lodor Street  
Ancaster, ON L9G 2Z2  
[REDACTED]

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28 Academy St,  
Ancaster,  
Ontario,  
L9G 2X9  
23 February 2022

Planning Committee,  
City of Hamilton  
71 Main St West,  
1<sup>st</sup>, Floor  
Hamilton,  
Ontario.  
L8P 4Y5

Attn: Mr. Tim Voorman,  
Heritage Planner

Dear Mr. Voorman,

RE: Files: UHOPA-22-004 / ZAC-22-011

I wish to register my objections to this proposed development.

The letter sent out on February 4 contains few details. There are no reports included by consultants, staff, or experts from the host of specialist disciplines expected.

Sufficient to say:

- 1) The building, as depicted in the application, does not meet the general intent of the Urban Hamilton Official Plan or the Ancaster Wilson Street Secondary Plan. The proposed development is too large, dense and high for the property and surrounding area.
- 2) The building height, density, bulk and scale are out of all proportion to the neighbourhood and are totally incompatible with the heritage and character of our historic village. A huge, continuous building, as proposed, just does not fit into the village street scape.

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- 3) The building is inconsistent with the character of the neighbourhood and significantly detracts from, not enhances, the Village. This plan not only eradicates the heritage character of the existing neighbourhood, it leads to the further destruction of the historic roots of Ancaster, as exist in the other areas of the Village Core.
- 4) The massing is far too big for the area. It is over three times the maximum height allowed in the Wilson Street Secondary Plan. The Wilson Street Secondary Plan and its associated bylaws, were developed after much consultation with many interested parties. They have been totally ignored. This plan ONLY became effective seven years ago and was supposed to remain in place for some twenty years. That objective has been nowhere near recognized. To suggest it is outdated is nonsense.
- 5) The well - known and documented traffic problems of the Maywood area will be exacerbated and become even more intolerable. The increase in resident and commercial traffic this development will bring can be readily envisaged and is unacceptable.
- 6) Access to the building is from Academy Street. A residential street that is currently overloaded with cut-through traffic trying to avoid the Rousseaux / Wilson St intersection. Academy Street is far too narrow to handle the volumes and sizes of vehicles that will service this building. It will lead to a safety hazard the city cannot condone.
- 7) There are so many things wrong with this development it is difficult to enumerate them all. The main ones; beside the huge overreach in massing, lot coverage, and imposition on the neighbours from noise, shadowing and oversight; are the increased heavy traffic on already overloaded Wilson, Lodor and Academy Streets.

These lands should be developed in accordance with the bylaw “Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone”. This permits a building with a height of 9 metres, which must also be consistent with the character of the Village.

Ancaster was founded in 1793 and is the third oldest community in Ontario. Development should venerate, not destroy this heritage. The planning and zoning in Ancaster and the city of Hamilton for the Village Area, was designed to project a humble, simple but not overbuilt street scape. Not this monstrosity.

**The application contains many of the failings of the recent Wilson St / Rousseaux application and similarly, must be denied.**

Please keep me advised of further steps. I may wish to make a formal presentation at any further meeting that might arise.

Yours faithfully,

R.H.Baker P.Eng.

**From:** Toby Yull  
**Sent:** February 23, 2022 8:09 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Manchia/Spallacci Development Wilson St Ancaster

Hi Tim

I wanted to register my opposition to this development at Academy and Wilson Streets, and the ridiculous idea that moving the Marr-Phillippo house could be successfully accomplished.

The rendered drawing shows a building that's massively over-scaled, both for the site and for the surrounding streetscape. The fake stone facing just makes it worse -- this is not 'respecting the character' of Ancaster -- more like a developer's rough attempt at mollifying planning values without understanding or caring what a desirable outcome would really look like.

The collection of styles and elements thrown at the east-end corner is a mind-boggling salad-bar. It bears zero relationship to the rest of the building and to the town of Ancaster. Honestly, I'd be embarrassed to submit this building for this site!

Spallacci built an infill condo building in International Village on King Street 20 or so years ago that was a thousand times more respectful -- what has happened here? (Sergio Manchia?? Who can forget what he did at the southwest corner of Aberdeen and Dundurn?)

Anyway, please put me down against this proposal. Spank them and send them away to do much much better.

thanks,

Toby Yull  
Dundas

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**From:** [REDACTED]  
**Sent:** February 24, 2022 7:54 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** With Regard to UHOPA-22-004 - ZAC-22-011

Dear Ohi Izirein,

I am opposed to the Zoning By-law Amendment (File No. ZAC-22-011) and (UHOPA-22-0040 being proposed by Wilson Street Ancaster Inc.

Relocating the Phillip-Marr House (if it can be relocated) which has stood at its current location since 1834, and is one of only 5 Ontario Heritage Act designated buildings in Ancaster, will detrimentally affect the atmosphere and character of the Ancaster Village community.

Is there any guarantee, or a signed and stamped Engineer's report indicating that it is possible to move the Phillip-Marr House, located at 398 Wilson St E, Ancaster, ON L9G 2C3, without severely damaging or destroying this historic structure?

Why do we have the Ontario Heritage Act, of which the Phillip-Marr House is a designated building, if heritage buildings are not protected?

Is the preservation and protection of designated Heritage Buildings not the responsibility of council?

The proposed new development does not in any way attempt to follow the requirements outlined in the Wilson Street Secondary Plan's Area Urban Design Guidelines.

**Please Remove all Personal Information before entering this letter into the public record.**

[REDACTED]

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**From:** Jennifer Davis  
**Sent:** February 24, 2022 11:53 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Cc:** Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>  
**Subject:** Proposed New Development on Wilson Street East, Ancaster

Mr E. Tim Vrooman, City of Hamilton  
Planning and Economic Development Department Development Planning, Heritage and Design -  
Suburban Team  
71 Main Street West, 5th Floor  
Hamilton, Ontario

Attention: E. Tim Vrooman

Re UHOPA-22-004/ZAC - 22-001

I am writing in response to your letter of February 4, 2022 seeking comments for staff to assist in preparation of a staff report for the above applications

The 8 storey condominium building proposed for Wilson Street East, in Ancaster, Ontario. I believe the building is totally inappropriate for this location in our and violates all aspects of The Ancaster Wilson Street Secondary Plan (AWSSP).

The AWSSP was developed over an 18 month period of time, beginning in 2012 by a committee of residents and city councillors in consultation with residents of Ancaster, business people, City of Hamilton staff, and area boards of education. The plan has been in place since 2015 and is scheduled for a review in 2035. The AWSSP supersedes the Urban Hamilton Official Plan (UHOP).

The AWSSP delineates 5 distinct character areas along Wilson Street. The in which this development at Wilson Street East would be located is in the centre of what is referred to as "The Village Core", extending from Rousseaux Street to Daley Drive (4 Blocks). This proposal violates The AWSSP in terms of its mass, materials, setbacks design, height and size. In addition, it over develops "The Village Core" and does not demonstrate how it intends to meet the intent if The AWSSP guidelines. Finally, it does not reflect any of the cultural heritage of the surrounding area.

Another issue related to this proposal is the fact that The Planning Department of the City of Hamilton has approved the developer's request to move a Heritage Building, The Marr-Phillipo House, built in 1870, which currently stands at the corner of Wilson Street East and Academy Avenue. It is proposed that this building be moved away for The Wilson street scape to Lorne Avenue because of suspected soil contamination caused by a gasoline station previously located on the site. The developers, however, have not provided and independent, objective hydro geological reports that support their contention that soil contamination is present on the site and requires the relocation of The Marr-Phillipo Home in order to remediate the soil.

A third issue related to potential vehicle traffic problems that could be caused by this development. Although the developers have not yet requested a 24 hour traffic study, it is clear that traffic will increase especially along Academy Street, which is a narrow heritage Street with sidewalks on only one

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side of the street. The roads in this surrounding Maywood neighbourhood have been awaiting traffic-calming measures for a number of years but have had no resolutions of the existing traffic issues. The neighbourhood will require widening and rebuilding of its roads to make them safe.

Waste Water management is currently a problem in "The Village Core" area of Wilson Street, particularly during heavy rainfall. The developers have not provided specific, independent data regarding the impact of the proposed building on 24 hour flows in this area. Depending on the results of the study, the City of Hamilton need to upgrade sanitary and storm sewers in the area.

The issue of decreased water pressure to homes in Ancaster is another topic which our City Councillor, Lloyd Ferguson, has discussed at community meetings and the likelihood that our town may need to rebuild water towers which were removed a number of years ago. The proposed development, as well as others, in the area may hasten the need for this additional infrastructure.

Finally, Ancaster is a Heritage Village, established by European settlers in 1793 and became a Police Village in 1852. The federal, provincial, and my governments are encouraging the preserve of heritage sites like Ancaster, which, in turn, will further support tourism in Hamilton. The one-time grant from The Government of Canada, The Province of Ontario and the. It's of Hamilton to support the restoration of the Hermitage is a good example. The AWSSP is in place to promote the restoration and redevelopment of "The Village Core" and provides a very clear and comprehensive set of guidelines for doing so. Therefore, I respectfully request that the developers of this condominium and follow these guidelines and help us to make "The Village Core" all it can be.

Sincerely,

Jennifer Davis  
87 St Margarets Road  
Ancaster, Ontario  
L9G 2L1

Sent from my iPad

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**Page 27 of 120**

**From:** [REDACTED]  
**Sent:** February 24, 2022 12:49 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Proposed Manchi/ Spallachi Development-Wilson and Academy

I am writing this to register my request to stop the proposed development at the corner of Wilson and Academy in Ancaster.

It in no way is in keeping with the heritage architectural style of Ancaster.

Sent from my iPhone

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Page 28 of 120**

**From:** Rhonda Scott  
**Sent:** February 24, 2022 1:47 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Proposed Building at Wilson and Academy in Ancaster

I am writing to express my strong opposition to this proposal. For a number of reasons including traffic congestion, noise, parking, wastewater issues, the fact that it contravenes the current height restrictions, and overall modern aesthetics juxtaposed to that of the charming character of our historic village, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Stay positive, but test negative!

Take care,  
Rhonda Scott  
Sent from my iPhone

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**From:** Ashley Allan

**Sent:** February 24, 2022 2:36 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello Mr. Vrooman

I have been a resident of Ancaster for 39 years. I loved growing up in this town. I love Ancaster History and the charm the village brings to it and proud that I am now privileged to be able to raise my own family here.

Ancaster is just as old as Niagara- on -the -lake. Ancaster does play a huge role in Ontario's history. Our village is one of the few that still have buildings to remind us of that history. This development will tower over our village and take away that charm. The development lacks imagination and style. It looks like a institutions. Bylaws are in place for a reason in Ancaster so we can keep developments like this out of the historical village core.

I would like to see a much smaller building with stone, old architecture mixed with modern or adding on to the existing historical Marr house. Do it right!

I have posted below all the point made by Bob Matson the head of Ancaster Historical Society. I agree with all his point fully that a building like this does not belong in our village core.

Ashley Venturelli  
Ancaster Resident



#### 1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster's heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically

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unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

“The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster.....”

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this report. Further, if approved and built, it will consume so much of the capacity of locally available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants’ reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of “reasonable” that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

## 2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

“The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) during the morning and afternoon peak hours, respectively.”

I.e., “during the morning and afternoon peak hours, respectively”.

The data cited by the consultants’ report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer’s Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour

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trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

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It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street. The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children’s playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

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Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

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#### 7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Bob Maton PhD, President  
Ancaster Village Heritage Community

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**From:** johnallan

**Sent:** February 24, 2022 2:59 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Fwd: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Sent from my Galaxy

Subject: Fwd: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne

Date: Thu., Feb. 24, 2022, 2:35 p.m.

Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

To: Tim Vortman

We are against this plan. My Wife, daughter and I attended the protest in town that was covered by CHCH TV.

We are not against progress and building in Ancaster. We are against not maintaining the Heritage Stone facade that's keeps within the spirit of our History. This is an abomination and who ever develops this property can easily incorporate Marr House into a less obtrusive project within existing Hight by laws for what they paid and current market prices.

See below for further concerns.

John and Janice Allan  
301 Woodland Dr  
Ancaster  
L9G4A1

1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster's heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

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If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the

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height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

“The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster.....”

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this report. Further, if approved and built, it will consume so much of the capacity of locally available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants’ reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of “reasonable” that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

## 2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

“The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) during the morning and afternoon peak hours, respectively.”

I.e., “during the morning and afternoon peak hours, respectively”.

The data cited by the consultants’ report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer’s Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

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According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street. The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children's playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

### 3) Parking

Based on the City's By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

### 4) Wastewater Disposal

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

### 5) Hydrocarbons in the Soil

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It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

“It’s true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

#### 6) Noise Study

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

#### 7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Bob Maton PhD, President  
Ancaster Village Heritage Community

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20 Rousseaux Street  
Ancaster, ON L9G 2W5  
February 25, 2022

Planning and Economic Development Department  
Development Planning, Heritage and Design—Suburban  
71 Main St W—5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

By email: Tim.Vrooman@Hamilton.ca

Attention: E. Tim Vrooman

Re: UHOPA-22-004/ZAC-22-011

This is in response to your letter of February 4, 2022 seeking comments for staff to assist in preparation of a staff report for the above applications.

1. This application is inextricably linked to Heritage Permit application HP2021-033 which granted conditional approval for the demolition or removal of a heritage-designated building at 398 Wilson Street E.

This approval included 17 conditions and it seems impossible given the complex nature of some of those conditions that they have been completed.

It is surprising to see Planning considers this application to be “complete” when it clearly proposes an 8 storey building where 398 Wilson Street East is located, in use as a bridal shop, and there is no indication that land will be available.

To proceed with this application seems to make a public statement that 398 Wilson Street will be removed with or without satisfaction of the 17 conditions.

This development application should be deferred until the City decision on the 17 conditions and thus the approval of the Heritage Permit. 398 Wilson Street might be exactly where it is today, and the proposal as set out in these applications will be impossible.

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A decision that makes development approval conditional on the ultimate approval of the Heritage Permit places incredible pressure on the City staff who have responsibility for considering the various reports and items required in the 17 conditions.

This application is NOT complete as the applicant does not have 398 Wilson Street clear for development. Moving this to site planning does not solve this.

Frankly, I am shocked that the February 4 notice does not even mention this issue despite remarkable public input to the Heritage Permit application.

2. The total disregard for the Ancaster Wilson Street Secondary Plan is breathtaking. This land is in the heart of the Village Core. I trust that staff will vigorously apply the provisions of the Plan in the Staff Report. If we cannot protect the heritage character of 4 blocks in one of Ontario’s oldest villages we will have Anytown, Ontario in Ancaster in a few short years. Remarkable intensification can be achieved following the Plan and the C5a (570) zoning permits and will be 100% appropriate for the Core.
3. The chatter I hear that OLT will approve 6 or 8 or 10 or whatever stories is ridiculous. If we are at a point in Ontario where OLT will tear up secondary plans in Ancaster and Stoney Creek and Dundas and Unionville and Niagara On the Lake and force over-sized buildings and destruction of our heritage character in a few blocks in each community we may as well just go home and let the developers have their way.

I have confidence the City can defend the relatively small enclaves and force larger developments to locate outside the Village Cores.

4. You are well acquainted with the Secondary Plan and Zoning so no need to set out the incredible proposals to steamroller it. A couple of highlights:
  - 3.1—a height of 31 meters where 9 is permitted. Wow.
  - 3.2—density of 220 units per hectare where 50 is the Plan guideline
5. There was significant discussion at Planning on another proposal at 462 Wilson Street East with regard to sewer capacity. It was not clear at that application that there is capacity for it, so another 169 proposed dwelling units would seem to indicate city staff needs a clear indication for this application at Planning Committee if there is sewer capacity or not.
6. Ancaster traffic can be a significant problem in busy periods. The City recognizes the Wilson Street/Rousseaux intersection is at capacity at those times. If the development at 462 Wilson Street gets approval in some form pressure will be added. It is imperative that the Staff Report deal with traffic that will be layered on by this proposal.

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7. Neighbourhood cut through traffic is a major issue for residents on Lodor St, Academy and Church St. This applicant needs to propose a solution to absolutely prevent traffic for this development cutting through the neighbourhood and entering/exiting on Academy to avoid the Rousseaux/Wilson intersection.
8. With all due respect to the architect it seems they did not get a copy of the Ancaster Wilson Street Design Guidelines. There is zero fit to the streetscape.
9. On the positive side the street level retail space is a big win for the Core. It would appear there is some parking for the customers. However, the applicant should keep in mind it is the scale and heritage character that brings those customers to Ancaster Village Core.

I encourage staff to defend the well thought through Ancaster Wilson Street Secondary Plan and the C5a (270) zoning. They are NOT outdated. The Secondary Plan finally went into effect in 2015 and the Zoning in 2018.

I find it interesting that developers want to take advantage of the character and ambiance of the old Ancaster neighbourhoods as it does have attraction for their ultimate clients, but in the rush to maximize profits they destroy the very thing one building at a time that sets it apart from greenfield projects.

The community is counting on Planning to welcome new development to the older parts of Ancaster but ensure the development fits the character and ambiance rather than trying to change that with over building and inappropriate design so it will be like any suburban street in any town. It is special. Please help keep it that way.

Sincerely



Jim MacLeod

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**From:** [REDACTED]  
**Sent:** February 24, 2022 4:03 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Opposition to proposed building

Mr. Tim Vrooman,

February 24, 2022

I oppose the proposed 8-story mixed-use development at Academy and Wilson Street East in Ancaster.

Since 1969 I have been a resident of Ancaster (i.e., for 52 years). The traffic on Wilson St. was already very great travelling to work at McMaster University for 35 years, and its volume has increased since my retirement in 2002. The proposed development of an 8-storey building, if allowed, would result in yet a larger increase in traffic congestion. Also, such a building would not be in character with the buildings in the Ancaster Village core, which include a number with heritage and historical significance.

I'm not aware of evidence of adequate waste water pipe capacity for this area. Such a large building could also impact the natural watershed, including Ancaster Creek

The Niagara Escarpment Commission does not support this development and the proposal does not comply with the Niagara Escarpment Plan. It seems that the Urban Hamilton Official Plan requires NEP conformity. Thus, since the NEP does not support the proposal, the UHOP also cannot support it.

Please consider my concerns.

I request that the City of Hamilton remove my personal information from this email.

Yours truly,

[REDACTED]

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**From:** Charles Walker

**Sent:** February 24, 2022 6:33 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello Mr. Vrooman,

I write in opposition to the development plans for the plot of land at Wilson and Academy in Ancaster. The proposed building is completely out of step with the traffic capacity of the roads in the area and is physically inconsistent with the style and history of the area. It also puts a historically significant building at risk. This project would impose many unreasonable burdens on the neighbourhood.

Please stop this project from proceeding further.

Thank you, Charles Walker - Dundas, Ontario.

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**From:** [REDACTED]  
**Sent:** February 24, 2022 7:13 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Proposed development at Academy and Wilson

Dear Mr. Vrooman,

I am writing in strong opposition to the proposed 8 story "mixed use" development at Academy and Wilson Street East in Ancaster; reference: "Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)".

I am not a resident of Ancaster but do frequent the area as an avid cyclist on Wilson street and as a patron of several of the Ancaster businesses in the downtown core. The traffic on Wilson and Rousseau is already congested and can not tolerate a further increase in volume. The building complex as proposed will detract from the aesthetics of this part of Ancaster. For these reasons, I propose that the development not proceed.

I request that the City remove my personal information from my submission.

Regards,

[REDACTED]

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**From:** Wendi Van Exan

**Sent:** February 24, 2022 7:54 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

**RE: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.**

As residents of Ancaster for almost 50 years and having seen many changes throughout those years both good and bad, we are wishing to submit our total opposition to this proposed development

There are so many reasons behind this opposition , a total disregard for the Wilson st secondary plan being one of the top ones. This proposed development is far to large for the lands where they want to put it.. It does not fit the Heritage village that is Ancaster and which we want to keep.

And as a resident on Rousseaux St suffering now with the increased traffic and the dangerous driving especially with people turning up Academy (across from our driveway) to avoid the Wilson/Rousseaux light we can't even imagine the state of this road when one adds either a retirement complex or apartments.

And of course we all know what happens to Ancaster when there is a problem on the 403. How will that intersection handle those issues?

In general we agree with the staff report saying this is not in keeping with the existing character of the neighbourhood.

We certainly hope that the City of Hamilton listens to the residents of this town. I have met no one in the months since this was announced who can understand how on earth this development can even be considered. We would hope you would deny this application and that any further application

from these (and any other developers) should be required to accommodate the Heritage criteria for development and the Wilson st Secondary plan.

Yours truly

Richard and Wendi Van Exan

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**From:** Chris Kruter  
**Sent:** February 24, 2022 8:23 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** UHOPA-22-004/ZAC-22-011

Dear Sir,  
Looking at the proposal I never saw such ridiculous monstrosity .

This will be the end of the Village of Ancaster .  
The reason is that the rich people will get richer and Ancaster will be destroyed .  
Respectfully ,  
Chris Kruter  
A very upset citizen

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**From:** Noora Grifi

**Sent:** February 24, 2022 8:29 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Mr. Vrooman,

I am writing to inform you that I strongly disagree with the project. Educated assessments have already been emailed to you from the local community regarding the rationale- including traffic and inconclusive research on waste water disposal and hydrocarbons in the soil.

The design definitely does not meet the Ancaster Heritage Landscape expectations.

The above stated development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

The village and people of Ancaster deserve better.

Regards,

Noora Grifi

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**From:** Gayle Villeneuve  
**Sent:** February 24, 2022 9:23 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Development at Wilson & Academy

Hello Mr Vrooman,

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.**

I have been a resident of Ancaster for 22 years and I am in favour of development but not this time on this property with this disrespect for a heritage building and disrespect for the people of Ancaster!

- 1.Regarding the Mar Phillipo house, this heritage building should be incorporated into the development, not moved with risk to the back corner where no one will appreciate it.
2. Traffic, traffic, traffic – the building is too big! The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. This is dangerous for pedestrians and children.
3. Too many stories – it’s against the rules of Ancaster’s plan
4. Waste water – how will this huge development handle the waste water issue that exists in Ancaster?

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

I implore you to consider the implications of this development and deny the application in full.

Yours truly,

Gayle Villeneuve

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**From:** David Wallis  
**Sent:** February 24, 2022 9:25 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Continued disappointment of Ancaster Village Planning

Good Day Tim,

As a long time resident of Ancaster, I continue to be perplexed and disappointed at the lack of Vision for the Development of Ancaster Village.

I continue to be disappointed at the City of Hamilton not standing up to lack lustre development, no push back on height, size and what seems to be Development deciding on what Council, Councillors, Mayor will and can do eventually.

You have an opportunity with vision and support...to complete Ancaster into a boutique village like Unionville, Niagara on the the lake etc.

Ancaster has a secondary plan that continues to be flouted and balked at. No respect from Development, little or no enforcement from the city and the cycle continues. It is quite sad.

I will give 1 win at the push back to recent Amica plans, after the disaster of Brandon House being torn down during questionable circumstances.

Within the pocket of our village with rich history and unique old character at risk, the decisions made are ever more important to get right.

The current plan of the Manchia & Spallaci development should be scaled back and enforced to comply with the secondary plan in place.

I hope you and they entire council are up to the challenge or sadly Wilson Street will look like any street from anywhere.

Sincerely,  
David Wallis  
Ancaster, ON

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**From:** Marc Bader

**Sent:** February 24, 2022 9:33 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Re: Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Mr. E. Tim Vrooman, City of Hamilton  
Planning and Economic Development Dept.  
Development Planning, Heritage and Design – Suburban Team  
71 Main Street West, 5 th Floor, Hamilton, ON L8P 4Y5

Mr.Vrooman,

The residents of Ancaster are just about fed up with the city trying to make Ancaster look like Mississauga. A sea of building structures having nothing in common but bricks, steel and cement. We want to keep Ancaster as a small town with a wonderful heritage. That's why a lot of people moved here - to get away from a typical city scape.

According to the Ancaster Wilson Street Secondary Plan the plans for this development are totally out of line. Obviously the developers ask you for a mile hoping they will get half a mile. In this case they are asking for 10 miles, hoping they will get 5.

If you touch the Marr-Phillipo house, the developers know it will fall apart and that's exactly what they want.

Traffic in Ancaster because of its growth of 3 storey town houses wherever developers can build them is already horrid. Why make it worse?

How about making a lovely park right in the middle of the village where people could come and enjoy an open space - maybe go skating in the winter, maybe have a picnic in the summer. Developers are taking all this away- what a pity.

Marc Bader  
23 Norma Crescent  
Village of Ancaster ON L9G 4V8

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**From:** Sandra Starr

**Sent:** February 24, 2022 9:39 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Hello,

I am opposed to the proposed 8-storey development based on the building height, scale, massing, footprint and compatibility with the village. In addition to traffic, sewer and remediation of the site – all of which details and data are incomplete or "opportunistic" at best.

This proposed development is a close parallel to the recently proposed Amica development at Rousseaux and Wilson where the planning committee recently recommended denial.

The property at the corner of Wilson Street and Academy falls within the historic village core. I feel strongly we need to preserve Ancaster's unique position as the second earliest established village in Upper Canada. This belief is supported by the creation of the **Ancaster Wilson Street Secondary Plan a short 7 years ago** which has been totally ignored recently by developers. The Ancaster Wilson Street Secondary Plan was created with public consultation and was to govern for 20 years. How an application that so blatantly disregards the building height, scale, massing, privacy, overlook, setback and compatibility with the village moves to this stage in the city's planning department is beyond me. We are wasting tax payer resources and the public's time when consultation already took place and there is a governing document. What is the point of creating governing documents with input from all stakeholders if they are simply ignored when developers with deep pockets approach the city?

With respect to the Ontario Planning Act, Section 2, does this proposed development not grossly exceed both height and footprint parameters?

In terms of traffic, the data cited by the consultants' report is incomplete. It shows only traffic at peak hours. The developer's traffic study data demonstrates that traffic on Wilson and Rousseaux streets during peak hours is already at or close to capacity. This was also stated by the Salvini Traffic Study recently completed for the Amica development on the Rousseaux/Wilson intersection. The Salvini Study gave a much clearer picture of the pressure on local streets at all hours of the day. With respect to protection of public safety, this nearby intersection cannot take any more traffic, especially at peak periods – the traffic delays are not just felt at the

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pinch point of Rousseaux and Wilson Street, but extend past Golf Links Road and McNiven Roads 2 km away during peak periods. This is a public safety concern for EMS, especially when we are already reading about the number of Code Zeros in our city.

The Ancaster Wilson Street Secondary Plan, developed to protect our historic town's cultural and heritage resources, establishes a goal of 50 people per hectare in portions of Ancaster which includes the Village Core from Rousseaux Street to Dalley Drive (a very short 1.2 km section). This request is in no way in the spirit of the Ancaster Wilson Street Secondary Plan.

The list of bonafide concerns continue. After all the "sewergate" articles in the Spec, and the sewer backups in the homes downhill from this proposed large-scale development, it is doubtful that the sewer infrastructure can take such an enormous development or leave any "bandwidth" for any other development of the street. Council considered mitigating this with an overflow pipe into Ancaster Creek this past summer which was, thankfully, rejected, which means the potential problem remains. In speaking with a staff member at Water & Sewer, if I understood them correctly, they say they do a study after the application is approved. That seems backwards to me and will cost taxpayers in the City of Hamilton (rather than the developer). The Old Dundas Road pumping station is a longstanding issue and it is unlikely it can support the additional effluent from these large-scale developments. Period. Is this proposal feasible with the City's Stormwater Management Master Plan? I understand the staff report related to the proposed Amica development said, "The Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated August 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the FSR and other information, these applications are not supportable."

And the silent issue here is what happened to the alarm bells about hydrocarbons in the soil?? The data presented is inadequate. The City was adamant that this site needed to be remediated. The Mayor even weighed in with an Opinion piece in the Spectator on November 5th, and wrote, "The piece also ignores the fact that the house sits atop six to eight metres of contaminated soil in some spots that needs to be remediated". So, where's the plan to remediate which is an environmental issue? How is there no mention of this in the proposed development????

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Currently, there is not enough parking in the quaint historic core for the local shops, restaurants and services. The City's By-Law No. 05-200 states a total of 332 parking spaces are required for the proposed development. The proposed development will, however, only deliver 256 parking spaces for residents leading to a further shortfall of parking and yet another bylaw violation.

I support thoughtful intensification. I consider this 8-storey proposal a blatant disregard for the Ancaster Wilson Street Secondary Plan. These exceedingly high buildings will dwarf everything in the village and promote further traffic issues. In addition, the proposed architectural style in no way blends with the Cultural Heritage Landscape of the historic Ancaster village.

In conclusion, the massive proposed 8-storey development fails to meet numerous criteria from sheer mass, height, footprint and lack of incorporating heritage features and design. Additionally, there are real concerns regarding the additional effluent, hydrocarbon contamination and traffic. Given the sheer magnitude of all of these factors during a time in history when all resources are scarce and staffing shortages prevail, why are we wasting city resources entertaining such brazen proposals that so clearly do not come anywhere close to following any of the established bylaws and plans. I encourage the city to enforce its bylaws and governing documents and DENY these proposals and simply say, "no".

The city needs to be tough on developers ensuring they don't waste any more of anyone's limited time and resources until a REASONABLE proposal is received. JUST SAY NO!

Respectfully,

Sandra Starr  
Ancaster Resident

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**From:** Darren Earl  
**Sent:** February 24, 2022 10:00 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Cc:** Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>  
**Subject:** Zoning By-Law Amendment for 392, 398, 400, 402, 406, and 412 Wilson Street East

Dear Mr. Vrooman,

I am writing you to express my concerns with the application for development in Ancaster at 392, 398, 400, 402, 406, and 412 on Wilson Street East.

I feel this proposal is too big of a deviation from the Ancaster secondary plan. This development is very out of character for the street scape within a historic district.

In particular the amendments to the following.

1. Height: The 8 storey proposals is excessively over what is outlined within the secondary plan and should be denied.
2. Setback: The setback to both Wilson street and neighboring property is not sufficient for both pedestrian or drainage.
3. Density and usage: The increase in density for the area would be very significant. I know on the surface the area does not appear dense. However given the historic nature of the road infrastructure and its already high traffic use for people trying to get to the Link. Such a high number of units would create a significant burden on the community.
4. Relocation of Marr-Phillipo House: It is an absolute tragedy that we would allow the moving and effective destruction of the Marr-Phillipo House. It should remain in its current context within the Ancaster village
5. Heritage: As outlined in the official “Ancaster Wilson Street Secondary Plan” Ancaster is heritage neighborhood and buildings within it must make every effort to maintain context of the community. Ancaster is a pre confederation community that is quickly being stripped of its heritage. In comparison Niagara on the Lake is a destination known across Ontario for unique historic character, they accomplished that with strong heritage bylaws.

I would very much like to see the Hamilton planning department take a firm line with this and future developments that densification and redevelopment have to be done with the community contexts in mind. The secondary plans were developed for a reason and should be the assumed guidelines not something that should be changed at the whim of every developer.

If developers are continually allowed to chip away at our heritage, we soon have nothing left. This fight is not specific to Ancaster, it applies to all of Hamilton as we struggle to meet provincial densification targets. I implore city council to show that densification and heritage preservation must work together.

Hamilton is emerging as power house within the GTHA and one of our greatest assets is our physical heritage. It draws in new residents, tourists and even film studios. If we let it slip away brick by brick, we will never get it back.

I would very much like to be kept informed about this development and maintain my right to appeal.

I would also like to note that I am a resident of Ancaster but do not live within Ancaster village core.

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Regards  
Darren Earl

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**From:** Jan King

**Sent:** February 24, 2022 10:39 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Messrs Manchia and Spallaci/Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Mr Vrooman,

As a concerned citizen of Ancaster, I wish to express my views on the current application to develop an 8-storey building at the corner of Wilson and Academy. We need to honour the zoning and Secondary Plan, set forth for Ancaster in 2013 which allows for a building height of 9 meters. This development proposal would not only dwarf the surrounding buildings but would not be consistent with the surrounding streetscape of the neighbourhood. Unfortunately, we have lost some very significant historical buildings on Wilson Street and the potential move of the Marr Phillippo building is of grave concern.

The proposed structure is unattractive and does not compliment the character of Ancaster village. Ancaster is steep with Canadian history, let's develop buildings that reflect the style and design of this era.

I do not oppose reasonable intensification which meets our current bylaws, zoning and infrastructure limits, however, this proposal is so far outside the required boundaries! Please abide by the 9-meter height restriction and at least try to blend in with the historical appearance of the neighbourhood.

If you want to be part of the community, please listen to the community.

Thank you,

Jan King

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**From:** hello

**Sent:** February 24, 2022 11:39 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Mr Vrooman

I write in response to the development application at Wilson St and Lorne Ave.

The scale of this structure is overwhelming in this neighbourhood. It does not meet the Wilson Street Secondary Plan specifications.

The design, as indicated, does not meet or reflect the requirements of the Cultural Heritage Landscape status for Ancaster Village.

Regarding waste water disposal, in the past we have had issues with the pumping station on Old Dundas Road, does Wilson Street have the capacity to carry the extra load from this development?

I am very concerned about the proposal put forth by Manchia/Spallaci

George Bennett

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**From:** Dianne Auty  
**Sent:** February 24, 2022 11:56 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** UHOPA-22-004/ZAC-22-011

Dear Mr. Vrooman,

I am in opposition of any change of existing zoning which would permit such a building as proposed for properties at 392, 398, 400, 402, 406, 412 Wilson St. E. and 15 Lorne Ave. , Ancaster.

The massive size of this proposed building is completely out of character with this area and there is nothing attractive about the building itself.

Aside from the size and appearance of the building, there are several other reasons to reject it.

1. Traffic

The traffic on Wilson St. is already quite heavy and it spills over onto neighbouring streets. Traffic even now cuts through the library parking lot and down Lodor St. to avoid traffic lights, which in turn endangers people going to the library and children going to the playground. The large number of units in this proposed building will only compound the problems.

2. The environment

There will be environmental harm resulting from the construction as well as from increased population and vehicles - noise pollution, air pollution, light pollution.

3. The need to move a heritage building to accommodate this building should also be enough concern to reject this proposal.

4. Will taxpayers be paying for all the necessary changes to infrastructure this project will bring about?

5. Is this really the type of housing needed here? People moving here are looking for family homes. Who are these units geared to?

I do not see this being a positive addition to Ancaster. Please consider who is really profiting from such a proposal.

Sincerely,  
Dianne Auty  
Ancaster, Ont.

Stay calm, be brave, watch for the signs.

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**From:** Cynthia Watson  
**Sent:** February 25, 2022 12:08 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Messrs Manchia and Spallaci

Mr. Vrooman,

I live in the Maywood neighborhood of Ancaster. I am opposed to the development proposed at the corner of Wilson St. and Rousseau. Besides the fact that they snuck in the destruction of a heritage inventoried gem called Brandon House that marked the grand entry into Ancaster, the complex is in no way befitting of the heritage buildings and feel of the third oldest police township in Ontario.

Just a few years ago, maybe 4, Councilman Ferguson stopped Spallaci from building 6 semi homes on the corner of Lodor and Academy, one block away from the now disputed site, because the infrastructure could not handle it. What has changed that this 8 storey complex won't be a drag on the same infrastructure? I live on Lodor St. I know that the Dundas grid cannot handle what is here. Our electricity flips off and on often. It goes down in storms for hours and it is a major nuisance. Where is the sewage going? Can the water mains handle it? Probably not. I am not an engineer but I can't see it.

Lodor St. is approximately 20 foot wide. We already have traffic problems on the street that Councilman Ferguson flat out refuses to address. He even refused after a woman pulling her toddler in a wagon was almost hit by an idiot driving up on the sidewalk because a car was parked across the street and another oncoming car was going around it. He refused after multiple neighbours met with him about it. These incidents multiply when there are problems on the 403. I have watched my neighbour's bushes get run over by cars trying to get by under similar circumstances. My neighbour as well as myself have almost been hit by cars speeding down Church or Lodor streets using it as a cut through. My incident was around midnight as I take walks after my afternoon work shift. I was crossing the street at a corner and a truck was speeding down from the park. Where is the traffic that this development promises going to be going instead of on Wilson? Lodor St. and Academy St I forgot, this will also double traffic getting out to the Linc and 403 on that two lane road.

Do we want this? No. A resounding NO. My husband and I bought here for the small village feel. We are in our sixties and factory workers. We can't afford to relocate. We don't want to look at this and see what it will do to this quaint area with so much charm. We don't want to have to deal with even more traffic on our little street. We oppose this development as well at the one on Church St. by Veloce.

Have you or anyone on council even been to Ancaster, spent the day in the village. Met the residents? Other than Ferguson that is who just wants to call us names. Probably not. Most of us do not want this here. We do not want Marr Philipo house moved and we DO NOT want any further destruction of the rich heritage here.

Sincerely,

Cynthia Watson

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Lodor St.  
Ancaster ON, L9G 2Z2

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**From:** Patricia Cole-Stever  
**Sent:** February 25, 2022 12:40 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Regarding the Manchia/Spellaci Development in Ancaster, ON

Mr. T. Vrooman  
City of Hamilton Planning and Economic Dept.  
Development Planning Heritage and Design-Suburban Team  
71 Main St., W 5<sup>th</sup> fl.  
Hamilton, ON  
L8P 4Y5

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands located at 392, 398, 400, 402, 406, and 412 Wilson St., E and 15 Lorne Ave., Ancaster, the proposed Manchia/Spellaci Development.

Mr. Vrooman

I am writing to you with regard to the above-mentioned application for amendments to development. I respectfully request that you strongly consider the proposed development and how it will negatively affect the community. Along with referencing the actual development, I also ask you to consider how amendments and changes to existing zoning and by-laws reflect poorly on City staff and erode the trust of the citizens staff are supposed to be working 'with' or for, not against. I am referring to the current Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan versus the plans and amendments submitted by Spellaci, which clearly avoid any conformity to anything already existing.

I ask you to consider why you *would* allow for an increased density of residents along the addresses above mentioned, of Wilson St., E ~ an already congested area for traffic during rush periods? I ask you to consider pedestrian safety and an increase of noise pollution for residents due to traffic increases. I ask that you consider the overreaching height and density of the proposed development and its non-conformity ~from a visual perspective, to any of the heritage buildings in the area. The extra vehicular traffic and inadequate parking are further issues to consider. Emergency response to a large residential development such as the one proposed will be differed at peak hours due to traffic congestion and a lack of actual road way for emergency vehicles to pass safely through in gridlocked traffic; there will be wastewater disposal issues and leaching of toxins into the soil from large scale construction and development to contend with. Please consider that the plans by the developer are a gross interpretation of architectural 'style' and fails to fit into the cultural and historical vibe of the area; there are already projected restrictions to the **current** infrastructure as it will fail to support the immense scale of the proposed development; the push of increased peak-period traffic on to the side streets in the area; the flared tempers and well-being of the good

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citizens of this community when they feel threatened by their own City and community planners about what is to come of their beloved home. The additional costs of emergency services due to a population density increase, increased road maintenance due to greater usage, increased garbage pick-up due to an increase in residents, on-time snow clearing... are these costs reasonable for the City ... hence the tax payers, to carry? I ask you... *what is good*, about this development??

It is this writer's opinion that development not be considered appropriate for the location at which it is proposed to occur. It does not take into consideration any of the Cultural Heritage Landscape criteria which currently exists and indeed allows for excesses of the use of current infrastructure and City services.

I ask that you fairly consider your decision and how it will impact this community. Please base it upon evidence, or the lack of evidence from unfinished or incomplete studies, data or reports submitted by the developer; the clear opposition by area residents and knowledge that the City already has.

In final remark, I will ask that if you have not received a copy of my opposition as addressed to the City of Hamilton Planning Committee which convened on February 15/22, please contact me and I will be happy to provide it to you.

Respectfully submitted,

Patricia Cole-Stever  
15 Millcreek Ct.,  
Ancaster, ON  
L9G 4Z3  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** February 25, 2022 1:58 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Response to Spallaci/Manchia Development on Wilson Street, Ancaster

In the case of the proposed development on this site, I oppose the design seeking approval because of its massive scale and height which is incompatible with the existing historic character of Wilson Street and adjacent neighbourhood and the close proximity of such a large complex to the pedestrian sidewalk.

In the case of the relocation of the Marr-Phillipo House, Heritage Planning staff recommended denial of the relocation, as did the Hamilton Municipal Heritage Committee and the Permit Review Committee. I oppose the change in this recommendation by the Planning Committee for reasons given by both Heritage Committees. Clearly stated in the Ontario Heritage Act, designated buildings are protected from demolition, unsympathetic alteration and risky relocation. Our Hamilton Master Plan states that heritage buildings, particularly pre-Confederation, are important resources to the community and our quality of life and ought to be preserved. Now developers are making policy for the City and our communities and they are being supported by our planning department and Council in their defiance of City Heritage Conservation policies and provincial laws.

Sincerely,  
Carol Priamo

Vice Chair, Architectural Conservancy of Ontario, Hamilton Region  
Heritage Board Member, Beasley Neighbourhood Association  
City of Hamilton Heritage Permit Review Sub Committee  
City of Hamilton Policy and Design Working Group  
Heritage Hamilton Foundation Board of Directors  
Friends of Century Manor, Vice Chair

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**From:** [REDACTED]  
**Sent:** February 25, 2022 7:30 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Opposition to Proposed Development at Wilson St. E. and Academy St., Ancaster

Dear Mr. Vrooman,

I am writing in strong opposition to the proposed 8 story "mixed use" development at Academy and Wilson Street East in Ancaster; reference: "Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)".

I live a short distance from the newly proposed development and often spend time in or pass through the area concerned.

Traffic along Wilson Street and Rousseaux is already quite heavy even during non peak hours. At peak travel times traffic can be heavily backed up on both roads. The problem is further compounded where an accident on the 403 drive additional traffic on to either or both of these roads. During these situations it is not uncommon for it to take more than 20 minutes to travel between Fiddlers Green and Rousseaux. The streets in this neighbourhood are, without question, not designed to accommodate the volume of traffic that would ensue if the proposed development was allowed.

I understand that, according to the Wilson Street Secondary Plan, buildings can be a height of 9 m only and must be consistent with the character of the existing neighbourhood. I have seen pictures of the proposed development. The proposed new building clearly exceeds these height restrictions and certainly is not in character with the buildings in my neighbourhood. It would be a gross overdevelopment of this site and change the character of the area substantially.

I am not aware of evidence of adequate waste water pipe capacity for this area. Addition of large buildings may also negatively impact the natural watershed including Ancaster creek.

I understand that the Niagara Escarpment Commission does not support this development and that the proposal does not comply with the Niagara Escarpment Plan (NEP). Apparently the Urban Hamilton Official Plan (UHOP) requires NEP conformity - therefore, as the NEP does not support the proposal, the UHOP also cannot support it. The proposal to remove all trees on the site and replace them with trees on top of the parking garage is ludicrous. Green space in all parts of Ancaster is vitally important and one of the reasons I chose to live in the area. Developments in the past 5 years with development have already removed many mature trees and cause the loss of natural green spaces. I understand that removing the trees at the proposed new development site also violates the city's Climate Emergency Plan.

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For the above reasons, I request that this proposed development be stopped.

I expressly request that the City remove my personal information from my submission.

Sincerely,

A solid black rectangular redaction box covering the signature area.

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**From:** Sarah Bentham

**Sent:** February 25, 2022 8:23 AM

**To:** Bob Maton <[REDACTED]>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Development on the Wilson/Academy corner in Ancaster

Dear Mr. Vrooman,

I am writing in opposition to the proposed development on the corner of Wilson and Academy Streets. As a fifth generation resident and mother of three small children I cannot imagine an Ancaster in which the mega developments are even under consideration. Moving a fragile Heritage building to make way for this is reprehensible. Every year before Covid, Academy street was the beginning of the yearly Heritage parade; we would eagerly watch the floats and bands prepare to celebrate Ancaster history. Within the last few years the city and developers seem to be intent on stomping out that history at any cost; will parades even make sense going past these developments?

I do hope common sense will prevail and the greed of developers does not overpower the will of those who will have to live with the outcome.

Thank you for your time,

Sarah Bentham  
80 Academy St, Ancaster

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**From:** Robert Wilkins

**Sent:** February 25, 2022 8:48 AM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Manchia and Spallaci development application for 392,398,400,402,406 and 412 Wilson St E and 15 Lorne Avenue

This email is for the purposes of commenting on the above application(s). I will not be commenting on the specific individual OP, zoning or Secondary Plan sections as others will be doing so. I do want to put this application in context. It must be considered not only by its non-compliance with current zoning but also by its flagrant over-development of a significant amount of land in our historic village. Notwithstanding that we need some alternative housing in and around Ancaster this proposal does everything to the max. Ancaster is the 3rd oldest community in Ontario-- 1793. In 1793 land was not at a premium and there were humble buildings with spaces between them -- we had a three dimensional street scape. You could see the side of a building, the front, the side, a side yard etc. This compares to later developments such as Dundas -- 1846 est wherein land was at a premium and the streetscape is essentially a single dimension. The planners of the former town of Ancaster and the current City of Hamilton have recognized this and provided protection for over 60 years. These planning documents have been respected and new developments in the village have complied -- why should this be the exception. The important protections included a height limit, a special provision in the new comprehensive zoning bylaw which requires side yard setbacks between buildings and design and material guidelines in the new Secondary Plan. This development doesn't respect any of these provisions. In fact when you consider how many properties this application entails, it is basically trying to do an "end-run" around the minimum side yard provision by having one massive building covering all these lots. The new buildings in the village to date have respected the planning provisions and still been successful. I was responsible for the new smaller stone buildings at 231 Wilson St E and 253 Wilson St E (the clock tower building). I have had the pleasure of doing other new buildings and renovating others in the village. All done in the context of the existing zoning. I only mention this to let you know that one doesn't have to do "maximum" development to be successful. I can assure you that there was a "line-up" of people that wanted to go in those "historic looking" new buildings. The scale and size of this new development contravenes the design and material guidelines and will destroy the look and feel of one of the oldest humble streetscapes in Ontario. There will be future opportunities for condominiums near the village on lands such as Mount Mary. Kindest regards Bob Wilkins

--

Please note that my email address has changed to [REDACTED]

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**From:** Nancy Hurst  
**Sent:** February 25, 2022 8:48 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Support for intensification in Ancaster

Re: Application for Official Plan Amendment and Zoning By-Law  
Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15  
Lorne Avenue, Ancaster.

Dear Tim,

Thank you for the opportunity to provide feedback on the above application. As an Ancaster resident, I am in favour of missing middle density (2-5 storeys) being allowed here. It is my belief that the Ancaster Secondary Plan is out of date and needs to be revised in light of the absolute necessity of municipalities to meaningfully address the climate emergency. Hamilton has declared a climate emergency and allowing well planned infill projects to be built within all neighbourhoods across the city is one step we can take to do our part. Additionally, Hamilton City Council has voted for no urban expansion so gentle density in the city is now crucial if we are to avoid sprawl onto farm fields.

My thoughts on this project are:

- up to 5 storeys is acceptable along Wilson st.
- keep the Marr Philippo house where it is and incorporate it into the design as the Amica project down the road is proposing to do with those two heritage homes.
- keep to heritage design with the project
- mandate a percentage to affordable housing as we are in a desperate housing shortage and Ancaster must also do it's share to provide affordable homes to residents.
- require green building standards that don't use fossil fuels such as solar and heat pumps.
- mixed use with commercial on the ground level will add to the vibrancy of the area and hopefully encourage more variety than the current glut of denture clinics in Ancaster village.
- underground parking only

As a related ask, I believe we need to drastically increase transit to Ancaster as the bus service here is much too infrequent. More neighbours will mean more traffic unless we provide decent transit options for new residents.

Thank you for the opportunity to provide comment on this application.

Kind regards,  
Nancy Hurst  
Ancaster

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**From:** Lori Kormos  
**Sent:** February 25, 2022 9:12 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Proposed development at Wilson/Academy in Ancaster

Good morning Tim,  
I am writing to voice my opposition to the proposed development at Wilson/Academy in Ancaster.

It is my understanding that the Secondary Plan for Wilson Street includes a maximum height of 9 metres and the building must be in keeping with the character of the village. This proposal meets neither of these requirements. In fact, it is my opinion that the building will ruin the character of the street.

I am also saddened to hear that the existing proposal includes a plan to move the heritage home that sits on the property. Even if it survives the move, it will no longer be visible from Wilson Street, further eroding the character of the village.

Finally, traffic congestion that will result from such a large building will cause undo harm to the community, both in terms of the volume of cars moving along Wilson Street and on the surrounding streets. If allowed to go ahead, there is no way to mitigate the harm. It will permanently damage the village.

It is my hope that council will reject this proposal and request that a new proposal (that meets the secondary plan) is submitted in its place.

Thank you,

Lori Kormos  
Ancaster.

Sent from my iPad

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**From:** Richard Wallace  
**Sent:** February 25, 2022 9:22 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Wilson & Academy Ancaster development

Attention: City Clerk

Re: Applications for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406 and 412 Wilson St. East and 15 Lorne Ave., Ancaster

I wish to express my concerns in regard to the proposed development at 392, 398, 400, 402, 406 and 412 Wilson St. East and 15 Lorne Ave., Ancaster

This proposal flies in the face of the Ancaster Wilson Street Secondary Plan which was the result of an intensive consultation with experts in the field as well as concerned residents wishing for the best development of Ancaster. The community and its well being should not be dismissed lightly at the call of any developer. The current height restrictions may be somewhat restrictive to overly profitable development, but the Ancaster Wilson Street Secondary Plan allowing for a height of 9 meters needs to be adhered to in the best interests of the community. To grant the proposed height allowance would not conform with the current neighbouring residences, would restrict neighbourhood view lines, invade neighbouring privacy, and demean the character of the neighbourhood.

The building and extensive paving of the properties would deny the absorption of rainfall by needed greenspace. Ancaster has already shown that it currently cannot effectively deal with waste water runoff from this area. Households on Old Dundas Rd. which are below this proposed development have suffered damage and expenses incurred by what is currently a problem. Along with development plans for the property at Wilson and Rousseau Street, whatever that may turn out to be, as well as the other developments planned along Wilson Street at 393 Wilson St. E., at 327-335 Wilson St. E., at 280-282 Wilson St. E., at 154 Wilson St. E., and at 223 Wilson St. E. the effects on the waste water system would be over-burdened. This is a serious issue.

The planned automobile access for this development is apparently requested for Academy St. This location is very close to Wilson St. The old stone building on the south east corner of Wilson Street fronts right up to the sidewalk on the street. There is a balcony with pillars on the front of the building which partially obstruct vision of traffic coming down Wilson Street from the south, and with parked vehicles at the metered parking spaces in front of the building the sight line is so badly restricted that residents on Academy wishing to turn left from Academy drive east on Academy, up Lodor to Church Street so they can enter Wilson street safely at the stop light there. On top of that there are daily delivery trucks parked parked unloading right where the entrance to the proposed site would be. There is nowhere else for them to locate. This restricts an already narrow street. Traffic making right turns onto Academy have no vision of what is ahead until they have made the turn. This is a real safety issue.

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Housing around the proposed building would suffer light restriction from shading by this overly high building affecting gardens and privacy. Current height allowances should be adhered to.

This plan does not regard the history, or the character of the community. It is contrary to the Secondary Plan that was developed with great consideration for the well being of the community while still allowing for considerate development. These properties could be tastefully developed within the current zoning and by-laws.

I would request that the proposed development not be accepted by the Committee

Regards  
Richard Wallace  
Ancaster ON

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**From:** Hazel Ryan  
**Sent:** February 25, 2022 9:56 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Development on Wilson st Ancaster.

Dear Mr Vrooman,

My family has lived on Academy St in the Maywood area of Ancaster for 40 years and I would like to add a comment to the discussion around the proposal for an 8-storey development on the corner of Wilson and Academy.

It seems to me that the overwhelming scale and density of this proposal is totally out of keeping with this residential area and will seriously affect the quality of life for local residents as well as being a visual blight on Wilson St.

I recall the original proposal in 2015 was for a maximum height of 5 stories which at the time seemed monstrous enough.

It is very disappointing to realize that our local councillor seems to have the interests of developers a priority in his thinking.

I really hope that you and your department will reject this application !

Thank you for reading this.

Yours sincerely,

Hazel Ryan.

Sent from my iPad

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**From:** Anka Cassar

**Sent:** February 25, 2022 11:51 AM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Tim,

I am an Ancaster resident and I am writing to you to provide some input on the noted development application. I feel that Ancaster residents will have to accept gentle densification in order to accommodate population growth within our urban boundary. This being said, the proposal for a 8 storey structure is too tall but I believe a 4 storey building would fit in nicely with the aesthetics of the town and would maximize the amount of housing it provides. I understand that the Ancaster Secondary Plan has height restrictions but we are facing a climate emergency and cannot sprawl out and instead need to infill and build up. The developer can even keep the Marr Phillip house and incorporate into the design, it could become a cute Coffee House or Bakery. Having commercial units on the main floor and housing above will help Wilson Street become an attractive, walkable and sustainable downtown. Parking would be better suited to be underground and permeable paving, solar panels, a grey water recycling system and even roof top or terrace plantings would make it an even more environmentally sustainable build. There is a concern for increased traffic, but if a walkable community is created residents will no longer need cars and with the increased density, hopefully public transit will become more frequent and desirable in Ancaster. The potential is there and with some changes I feel this could be a development that would benefit all.

Thank you,

Anka Cassar

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From: Rebecca Simpson  
Sent: February 25, 2022 12:07 PM  
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Mr. Vrooman,

Thank you for taking time to review input from Ancaster community members regarding the proposed development at Wilson and Academy.

I am in favour of preserving our farmland by increasing density within urban boundaries and I strongly advocate that this is done in a reasonable, responsible way that enhances our existing community. I think we have a wonderful opportunity to create walkable, safe, and beautiful neighbourhoods that accommodate people of all ages and reflect a commitment to the environment.

The current proposed development at Wilson and Academy does not reflect these goals. It grossly disregards the Ancaster Wilson Street Secondary Plan as well as the requirements of the Cultural Heritage Landscape status.

To increase densification, it is imperative that we create walkable neighbourhoods. Basic necessities, such as public transit, grocery stores, pharmacies, and banking must be within walking distance. These necessities are not adequately available at this site. The proposed development would therefore rely heavily on car traffic in a way that can not be supported by the local roads. There are very few inroads to Ancaster and allowing a development that will impede flow at this key juncture will have catastrophic ramifications on the whole city.

One of the main reasons people love living in and visiting Ancaster is because of its green space. The proposed structure is massive and offers little in the way of landscaping. Its height is three times what is allowed under the Ancaster Wilson Street Secondary Plan and would cast significant shadows on neighbouring properties, further limiting the landscape of the area. I fear this would set an unfortunate precedent and erode the natural areas that make Ancaster so special.

In Canada, we have little built history compared to other countries. Given that Ancaster is home to some of Canada's oldest buildings, I think it is important to preserve its architectural heritage. Wilson Street is a main component of this history and development here should adhere to the requirements of the Cultural Heritage Landscape status. The architectural style of the proposed development attempts to conform to the neighbourhood heritage context but I find that the modern elements pull focus from the historical references instead of highlighting them. Additionally, it is disappointing that the Marr-Phillipo historical building would be moved and quite likely damaged to accommodate this development.

Given the recent concerns regarding wastewater disposal within Ancaster, I think it is also important that the Functional Report be required to assess peak flow sewage waste disposal data. Any development at this site must have the necessary infrastructure to support it such that existing properties and green spaces are not at risk of damage.

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I am deeply concerned that allowing the development to proceed as proposed will cause significant and irreparable damage to the neighbourhood and will only encourage further such developments that will inevitably destroy the charm of Ancaster while causing significant environmental harm. I hope that the current proposal will be denied and that any future application will better reflect the needs and character of the community.

Thank you for your consideration, Mr. Vrooman.

Yours sincerely,

Rebecca Simpson

Bachelor of Architecture and Urban Planning, University of Toronto

Ancaster Resident

██████████

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**From:** Doug Amos  
**Sent:** February 25, 2022 12:11 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Academy/Wilson development Ancaster

Please respect Ancaster's history and deny this development

regards & tx  
Douglas Amos  
Ancaster

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**From:** David Pentland

**Sent:** February 25, 2022 12:29 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Re: Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Mr. E. Tim Vrooman, City of Hamilton

Planning and Economic Development Dept.

Development Planning, Heritage and Design – Suburban Team

71 Main Street West, 5 th Floor, Hamilton, ON L8P 4Y5

Dear Mr. Vrooman:

Please substitute this for my previous email from this morning.

I seem to be having some computer problems preventing proper editing.

I wish state my opposition to the Application for Official Plan Amendment and Zoning By-Law

Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Development of the subject lands should be in accordance with the existing Official Plan and the Ancaster Wilson Street Secondary Plan which allows a height of 9 meters only and requires that buildings be consistent with the character of the neighbourhood.

“The Official Plan provides direction and guidance on the management of our communities, land use change and physical *development* over the next **30 years**.”  
Urban Hamilton Official Plan, September 2013 Chapter A: Introduction

“Provincial plans and municipal official plans provide a framework for comprehensive, integrated, **place-based and long-term planning** that supports and integrates the principles of

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strong communities, a clean and healthy environment and economic growth, **for the long term.**" Provincial Policy Statement 2020

In this regard, approval of the proposed amendments raises two questions.

1. **Is this Bad Planning?** Since the proposal is contradictory to the intent and letter of the Official Plan and Wilson Street Secondary Plan and there has been no radical change in circumstances, either the original Plan is flawed or the proposed amendment is flawed.
2. **What is directing development in Hamilton?** Since the amendment was proposed by other than Hamilton's Planning Department, approval of the proposed application would suggest that development is being directed by considerations other than Hamilton's stated long term plan.

Thank you for ensuring this letter will appear before the Planning Committee of the City of Hamilton.

David Pentland

293 Woodworth Drive

Ancaster ONT.

On Fri, 25 Feb 2022 at 11:14, David Pentland <[REDACTED]> wrote:

Dear Mr. Vrooman,

Please see my attached objection to the subject application.

Thank you.

Dave Pentland

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**From:** shannon kyles  
**Sent:** February 25, 2022 12:44 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Opposed to development on Wilson at Academy

Hello,

I would like to register my opposition to the proposed development in Ancaster at Academy at Wilson.

The ignores the Designation status of the Filippo Marr house, is contrary to the Secondary Plan in Ancaster and will virtually destroy the main street of Ancaster. As one of the oldest towns in Ontario, this proposed development should be rejected on every level.

Yours Very Truly,

Shannon Kyles

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**From:** David Molnar  
**Sent:** February 25, 2022 1:05 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Manchia and Spallaci proposed development at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue ( Wilson and Academy Streets), Ancaster

Dear Sirs/Mesdames,

Please do not approve this proposed development!

It has become so commonplace for developers to ignore the established guidelines – and there are so many “minor variances, zoning changes, official plan amendments, relief from height restrictions and countless other requests to stray far from the established guidelines for developments in any given area that the guidelines appear to be totally meaningless. Developers and builders seem to expect that the rules will be bent, stretched or ignored completely and frankly, that attitude and practice must stop now!

How can anyone with good intentions submit a proposal for buildings which are so out of context with the established areas in which they are proposed to be built? How can any one submit proposals for buildings which are two, three and even several times the established maximum height limits and expect to be taken seriously? I believe I understand the logic behind the idea of “urban intensification” which has become the current buzzword among developers recently but a historic town like Ancaster which is the third oldest community in the Province of Ontario (behind Niagara on the Lake and Kingston) is not an urban centre and cannot be expected to look like downtown Hamilton or Toronto. Can you imagine the response if a developer attempted to submit a proposal similar to the subject proposal in a community such as Niagara on the Lake? Why do you suppose that nothing even remotely resembling the proposed monstrosity exists in historic communities such as NOTL, Port Hope, etc.? – because planners there would not entertain such nonsense for a moment and would not allow developers and builders to demolish their existing communities!

Surely there must be a limit to the number of variations and exceptions to any proposed development proposal. Surely, the established guidelines mean something and reflect the norms of the community. Please say no to this proposal. Residents feel abandoned by municipal officials, and are helpless, left to watch their community decimated in the name profit for a few.

Thanks in you advance for your consideration,

Donna and David Molnar  
15 Hostein Dr.  
Ancaster, ON  
L9G 2S4

MOBLE: [REDACTED]

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**From:** Simon Hardcastle  
**Sent:** February 25, 2022 1:06 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Cc:** Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>  
**Subject:** UHOPA-22-004/ZAC-22-011

Good afternoon Tim and Lloyd

Please see my comments below and attached for the proposed development in Ancaster for UHOPA-22-004/ZAC-22-011

Thank you for your time  
Simon

**UHOPA-22-004/ZAC-22-011**

Attn: Tim Vrooman

Well, I must congratulate the developers on this proposal. You have managed to capture absolutely nothing of the Ancaster downtown vibe with this design:

- An 8-story building when no other building in the area is that high
- Probably the most god awful design that does not match any other surrounding buildings
- Being built on one of the busiest roads in the area

And with that being said you have managed to irritate the local community by

- Needing to move a historic building to the back of the property because you do not have the foresight to include it in your plans to probably be used as a bike shed
  - Amazing how the consultant that the developer hired and paid needed the building to be moved for their design
  - Amazing how no one cares about the neighboring homes. Do they have this same contamination problem on their property? Is it under Academy Road leaking into sewage or drinking pipes? I guess it was because the heritage house was in their way of this design so they paid to find the problem!!
- You took down 2 building before the plans were even put in years ago making the parcel of land look like a dump (but I guess that worked in the developers favor)
- No consideration for the houses on Academy:
  - Who will now have the entrance to a customer parking lot at the side of their property
  - Who will now have the underground parking garage entrance/exit at the back of their property. That will be great at night with the lights shining through their windows from vehicles coming up the ramp from the underground parking
- No consideration for the houses on Lorne:
  - With the windows and balconies all looking over their gardens

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- Amazing how there is no picture of the back of the North Elevation which would be looking over the houses on Lorne
- Once again we see renderings of a development without the houses/businesses next to them. Maybe do a rendering of what the development will look like for residents at the Lodor/Lorne intersection, so we can all see what they get to look at each morning.
- 

Now let's get to the traffic problems:

- Wow, great insight. Let's turn a residential street into the entrance and exit for the residents and retail customers.
- So, tell me what's going to happen when cars (residents and customers/staff of the commercial units) leave this development and want to head to the Lincoln Alexander Pkwy/403. Will they turn onto Academy, then Wilson Street and then Rousseaux Street? Or will they simply turn on Academy roll through the stop sign and enter Rousseaux street that way, you cut out a set of traffic lights, and all the traffic, that seems like the easiest path, and when they return from the Lincoln Alexander Pkwy/403 they will just turn onto Academy that way to save some time with the traffic at the Wilson/Rousseaux intersection
- Then what about the cars (residents and customers/staff of the commercial units) that want to head towards Fiddlers green way. Will they turn on Wilson street from Academy? Probably not because that intersection is very busy with no lights. So, they will head up to Lodor street then to Church to catch the lights there.

Now with all the cut through traffic as well at this intersection, this will make Lodor, Academy and Church even busier

- There is also no turning lane on Wilson to Academy. So, for the small majority of people who do not cut through Lodor or Academy will have issue turning onto Academy .
- Academy is not a wide road. There will be issues with deliveries for the commercial units, delivery trucks, and moving vans on that road especially with other business opposite the development

It's a shame. The developer really could have made this into something nice for the Town of Ancaster, but instead profit trumps everything. I am looking forward to the when residents move in and realize what they have purchased with all the noise from the traffic and local businesses.

In conclusion, I would like to see this land developed. An 8-story building is way too high. Bring it back down to the 3-story building you are allowed in this area. And maybe have someone else design a building that is more attractive than what they have submitted.

Simon Hardcastle  
Lodor Street

Mr. E. Tim Vrooman, City of Hamilton  
Planning and Economic Development Dept.  
Development Planning, Heritage and Design – Suburban Team  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Mr. Vrooman,

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster, ON.**

As a member of the Ancaster community, I write in response to the above development application.

Not having the opportunity to read the actual application documents, I cannot comment on specifics but request that City Staff review the application so:

1. That the proposed [bylaw] amendment meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood and cultural heritage;
2. That the proposed change in zoning meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
3. That the proposal be considered good planning and is not considered an over development of the site (urban green infrastructure and engineered infrastructure),.
4. That a record of site condition under the Environmental Protection Act be required given the history of subsurface hydrocarbon contamination west and upgradient of the site.

Thank you for inviting input from the community in consideration for your staff report.

Mary Vrabel  
158 Sulphur Springs Rd.  
Ancaster, ON

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**From:** David Hamber

**Sent:** February 25, 2022 1:31 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** My response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands located at 392,398, 400, 402, 406 and 412 Wilson St. East and 15 Lorne Street

Dear Mr. Vrooman:

The gargantuan height and the potential disastrous effect of added sewage and traffic problems which would result from this proposed development in our village are reason aplenty for denial of the application, as it was the case for the old Brandon House property.

Any sense we ever had of the cultural and heritage history of Ancaster will be destroyed. When the camel gets into the tent, there is ruin all around.

We urge those who will have the final vote to take the only responsible avenue and defeat this application.

Sincerely,

David & Lynn Hamber  
Ancaster

Sent from my iPad

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**From:** nancy dingwall  
**Sent:** February 25, 2022 2:43 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Response to amendments: Ancaster

Response to application for official plan amendment and zoning bylaw amendment for lands located at 392, 398, 400, 402, 406 and 412 Wilson st East and 15 Lorne Ave. Ancaster.

Hello,

I write in response to the above development application. This does not in any way conform to the cultural heritage landscape of Ancaster.

Any new development should conform to the neighborhood heritage. This development at the corner of Mohawk Rd and Wilson St. is three times the height allowed under the Ancaster Wilson Street secondary plan.

The traffic which will be generated from this development will greatly increase and will impact an already high traffic area.

The wastewater disposal system is very likely inadequate and unable to carry the extra flow from this development.

With respect to the Filippo Marr house, we need a complete hydrogeology report and an environmental site assessment to fully understand the status of the soil.

Please maintain the heritage of Ancaster and build accordingly after the tragic demolition of the beautiful Brandon House. Also the Filippo Marr house needs to remain where it is so we can all appreciate its architecture.

Thank you,  
Nancy Dingwall



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**From:** [REDACTED]  
**Sent:** February 25, 2022 3:07 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** UHOPA-22-004, ZAC-22-011

Dear Sir

This letter is in regards to Urban Plan Amendment File No. UHOPA-22-004 and Zoning Bi-law amendment File No. ZAC-22-011 here-in referred to as the "plan".

My name is [REDACTED] (Milton). My mother, [REDACTED] is the owner of the property at 20 Lorne Ave. Ancaster, ON. L9G 2X5. I am writing this response in representation of [REDACTED], myself and [REDACTED]'s other 2 children, [REDACTED] (Hamilton) and [REDACTED] (Port Rowan). We expressly request that our names be removed from any publication of this response on the City website.

With regards to the plan and amendment noted above we wish to express several concerns.

1. Our family home is at 20 Lorne Avenue which adjoins the plan. [REDACTED] is the property owner. We welcome the need for intensification especially along a major transit route and so the basic idea of building multi unit housing in this area is understood. We are, however, disturbed and frankly horrified that it be 8 storeys tall. This exceeds the definition of "medium density" and a "walkable neighborhood". It is far more reasonable to expect intensification to occur such that density ramps up from single family dwellings to 3 or 4 storey structures and then 8, 16 etc. Building what some would define as a "high rise" right next to low density housing is not good planning.
2.
  - a. How will this affect the value of the property at 20 Lorne. Ave.? Is the developer prepared to compensate the property owner for any losses?
  - b. How will this affect the quality of life at 20 Lorne Ave.? What steps will the developer take to mitigate the added noise, traffic and garbage created during construction and after construction is complete?
  - c. How will this affect the sunlight falling on 20 Lorne Ave.? We look forward to an engineer's report so that we can enter into negotiations for compensation for the loss of sunlight should this plan move forward.

In order to bring sewage lines and gas lines into Lorne Ave the construction companies had to use blasting. Towards the top of the hill, which is an esker, the rocks and boulders get very large. These rocks are suspended in loose sand. The plan calls for underground parking which requires 2 or more subsurface levels. We believe this will require blasting. We require assurances in contract that the developer will take full

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responsibility for damages such as cracks and subsidence to her property. We wish to see any engineering reports pertaining to the geology on the plan.

The plan shows a narrow strip of grass between the property line at 20 Lorne Ave. and an above grade parking lot. The difference in elevation between the parking lot and the property line are not shown but are of concern because there is an existing slope on the 20 Lorne Avenue side. We require assurances in contract that construction on the plan side of the line does not cause further subsidence down the slope towards the plan. We wish to see any engineering reports pertaining to the maintenance of soil slope and stability in this region.

Lorne Ave. is a dead end street. It is very narrow and has no sidewalk. In the 1950s drivers could access the rear of the grocery store parking lot at 412 Wilson via Lorne Ave. A small child was hit by a car and killed on Lorne Ave due to poor site lines, slope, lack of sidewalks and constant traffic. Subsequently access to the rear of the grocery store parking lot at 412 Wilson was closed. We require assurances that this roadway will not be reopened temporarily for construction or permanently for parking access.



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**From:** Honor Hughes  
**Sent:** February 25, 2022 3:33 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment

Dear Sir

We are writing in response to your request for input from Ancaster residents with regards to the above Application. Yet again, we feel frustrated that these developers are missing the mark when they designed this oversized monster of a building, in a location that is in the centre of a heritage village that is trying desperately to preserve its architectural heritage. There is nothing about the design of this building that would fit in with the area's architecture, nor does it conform to the Ancaster Wilson Street Secondary Plan, which was developed in consultation with the public to prevent the situation we are currently facing. Applying to the City for an Official Plan Amendment and Zoning By-Law Amendment for a building that fails to comply for so many reasons is just wasting tax payers' money, time and effort. Applying for an 8 storey structure in an area zoned for 2.5 storeys shouldn't even be up for discussion. An 8 storey building would tower over existing buildings, making the village core dark and there has been no effort made to create a building that tastefully marries the new with the old.

We are also disheartened to hear that in order to build such a bland modern monstrosity, the Marr-Philippo House that stands proud as one of Ancaster's oldest buildings, has to be taken apart and moved out of sight from where it has rightfully stood all these years. The concern to local historians and stonemasons is that this building would likely not survive a move as it is fragile. There has been commentary that as the location was the site of a former gas station that remediation needs to be taken, understandably because of contaminated soil, yet there has yet to be proof that the Marr-Phillipo house is actually affected by any contamination from the rest of the site. We feel that the developer could have successfully utilised Marr-Philippo house in its plans in its current location and that this location is clearly not suitable for what they wish to build, given that there is such a property of significance already there.

Traffic in Ancaster is becoming a problem and has definitely grown significantly since we moved to Ancaster 11 years ago. Many people cut through the back roads of the Maywood neighbourhood behind the downtown core to try and avoid lengthy traffic along Wilson Street, particularly when there is an accident on the 403/Linc which means that everyone is trying to find alternate routes. Having huge overbuilt properties comprising multiple units on Wilson Street in the village core will only create more traffic to an already overburdened area. Residents aren't opposed to development and understand that empty lots aren't attractive, but adhering to guidelines put in place for a reason, is expected and is entirely reasonable. We feel that the wheel shouldn't be reinvented by taking such an Application into consideration and asking for input when it clearly goes against everything the City of Hamilton and the public agreed for Ancaster when the Ancaster Wilson Street Secondary Plan was put in place.

When looking at buildings already in the village core, a newer medical building next to Blackbird restaurant (former Rousseau House) and opposite the Tim Hortons Plaza, built a few years ago in of itself looms large for most residents, imagining a building almost three times higher is

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inconceivable. There is another new development proposed for the site of the old Post Office on Wilson Street but its building footprint will at least run behind Wilson Street and will not have the height nor will it be a wide blot on the landscape that this development would be. This proposed development by Messrs Manchia & Spallaci is wide, tall and ugly with no discerning character, just a bland modern featureless box using materials that are out of place in that location. Imagine the likes of Niagara-on-the-Lake, Grimsby, Dundas or old Oakville accepting such a building in the middle of their downtown heritage core. It would not be welcomed. Choosing to build on such a site needs a developer with vision, and an understanding of the responsibility to design a building that would fit into a heritage streetscape. It can be modern, mixing building materials that are tasteful, and not jarring but it has to fit in with its neighbouring buildings. It has to comply with mass, height, footprint as per the Ancaster Wilson Street Secondary Plan. Bring us small boutique storefronts with overhead accommodation, built in complimentary brick tones, roof tiles, fretwork or smaller residential units that mock traditional design and you'd have the public eager but designing a featureless 8 storey box won't cut it with locals.

So we feel strongly that this Application should be denied and the message passed to developers not to return unless their Application complies with existing plans in place for Ancaster. Thank you for considering the input of our community when assessing this Application.

Regards  
Honor & Brendan Hughes  
Ancaster residents

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**From:** Karen Hanna  
**Sent:** February 25, 2022 3:56 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Cc:** @i [REDACTED]  
**Subject:** Wilson Street and Lorne Avenue Development in Ancaster

Hello, we are writing about the proposal for the land in Ancaster on Wilson and Lorne. We live on Lodor Street and would like to see this property well developed to make good use of the land.

When we look at the plans submitted and stand in front of property as we do most days on our walks, we can't imagine this building looming over the village and destroying the ambiance of the town. It is the opposite of the thoughtful development that has occurred in the past and a real contrast to the exciting Memorial Arts Centre that honours the past and builds for the future.

Many thanks,  
Ian and Karen Hanna



Karen Hanna | [REDACTED]  
TKB Hanna & Associates Ltd.  
<https://tkbhanna.com/> & <https://talenttroublecollective.com/>  
co-author Talent Trouble® - <https://www.talenttrouble.com/>

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**From:** pada venus

**Sent:** February 25, 2022 4:37 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Application for Official Plan Amendment & Zoning By-Law Amendment for 392, 398, 400, 402, 406, 412 Wilson Street and 15 Lorne Ave., Ancaster.

Dear Mr. Vrooman,

We are writing this as concerned community citizens respecting the Application for Official Plan Amendment & Zoning By-Law Amendment for 392, 398, 400, 402, 406, 412 Wilson Street and 15 Lorne Ave., Ancaster. We appreciate this opportunity to share our perspective and reasoning in opposition to this application.

The proposed application is disturbing to the extent that this development completely ignores existing bylaws and zoning restrictions. It is offensive in that it ignores the Cultural Heritage Landscape Status. In short, the building's looming height over the rest of the town (3 times higher than what is currently permissible under the Ancaster Wilson Street Secondary Plan), massive size, appalling nondescript, cheap, design would be a scarring, and sadly permanent eyesore on the townscape.

Furthermore, rather than creating development in tune with the lower rooftops and historic references of the town, this development undermines potential economic gains in promoting Ancaster as a historic "escape from the city", a respite surrounded by Conservation for tourism. Should a development of this kind proceed, it would permanently destroy "historic" development potential and consequent economic gains, as experienced by communities who have maximized their unique strengths such as Niagara-on-the-Lake. It is very sad that there is not a better vision for this land, a vision which would develop its potential responsibly and for the benefit economically of existing and future town businesses. A recent example of such a positive development was the neighbouring Barracks Inn.

Traffic, is, of course another problem, with backups occurring daily during commuter times to work and home, and being a full stop on Wilson St. whenever the Highway 403 or eastbound Lincoln Alexander Parkway experience serious accidents. A development of this size would only aggravate this problem, which at present, has no other solution.

We fully support the refusal of this application, and hope that future applications are more thoughtful and respectful of current development restrictions.

Thank you for your consideration.

Yours truly,

Pat Venus

David Venus

376 Brookview Court  
Ancaster



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**From:** Paul White  
**Sent:** February 25, 2022 4:39 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Proposed development at Wilson and Academy Streets, Ancaster

Mr. Vrooman:

I wish to express my extreme disappointment with the **Manchia & Spallaci** proposed development for Ancaster at the corner of Wilson and Academy Streets. The scale of this proposal seems to display a complete disregard for the Ancaster Wilson Street Secondary Plan.

I am also against the proposal to move the Marr-Phillipo house. This would be a tragic event, and the loss of yet another piece of heritage architecture for Ancaster.

The **Manchia & Spallaci** development would have a negative effect on the town's infrastructure in the areas of traffic in the Wilson - Rousseau Street area, and waste water due to the scale of the proposal.

There has been a raised awareness of late of the public's lack of support for development of this type as proposals such as this seem deaf to the wishes of the neighbourhood. I feel this proposal is just that - deaf to what could and should be done.

Sincerely,

Paul White  
24 Lynndale Drive  
Dundas, ON  
L9H 3L6  


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**From:** benburke benburke  
**Sent:** February 25, 2022 4:01 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** [SUSPICIOUS MESSAGE] Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Mr. Vrooman:

I am writing to express my dismay at what can only be described as the brazen disregard of the application captioned above for a rules-based planning process.

The cynical will see this proposal as a trial balloon by the developers who, in the event that the proposal is rejected by the City, will hope that the OLT will permit something that be may smaller than the current proposal but in the interests of "compromise" will permit a development far larger than the Ancaster Wilson Street Secondary Plan (AWSSP) would allow.

**Scale & Density:**

At eight and a half storeys the proposed building is completely at variance with the concept for the Village Core as expressed through the 7-year old Ancaster Wilson Street Secondary Plan which envisaged two and half storeys. It is incongruous to propose an eight-storey building fronting a two lane street. The idea of Pedestrian-Focused Streets as set out in Policy 2.2.8.5 of the AWSSP would be entirely lost. This proposal would if accepted by the City would set a precedent for the creation of a canyon through the Village Core.

The development is a clear breach of design consideration set out in the AWSSP Policy 2.8.12.1.j) ii). Policy 2.8.1 states that "*Development and redevelopment shall be required to demonstrate consistency with the Urban Design Guidelines.*" This development completely flaunts them.

For the sake of our community I ask that you reject this proposed development and furthermore ask that your make it a condition of any future development of the site that it comply with the AWSSP.

Regards,

Ben Burke

Ancaster, ON

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**From:** Doug Stephens  
**Sent:** February 25, 2022 5:47 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Manchia/Spallaci development application

Mr. Vrooman,

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

I'm writing to express my objection to the development plan application referenced above. As you will note from the attached report, this proposed development not only violates current planning by-laws but would also have an extremely detrimental effect on the community, natural environment and infrastructure of Ancaster.

I trust you'll take the sentiment of the taxpayers of Ancaster into consideration and choose to do the right thing by denying this harmful and unnecessary development.

Sincerely,

--

**Doug Stephens  
Ancaster Resident**

*{Attachment: Letter from Bob Maton PhD, President, Ancaster Village Heritage Community, pgs. 14-18 of Appendix “C” to Report PED22070.}*

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**From:** Aimee Frketich  
**Sent:** February 25, 2022 8:25 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello Mr. Vrooman

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

- Height - obviously 7 - 8 stories is not within the current 2.5 stories allowed
- This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners.
- The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery.
- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was.

I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

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I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

Thank you for taking the time to read and consider my thoughts  
Aimee Frketich

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**From:** Sam Kern  
**Sent:** February 25, 2022 8:42 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Condo Opposition

Hello Mr. Vrooman

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and [412 Wilson Street East](#) and [15 Lorne Avenue, Ancaster](#).

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

- Height - obviously 7 - 8 stories is not within the current 2. 5 stories allowed
- This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners.
- The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery.
- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was.

I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some

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fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

--

Cheers,

Sam Kern

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**Page 99 of 120**

**From:** Terri-Lynn Kern  
**Sent:** February 25, 2022 8:46 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Condo Opposition Ancaster

Hello Mr. Vrooman,

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing to you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

- Height - obviously 7 - 8 stories is not within the current 2. 5 stories allowed
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- The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder about the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery.
- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I have driven down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was.

I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

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I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in any way but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors alike. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

Regards,  
Terri-Lynn Kern

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**From:** Amanda Frketich  
**Sent:** February 25, 2022 8:59 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Oppose

Mr Vrooman,

The below is an email that was sent to you from a neighbour and dear friend who cares very deeply about the integrity of this town, while it seems like none of the city planners or anyone else profiting from the demise of this town do. I thoroughly agree with everything in said email and hope it doesn't fall on deaf ears like all of the other oppositions to the monstrosities that are built here have been.

Regards,

Amanda Taylor

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

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- The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery.
- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years

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and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was.

I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

Sent from my iPhone

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**From:** Nat Frketich  
**Sent:** February 25, 2022 9:20 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Condos

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster. This had better not be passed this town has been destroyed by some pretty corrupt individuals. Sergio is a city planner is this not a conflict of interest? If it isn't it should be. There are a large number of reasons why this is a no go. Congestion of the town is a major one green space is another. I'd be happy to go over all the reasons I oppose this if you'd like to email me back I do not have time to list them all now. There is some kind of corruption going on in this town to allow all this garbage to be built and I for one have recently been making calls to start an investigation as it's obvious there are some pretty greasy pockets on this council.

Sent from my iPhone

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**From:** Miranda Bratina  
**Sent:** February 25, 2022 10:54 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** 412 Wilson St. E

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Thank you for your attention in this matter

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**From:** Fiona Cooper  
**Sent:** February 25, 2022 11:41 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392,398,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Hello Mr. Vrooman,

Being residents in very close proximity to the development proposed for the lands detailed above, I wish to place on record our dismay that such a development could ever be considered an appropriate structure in the heart of the historic Village of Ancaster. It would appear that no consideration whatsoever has been given to Ancaster's Cultural Heritage Landscape status. In addition, the architectural style of this structure is not representative of the streetscape in any shape or form and is in no way complementary to the existing structures that have already been built taking into account the character of the neighbourhood.

A development of this size would overwhelm not only the skyline and surrounding buildings, as well as residences in the Village core, but cause further deterioration to existing traffic congestion. "Cut through" traffic is already a cause for concern in the Maywood area. In addition, parking difficulties would also be magnified.

For current residents of the neighbourhood, noise emanating from the building itself, such as climate control apparatus as well as noise created by residents of such an oversized structure, all give cause for concern.

Whilst it is appreciated that density development is required due to the housing shortage, surely protecting this corner of the City, which is in close proximity to so many natural features, should be a priority.

Approving this type of development will only lead to other structures of this type, destroying the Ancaster Village core and the historic atmosphere that it currently enjoys.

Thank you for inviting input from the community towards formulating your staff report. It is with great concern that we watch and wait to hear the outcome, in the hope that this development will in fact, be denied.

Yours truly

Fiona Cooper



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**From:** Nancy Kowalchuk  
**Sent:** February 26, 2022 12:04 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:**

Hello Mr Vrooman

I'm taking the time to let you know that I (and my family) are strongly opposed to the Application for Official Plan Amendment and Zoning Bylaw Amendment for the lands located at 392, 400, 402, 406 and 412 Wilson St E and 15 Lorne Ave, Ancaster.

Nancy Kowalchuk

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**From:** Margarita De Antunano  
**Sent:** February 26, 2022 12:19 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Opposition to 7 floor buildings

Hello Mr. Vrooman I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster. While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today). Height - obviously 7 - 8 stories is not within the current 2. 5 stories allowed This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners. The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery. Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was. I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area. Sent from my iPhone

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**From:** John and Anne-Louise Watts  
**Sent:** February 26, 2022 12:55 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Application for Official Plan Amendment

I have read the letter from Mr Frketich regarding a request to amend the Official plan re 392-412 Wilson St East and also object extremely strongly to the proposal. The development is in no respects in the interests of the people of Ancaster and Dundas and should be denied.  
John Watts MD FRCPC

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**From:** april gibson  
**Sent:** February 26, 2022 1:26 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:**

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Sent from my iPhone

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**From:** Cathy Hiuser  
**Sent:** February 26, 2022 2:20 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Ancaster bylaw amendment

>>> As a long time resident of Ancaster I am writing to state my strong opposition to the application for official plan amendment and zoning bylaw amendment for lands located at 392,400,402,406, and 412 Wilson Street E Ancaster and  
>>> 15 Lorne Avenue Ancaster.  
>>> Yours truly  
>>> Catherine Hiuser.

Sent from my iPhone

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**From:** George McComb  
**Sent:** February 26, 2022 5:10 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Lands

I am writing you as I am opposed to the amendment to lands at 392,400,402,406,422 Wilson st and 15 Lorne ave Ancaster .

This does not at all fit into the official plan and we need height and density restrictions

Thank you  
George McComb  
95 Moore Crescent  
Ancaster  
L9g4Z6

Sent from my iPhone

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**From:** Andrea Dewolfe  
**Sent:** February 26, 2022 7:59 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:**

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Andrea Dewolfe

Sent from my Galaxy

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**From:** Heather McMurray

**Sent:** February 26, 2022 8:50 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Subject:** Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Mr. Vrooman,

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

Sincerely,

Heather McMurray,  


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**From:** M. Adams  
**Sent:** February 26, 2022 9:21 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Regarding the Application for Official Plan Amendment

Dear Mr. Vrooman, Ancaster is our home for over 40 years and we love the place. We have always been proud to live here and show our town to friends and family. Our children were raised here and love the town as much as we do. I would never be able to compose a letter like the one I am attaching here so I am sending it as if I had written it because I agree with it.

I want to protect the town. Future buildings should be built to reflect the look and feel of the town as a heritage town and not just be structures built to maximize income at the cost of the feel of the town. There are places on the periphery where this is happening but the town center should be preserved.

PLEASE, PLEASE DO NOT DESTROY ANCASTER. PROTECT IT. IT IS A LOVELY TOWN

Thank you,  
Margaret Adams  
Parkview Heights

Hello Mr. Vrooman I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster. While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today). Height - obviously 7 - 8 stories is not within the current 2.5 stories allowed This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners. The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery. Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from

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home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was. I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time. I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

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**From:** Carol Chisholm  
**Sent:** February 27, 2022 12:22 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Ancaster zoning law amendment

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Carol Chishol

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**Re: Wilson Street at Academy; 392 - 412 Wilson Street East & 15 Lorne Avenue, Ancaster. Wilson St. Ancaster Inc. ( Wilson Street at Academy)**

My comments on the above-noted proposal are similar to those for the recently denied “Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200... (hereafter referred to as “Brandon House”). The Wilson Street at Academy development plan:

- ignores all of the existing planning policies and good planning practices
- is a massive over-development if the site
- will have unacceptable impacts on traffic, existing infrastructure and runoff (without significant upgrades and expansion), and the surrounding community.

The 'supporting' technical reports:

- do not recognize existing issues and constraints; therefore, the impacts of additional development cannot begin to be properly assessed
- ignore the effects of climate change in their impact assessment
- do not incorporate any sort of sensitivity analysis in their impact assessments to account for any uncertainties in projections or environmental factors
- recommend mitigation recommendations that are over-simplistic and not supported by any contingency measures
- do not recognize the need for monitoring, adaptive management or agency Permits.

The City needs to identify some means of incorporating the cumulative aspects of several approved or pending applications into its development review process.

**Heritage:**

The plan to relocate the heritage home to the back of the property and the City's approval of this plan make a mockery of the City's heritage building designation process and policies. Approval for relocation was based on a weak, poorly substantiated analysis, a ridiculous rationale and total disregard of the availability of various technologies that would enable removal of contaminated soil without relocation of the building. The heritage guidelines developed for the town core are ignored. It seems the developers forgot the comments they made at an earlier stage that the design would be sensitive to the heritage nature of the village core: The appearance of these buildings speaks for itself...

**Regarding the existing infrastructure limitations**, which to date have never been clearly articulated:

To imagine the **traffic** flow from residents and shoppers all dumping out the narrow, sloping back road down and on to the already Academy, which is already busy with cut-around traffic, and then fighting to get onto Rousseaux Street with traffic backed up from the Wilson intersection lights, is beyond laughable.

The traffic report recommends the same remedial option (timing changes at the lights) be implemented to address traffic problems at the Rousseaux/Wilson intersection as the other application – a clear example of cumulative issues. If in fact they have not already considered this option, the City needs to implement the timing changes at the Rousseaux/Wilson lights just to address the current traffic bottleneck.

The City is well aware of the existing traffic issues compounded by the challenges posed by the Wilson/Rousseaux intersection and limited options to improve traffic flow, and the related issue

of cut-around traffic through the Mayfield community. Overarching the local issues is the insurmountable constraint imposed by **Wilson Street. Wilson Street is the single and only through-town road that must also convey emergency services and diverted highway traffic.** The surrounding topography and environmental constraints make even partial new road options in and out of this area impossible. The existing traffic burden needs to be properly quantified and a defensible determination made as to feasible means (if there are any) of accommodating additional traffic.

The City is equally well aware of the existing **sanitary sewer** limitations following the recent sewage back up issues on Old Dundas Road. These issues will only be compounded by climate change – a factor conveniently ignored by the reports and analyses. Who pays for the necessary upgrades and expansions? And when and how are these requirements identified in relation to the development approval process?

Management of **stormwater runoff** from this site, with its excessive 'hard' surfaces, poses the same issues as the "Brandon House" application. Both discharge to the same local section of Ancaster Creek, a sensitive stream already heavily burdened by uncontrolled runoff. Both volume and water quantity management will be very challenging. Technologies are recommended in the Functional Servicing Report, which might work. However nothing is provided in the way of contingency planning or measures (e.g., sensitivity analysis, monitoring and adaptive management, availability of additional mitigation strategies) to provide some degree of assurance that issues can be addressed in the event that any number of potential uncertainties develop.

#### **Preparation for the inevitable OLT challenge:**

To present defensible arguments in support of scaling back, or if efforts to negotiate fail, the City needs to prepare for the obvious next step of both developers – referral to the Ontario Land Tribunal (OLT). The developers are well aware that the Province's push for intensification and Ford's recent rejection of existing planning and public process in his efforts to facilitate and expedite development support their plans. However, a thorough review of the Province's *Places to Grow* plan might be useful.

The plan does not state thou shall promote intensification at the expense of everything else. Chapter 3 is devoted to infrastructure requirements. "*The infrastructure framework in this Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan*". There is no point in building large numbers of condominiums if owners cannot access the existing road network or drive anywhere, and shoppers cannot access the commercial entities. Burdening taxpayers to pay for infrastructure expansions or failures following development is beyond unfair. Developers need to pay up-front for what's needed to support their developments. They're the ones who are profiting.

The first step, which continues to elude the review process, is **clearly identifying and substantiating current traffic and infrastructure limitations.**

In preparation for negotiations or an OLT challenge, and even to address current issues, the City needs to undertake a **comprehensive traffic study**. In addition to documenting current traffic conditions locally, traffic burden needs to be assessed in the broader context of the insurmountable constraint posed by the incontrovertible fact that there is and will always be only a single already over-burdened street through the town. **This constraint has to be recognized**

**Appendix “C” to Report PED22070**  
**Page 120 of 120**

**now.** Then, these baseline conditions can be used to undertake a critical analysis of the traffic projections and justification report for this plan. The additional traffic flow from approved and pending developments along Wilson Street also requires integration in such analysis.

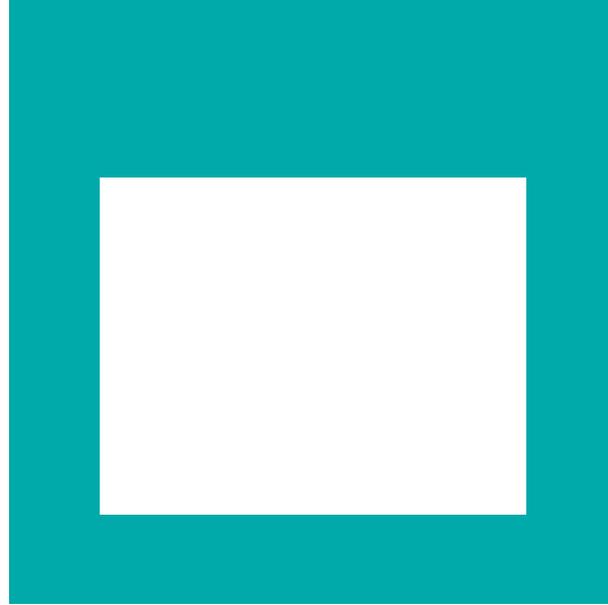
This assessment could be accommodated if the City, possibly with developer funding, completed its traffic planning obligations under the *Environmental Assessment Act*. The City needs to complete the Level 3-5 assessment, or if nothing else, update the *Ancaster Transportation Master Plan* (2011). This plan is outdated and based on long exceeded population projections, and addresses only the first two levels of the Act's requirements.

Similarly, establishing the **current baseline condition of the sanitary sewer capacity** – which appears to be at or above capacity now – would allow the City to estimate the requirements, costs and timelines to upgrade and expand the existing systems. Imposing conditions to any development approval that require waiting for these works to be designed and constructed and maximize feasible co-contributions of developers to construction of these works would put the onus back on the developers to undertake more realistic impact assessments and pay their fair share. Other municipalities have taken such an approach.

The City needs to require developers include sensitivity analysis that integrates climate change projections in their impact assessments, and integrate monitoring requirements and contingencies as part of their recommended mitigation techniques. Development conditions need to require monitoring and contingency plans with integrated and adaptive response plans for sanitary sewer use, runoff management, construction management etc.

The City faces clear challenges in making decisions about these and other development applications. I, and I assume most of the community and town are not against development, and do recognize that growth and change are inevitable. What we are asking is that development be undertaken in a responsible, defensible, sensitive and integrated manner, not like a bulldozer in a playground. Touting growth as being necessary and desirable and ignoring all its implications is not responsible. And it will backfire on the City and the new residents as well as the rest of us.

A. MacMillan,  
Ancaster



WELCOME TO THE CITY OF HAMILTON

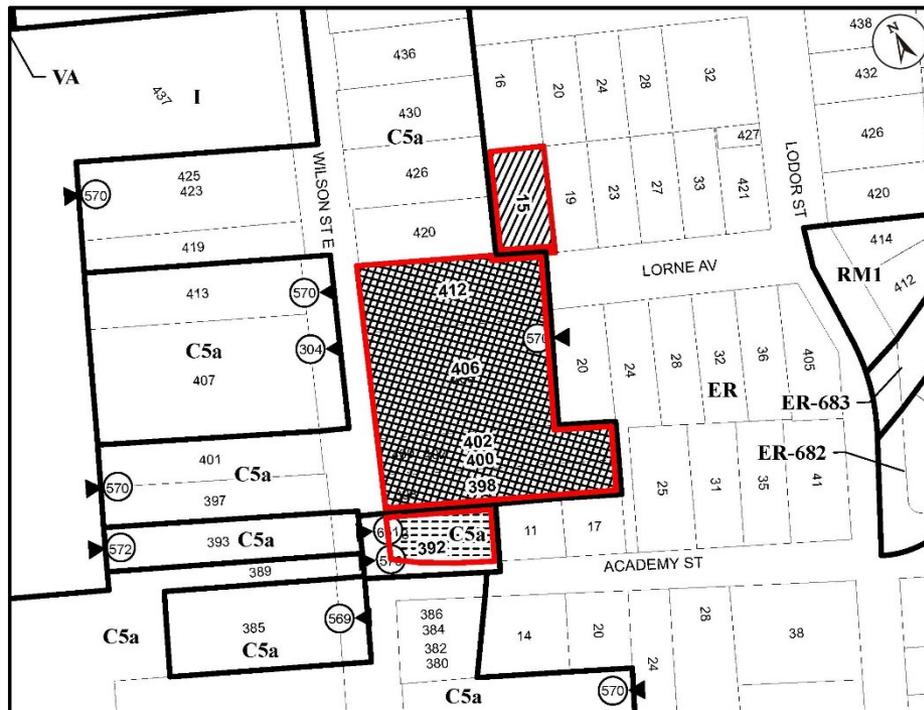
# PLANNING COMMITTEE

April 5, 2022

## **PED22070– (ZAC-22-011 / UHOPA-22-004)**

Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Presented by: Tim Vrooman



● Site Location



Key Map - Ward 12

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-22-011/UHOPA-22-004

Date:  
 March 8, 2022

Appendix "A"

Scale:  
 N.T.S.

Planner/Technician:  
 TV/NB

#### Subject Property

392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster (Ward 12)

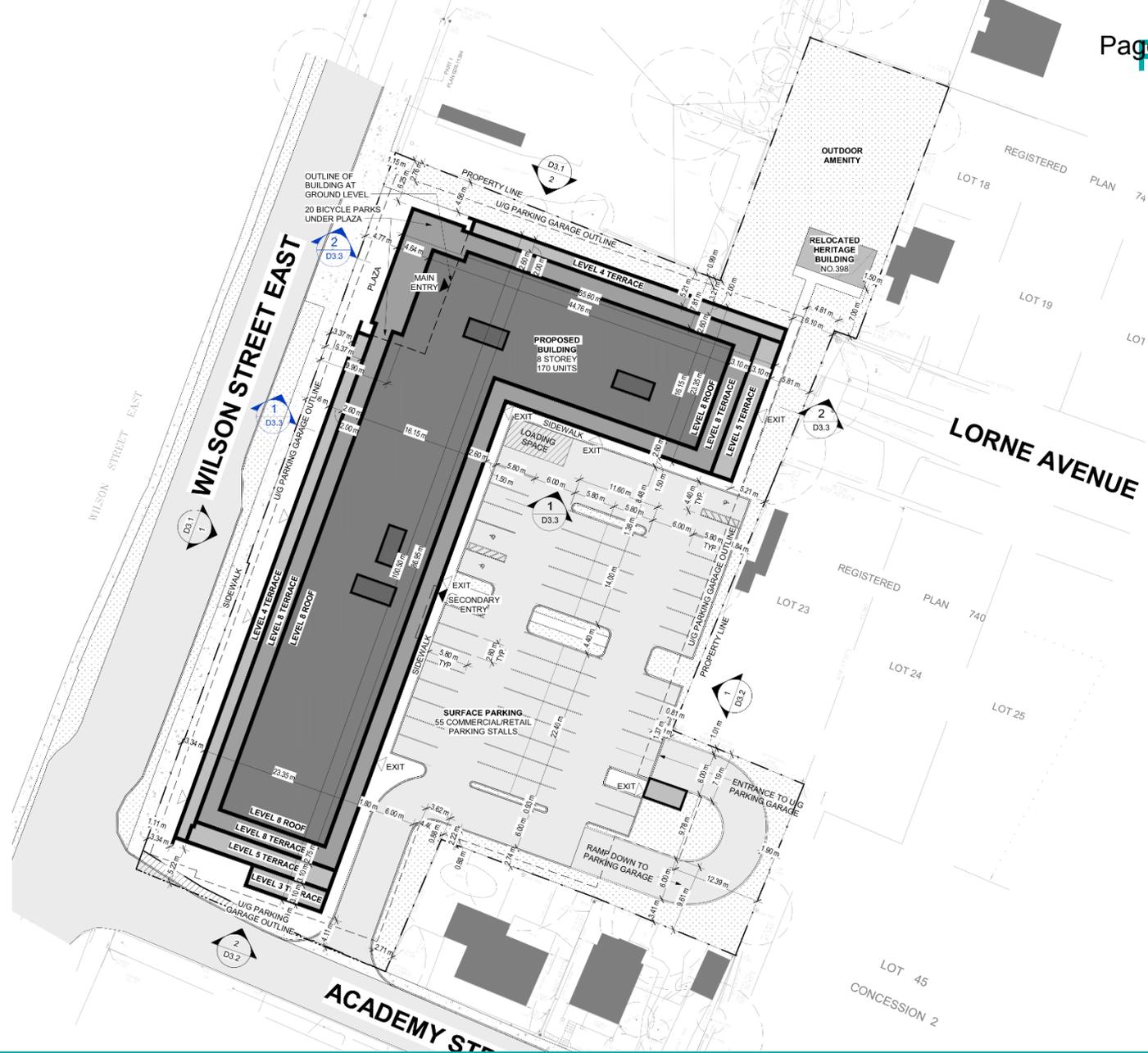
-  Block 1: Change in zoning from the Existing Residential "ER" Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
-  Block 2: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
-  Block 3: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

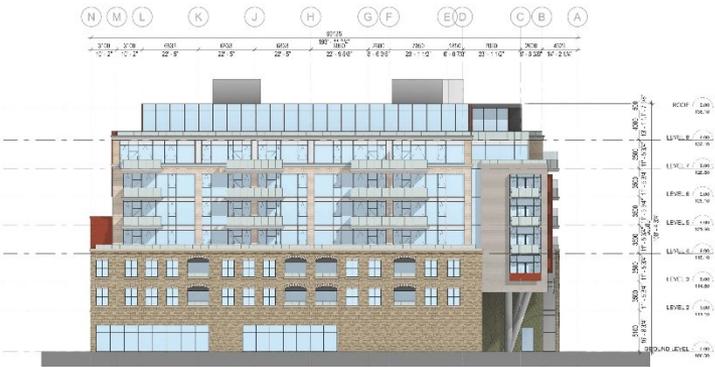


**SUBJECT PROPERTY**



**392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster**





**2 NORTH ELEVATION**  
 1/200



**1 WEST ELEVATION (WILSON ST EAST)**  
 1/200



**2 SOUTH ELEVATION (ACADEMY STREET)**  
 1/200



**1 EAST ELEVATION**  
 1/200



Subject site from north along Wilson Street East



Subject site from southwest across Wilson Street East



Academy Street from Wilson Street East



South side of Academy Street



North side of Academy Street



From Academy Street towards subject site



South of subject site along east side of Wilson Street East



Southwest of subject site along west side of Wilson Street East



Wilson Street East frontage of subject site from south



Wilson Street East frontage of subject site from north



North of subject site along Wilson Street East to north



North of subject site along west side of Wilson Street East



North of subject site along east side of Wilson Street East



Academy Street from interior of subject site



From Academy Street to proposed site access location



15 Lorne Avenue interior of subject site



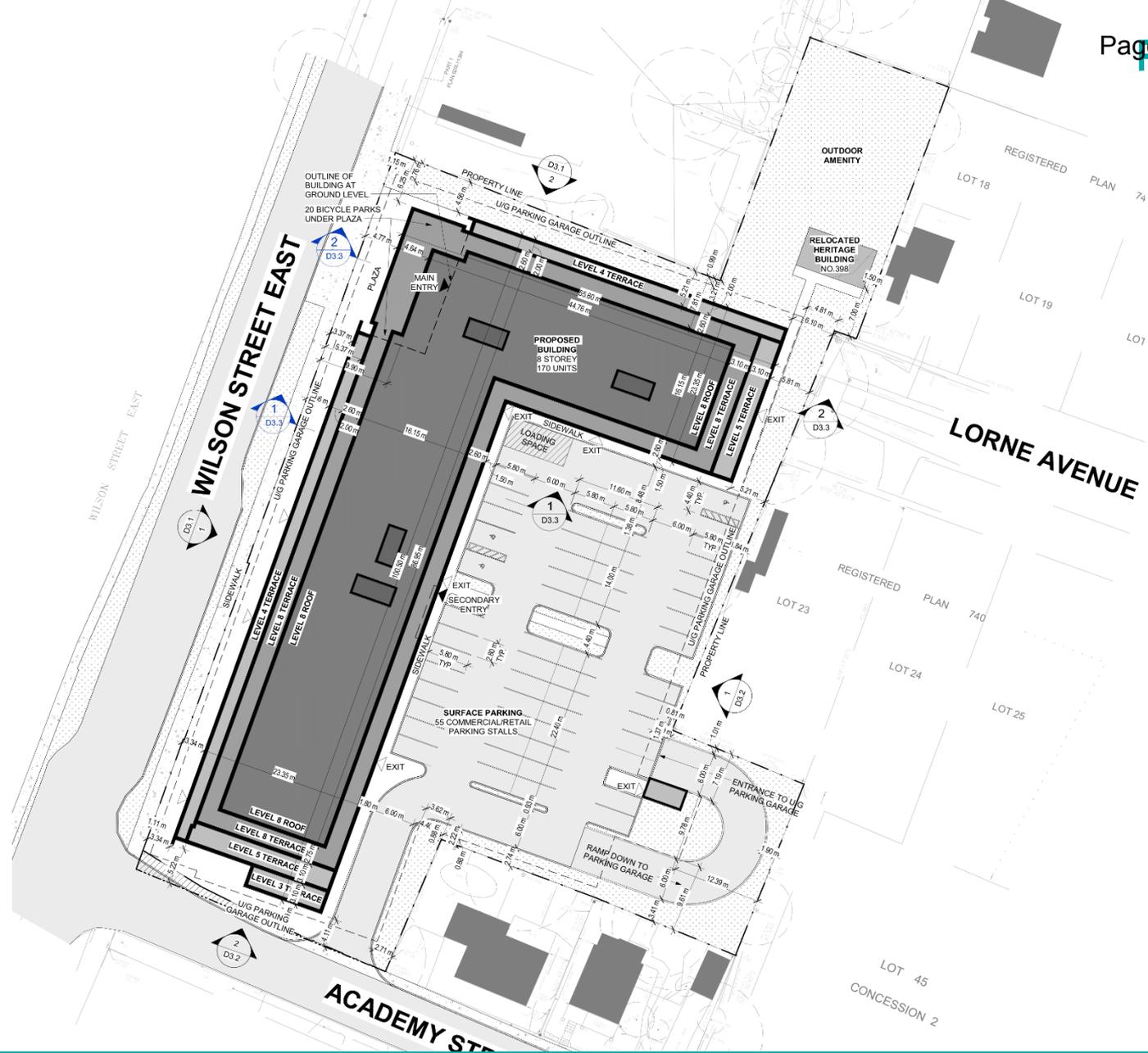
Subject site from south along Lorne Avenue

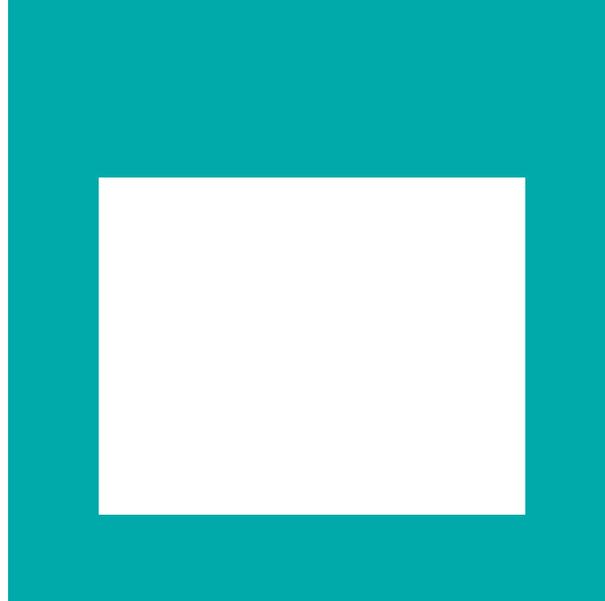


North side of Lorne Avenue



South side of Lorne Avenue





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**From:** klmshields  
**Sent:** Tuesday, March 22, 2022 9:11 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Opposed Response re proposed Development @ Academy & Wilson

Planning Committee c/o City Clerk,  
 City of Hamilton  
 71 Main Street West, 5th Floor  
 Hamilton, ON L8P 4Y5

Dear Mme Clerk:

Re: ***Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.***

We write in response to the above development application.

Thank you in advance for inviting input from the community towards formulating your staff report. Much appreciated.

In so doing, we are without doubt submitting our valid & sincere opposition to the unreasonable, unnecessary and massive 8-storey development proposed at Academy and Wilson Streets.

Please review this list of issues addressed below.

**1) *General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application***

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster's heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

"The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster....."

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this

report. Further, if approved and built, it will consume so much of the capacity of locally available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants' reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of "reasonable" that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

## 2) **Traffic**

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

"The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) during the morning and afternoon peak hours, respectively."

i.e., "during the morning and afternoon peak hours, respectively".

The data cited by the consultants' report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer's Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street.

The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children's playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

### 3) **Parking**

Based on the City's By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

### 4) **Wastewater Disposal**

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

### 5) **Hydrocarbons in the Soil**

It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

"It's true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) **Only one borehole log (for BH/MW8) notes hydrocarbon odours** - it is in the extreme southwest corner of the property.

3) **No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated.** There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves us with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

#### 6) **Noise Study**

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

#### 7) **Conclusions**

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

There is no room to expand Wilson Street into 4 lanes of flowing traffic.

With respect,

Karen & Paul Shields

**From:** Mark Collings

**Sent:** Monday, March 21, 2022 5:50 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Planning Committee c/o City Clerk,  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Dear Mme Clerk:

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.**

I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report, it is most welcome.

Why would this even be considered given that it does not meet the AWSSP as highlighted below?

This alone disregarding all the other negative impacts should be enough to deny this application which is clearly focused on maximizing profit for developers at the expense of retaining the historical culture of this unique village.

I would expect that our councillors and city staff stand behind the residents of Ancaster and reject this plan and give the developers a copy of the AWSSP so they can plan a building which meets its criteria so as not to waste your valuable time.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. **The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP).** It is enormous in height, mass and lot coverage.

From: Barb Morse  
Sent: Monday, March 21, 2022 8:09 PM  
To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Subject: Academy/Wilson street development

Dear Counsellors

This proposed, massive development is beyond the pale! It goes against every by law that is currently in place. It does NOT benefit current tax paying residents. Nor will it benefit future residents. In fact, it will create harm as it erodes the current values and quality of life that exist. It would be a poor location for the proposed elderly residents. It would create additional traffic congestion (which is already to the breaking point) It violates current height restrictions and many other by laws. Also, water and sewage systems remain inadequate. A disaster in the making!

Ancaster residents pay incredibly HIGH taxes! These taxes must not to be used to support developers who will pave over our life styles and current values. You cannot collect our taxes while simultaneously removing our rights to have a say in how our town is developed.

Our taxes, not developers, pay your salary. Remember this.

If you vote to allow this monstrosity to proceed you will be violating existing by laws that a democratic community has voted for. As my elected official, you have a duty to support my voice. Currently, you are falling sort!!!

How can you sell out our Ancaster and our history?? Why do you not value the town you claim to govern? How dare you put the profits of a developer over the rights of Ancaster tax-paying citizens. Seriously, how dare you!

You must start to listen to your constituents. We do NOT want this type of gross development. We do not want it!! We want our heritage protected.

We still grieve the Brandon House. Do not add to this carnage of our past and heritage by enabling developers to destroy the few remaining gems of our past!!! I am talking about the Marr House.

Due to the constant over development of Ancaster, I have made the horrible decision to leave this town I have lived in all my life. I have lived here for 60 years. I have now sold my family home. I cannot continue to live in a place where the town counsel constantly ignores the pleas of their residents. Residents have consistently stated, over and over, that we do not want so much intensification!! We do not want the traffic! We do not want our taxes to constantly be directed to support developers. I cannot afford to live here any longer because my taxes have increased so very much!!! Yet I have seen NOTHING that benefits me for this massive tax increase. Year after year, my taxes have increased beyond what is sustainable. The growth rate is too much. You have not made proper plans for the traffic the additional population brings with it. You have not made proper plans for how the added population will impact the infrastructure, roads etc. Oh wait. Yes you have. You simply increase our taxes!!! Again. And again. And again. Until people cannot afford to live here where they grew up. It's sad when your monthly taxes are larger than your mortgage.

And so I feel I have no choice but to leave. Such a shame. Such a shame that you cannot see what is important and that you refuse to see what has real value.

Do you think you can rebuild the Brandon House? No. You can't. It's gone. History was allowed to be torn down. Shame. If you give the developers permission to proceed, do you think you can later enforce the developers to rebuild/repair the Marr House (regardless of the cost) if it crumbles when they try to relocate it to some back corner? No. You can't. You won't be able to enforce anything once you give them the "green light".

Shame. Shame. Shame.

You are repeating sad history. And somehow you can't see that. Mind blowing.

And so I respectfully submit yet another email of concern with how you are governing my town. My former town. When will you start to listen?

Sadly and sincerely,  
Barb Russell-Morse

**From:** EDWARD VALEVICIUS

**Sent:** Monday, March 21, 2022 6:10 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

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According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street.

The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children's playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

### 3) Parking

Based on the City's By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

### 4) Wastewater Disposal

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the

wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

#### 5) Hydrocarbons in the Soil

It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

“It’s true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

6) Noise Study

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,

Debra Valevicius

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**Debra & Edward Valevicius**

23 February 2022

Planning Committee,  
City of Hamilton  
71 Main St West,  
1<sup>st</sup>, Floor  
Hamilton,  
Ontario.  
L8P 4Y5

Attn: Mr. Tim Voorman,  
Heritage Planner

Dear Mr. Voorman,

RE: Files: UHOPA-22-004 / ZAC-22-011

I wish to register my objections to this proposed development.

The letter sent out on February 4 contains few details. There are no reports included by consultants, staff, or experts from the host of specialist disciplines expected.

Sufficient to say:

- 1) The building, as depicted in the application, does not meet the general intent of the Urban Hamilton Official Plan or the Ancaster Wilson Street Secondary Plan. The proposed development is too large, dense and high for the property and surrounding area.
- 2) The building height, density, bulk and scale are out of all proportion to the neighbourhood and are totally incompatible with the heritage and character of our historic village. A huge, continuous building, as proposed, just does not fit into the village street scape.
- 3) The building is inconsistent with the character of the neighbourhood and significantly detracts from, not enhances, the Village. This plan not only eradicates the heritage character of the existing neighbourhood, it leads to the further destruction of the historic roots of Ancaster, as exist in the other areas of the Village Core.

- 4) The massing is far too big for the area. It is over three times the maximum height allowed in the Wilson Street Secondary Plan. The Wilson Street Secondary Plan and its associated bylaws, were developed after much consultation with many interested parties. They have been totally ignored.  
This plan ONLY became effective seven years ago and was supposed to remain in place for some twenty years. That objective has been nowhere near recognized. To suggest it is outdated is nonsense.
- 5) The well - known and documented traffic problems of the Maywood area will be exacerbated and become even more intolerable. The increase in resident and commercial traffic this development will bring can be readily envisaged and is unacceptable.
- 6) Access to the building is from Academy Street. A residential street that is currently overloaded with cut-through traffic trying to avoid the Rousseaux / Wilson St intersection. Academy Street is far too narrow to handle the volumes and sizes of vehicles that will service this building. It will lead to a safety hazard the city cannot condone.
- 7) There are so many things wrong with this development it is difficult to enumerate them all. The main ones; beside the huge overreach in massing, lot coverage, and imposition on the neighbours from noise, shadowing and oversight; are the increased heavy traffic on already overloaded Wilson, Lodor and Academy Streets.

These lands should be developed in accordance with the bylaw "Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone". This permits a building with a height of 9 metres, which must also be consistent with the character of the Village.

Ancaster was founded in 1793 and is the third oldest community in Ontario. Development should venerate, not destroy this heritage. The planning and zoning in Ancaster and the city of Hamilton for the Village Area, was designed to project a humble, simple but not overbuilt street scape. Not this monstrosity.

**The application contains many of the failings of the recent Wilson St / Rousseaux application and similarly, must be denied.**

Please keep me advised of further steps. I may wish to make a formal presentation at any further meeting that might arise.

Yours faithfully,  
R.H.Baker P.Eng.

25 March 2022

Planning Committee,  
City of Hamilton  
71 Main St West,  
1<sup>st</sup>, Floor  
Hamilton,  
Ontario.  
L8P 4Y5

Attn: Mr. Tim Voorman,  
Heritage Planner

Dear Mr. Voorman,

RE: Files: UHOPA-22-004 / ZAC-22-011

Further to my letter of 23 February, have had an opportunity to consider the application in more detail.

Understand this is to go before City on April 5; wish to emphasize one of the points in that letter to illustrate how poorly planned the proposal is. It will make a significant contribution to traffic in the area.

- 1) The well - known and documented traffic problems of the Maywood area have declined since the introduction of the many COVID restrictions. Any recent traffic studies will not accurately reflect the “normal” situation.
- 2) As these restrictions are being relaxed, traffic flow is noticeably increasing. This confirms that the Wilson / Rousseaux Street intersection is woefully inadequate. Before COVID, have personally queued from every direction to get through this intersection. From the 403 queues can start at the off ramp to Mohawk; going North on Wilson St at Halson St. and beyond; South from Montgomery Drive; going up old Ancaster road from north of the Old Mill restaurant.
- 3) These observations also apply to the Rousseaux / Wilson Street development. Both projects will add significant numbers of vehicles to this overloaded intersection. The cost to society of the intersection in its current form is horrendous. Rather than adding to the problem by allowing inappropriate development, the intersection must be redesigned and rebuilt to accommodate the increasing population of the area.

As traffic builds and the intersection becomes impassable, it will then cut through the Maywood area. This will add to the existing safety, environmental and community

hazards already experienced.

Rather than increasing these problems, City must alleviate them. Both of these developments make an intolerable situation worse.

Please keep me advised of further steps.

Yours faithfully,

R.H.Baker P.Eng.

**From:** David Molnar

**Sent:** Wednesday, March 23, 2022 12:41 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Wilson St. Ancaster Inc. ; 392, 398, 400,402, 406, and 412 Wilson Street east and 15 Lorne Avenue, Ancaster

We are in receipt of your notice of public meeting regarding the development proposal regarding the above noted entity and property.

Frankly, we are beyond baffled and frustrated by the process that ensues whenever development proposals are brought forth for properties in the Ancaster core area (and most other areas of our City, for that matter). How much more of this nonsense must we endure as residents and taxpayers? It appears that despite the fact that considerable time, expense and resources were expended in garnering public input and professional staff opinion (at public expense) by which zoning, density, height limits and other criteria are determined and established for these specific areas - in this case, the historic core area of Ancaster- all of that time and expense is a complete waste of time and tax payers' money because despite such criteria and guidelines having been established, developers and builders constantly ignore them.

The above property in Ancaster is simply another example in a long list of proposals for this historic town which completely ignore the established guidelines. Why would staff and residents consider approval of an eight storey edifice when three storeys have been established as the maximum for the area? Why would our City waste more taxpayer money on such frivolous proposals which clearly show a complete disregard for the existing nature of the area and the time and resources which have been expended to establish sensible guidelines – guidelines which are often established with input from area residents? Every new development proposal seems to consist of endless requests for countless items of relief from established guidelines and rules, and suggestions that established planning guidelines should be ignored in favor of the latest developer's proposal. It is beyond ridiculous that we would spend limitless amounts of money entertaining such proposals and defending existing rules and guidelines from developers who clearly show no concern for the welfare of local residents and demand approvals for grossly over reaching proposals.

We literally don't know where to begin to list the specific reasons for which this proposal should be rejected because it violates virtually every existing development guideline that has been put in place specifically to prevent it.

We are not opposed to development per se and we recognise that communities may have to grow (just as Ancaster has grown from a population of 14,000 to more than 40,000 since we moved here in the '70's) and we support well thought out and considerately planned additions which compliment our existing community. Furthermore, we believe we understand the motivation behind the current trend towards higher density in urban areas but it seems that everyone involved – from developers to planners and City staff has lost perspective with respect to what constitutes an 'urban area'. Just because communities such as Ancaster, Dundas and certain other (peripheral) areas are part of the City of Hamilton, they are not 'urban areas' by any definition or imagination and they must not be transformed to resemble downtown Hamilton or Toronto! Specifically, the area on which the subject proposal is to be foisted is not an 'urban' area but rather is a historic village core - with specified height limits which would be totally eclipsed by the proposed development. And to bargain to five or six stories

by starting with eight and attempting to make residents feel better by subsequently agreeing to twice the established guidelines is bizarre, unfair and inappropriate in every aspect.

There is already problematic traffic congestion on Wilson Street from the impact of existing development, and the current proposal would exacerbate that problem in unimaginable ways. The subject proposal is simply too large and is in every way completely inappropriate for the area based on existing buildings as well as established planning and development guidelines. To state that development proposals such as the subject are not appropriate for the village core would be a horrendous understatement and if they are to be considered at all, they should be considered for areas such as the Meadowlands or inner city Hamilton.

These enormous developments bring with them snarled traffic and a distasteful negative impact in the community in which they are allowed to be perpetrated, and it then becomes the community's residents' problem (and expense) to resolve or live with. This is a totally unacceptable scenario. Let's not destroy all historic, quaint communities in the current trend towards higher density buildings. Let's redirect such proposals to areas that are better suited to and are more appropriate for those types of uses.

Please support the residents of this area of Hamilton – reject such proposals and protect our neighbourhood from the relentless onslaught of poorly conceived and primarily profit motivated development proposals (regardless of how they may be cloaked in the guise of environmental or other concerns).

Thank you in advance for your consideration and support of our community.

David and Donna Molnar

From: Grant, Christina

Sent: Sunday, March 20, 2022 10:57 AM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Wilson/Academy St. Proposed Building

Dear Tim,

I am writing as a concerned citizen of Ancaster. How is it possible for such a proposal to be on the table? It does not match the town, nor can 2 lane Wilson Street support such a building.

Very disappointed in what is happening.

Sincerely,

Dr. Christina Grant & Sheldon Norton

**From:** Doug Amos  
**Sent:** Sunday, March 20, 2022 2:19 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Marr-Philipps Ancaster

Please follow the conditions on this development at Academy/Wilson adhering to protocols and necessary vigilance. This proposal is not essential and nothing more a \$ grab on the part of the developers. A recent drive down Barton St revealed vacant lots and boarded up storefronts everywhere. Why is not this type of development not ongoing there?

Tx for presenting this opportunity to express ourselves

Regards,  
Douglas Amos

**From:** Heather Bull  
**Sent:** Friday, March 18, 2022 4:06 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Academy/Wilson Street Development, Ancaster

Dear Mr. Vrooman,

It is inconceivable yet again, that such massing is suggested by yet another greedy developer trying to bypass/break all the bylaws, that were put in place for the wellbeing of this or any community. It is likened to breaking other rules that are put in place for everyone's wellbeing.

That being said, maybe we should all try and run red lights, speed, jaywalk, etc., etc. and just see where that takes us.

I can see the headlines in the future: Excess Sewage Descends on Dundas/Cootes Paradise, due to Overcrowding in Ancaster.

Oh brother!

Sincerely,

Heather Bull

**From:** johnallan

**Sent:** Wednesday, March 30, 2022 7:36 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** RE: I am sharing 'Response to Application for Official Plan Amendment and Zoning By' with you

We are not against growth of the main corridor ( Wilson Rousseaux)We are against hight increases and want to see control over elevations of new buildings that reflect the feel of Heritage Ancasters character as a Historic Village. Traffic impact is also a huge concern living and moving back and forth to work in gridlock all the time as is let alone with any additional traffic.

We support Bob Matons concerns and that is why we have included them.

Hope this clarifies

John Allan

Saturday, March 19, 2022

Planning Committee Members

City of Hamilton

71 Main Street West

Hamilton, Ontario

L8P 4Y5

**Re: Response to the Application for 8-storey condo at the corner of Academy and Wilson Streets in Ancaster that will be heard in Planning Committee on April 5, 2022.**

Dear Planning Committee Members

I am writing to strongly support the denial of this development and that any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Many hours of work go into the development of a secondary plan, the Ancaster Wilson Street Secondary Plan involved the community and the city planners working collaboratively for months. Their best recommendations for development for Wilson Street are outlined in the Ancaster Wilson Street Secondary Plan. This plan was not developed as a foundation for developers to go beyond the recommendations in the plan. The Ancaster Wilson Street Secondary Plan sets the limits for the developments.

The developer has said repeatedly that he want to work with the community to end up with a development that the community can accept. It is really a simple thing to do, adhere to the recommendations in the Ancaster Wilson Street Secondary Plan. In addition to that, leave the Marr-Phillipo House where it is now. It will not withstand an attempt to move it. I have been in many communities where a building like the Marr-Phillipo House has been encompassed in the new development. It appears that the reasons for moving the building have been created to meet the developer's needs. The hydrocarbon study was far from inclusive that the building has to be moved.

I totally agree with Bob Maton's reasons for denying the 8-storey development at the corner of Academy and Wilson Streets. They are: (1) Concerns regarding the mass, height, footprints and architectural style of the development, (2) Increased traffic along Wilson Street and the neighbourhood streets, (3) Added pressure on parking spaces along streets in the area, (4) Wastewater disposal and (5) Increased noise in the neighbourhood.

If another building is constructed along Wilson Street with minimal front yard setback, walking, bicycling and driving along Wilson Street will feel as if you are in a major metropolitan area.

Wilson Street is far too narrow to allow for this type of development and will totally destroy the heritage feeling that many home and business owners are trying to create along Wilson Street.

In closing, as a former town councillor in Ancaster, I am appalled and very disappointed that the developers are putting so much pressure on the City of Hamilton Councillors that they acquiesce to demands that significantly change the culture of the community. I strongly encourage the councillors to honour the parameters for development as outlined in the Ancaster Wilson Street Secondary Plan.

Respectfully submitted,

Brad Kuhn

From: J Brown  
Sent: Friday, March 18, 2022 8:26 PM  
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
Subject: Wilson and Academy St Ancaster

Hello

I am writing to send my objection to the plan to relocate the heritage building and then build the 8 storey complex.

Ancaster is so quaint and historic and has remained so for many many years.

It is sounding like the pre requisites of soil samples etc are not even being taken seriously.

Please stop this plan

Thanks kindly,

Jane Brown

**From:** Doug Stephens

**Sent:** Friday, March 18, 2022 8:30 PM

**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>

**Cc:** Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>

**Subject:** Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.,

**Mr Vrooman,**

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.,**

I'm writing to express my objection.

Not only would the proposed structure violate, to an extension, the current plan and development guidelines, it would also dramatically detract from the historic beauty and significance of the community of Ancaster. Moreover, the developer's application assumes the move of the home currently occupying the property, which is by no means a given, considering that 7 key conditions regarding the move have yet to be met.

I'm sure you'll be receiving many very passionate letters on this project from the citizens (and voters) of Ancaster. I hope the city will factor them highly in their decision making process.

Best regards

Doug and Meredith Stephens  
Residents

--

Doug Stephens  
Founder, Retail Prophet

From: Gail Moffatt  
Sent: Saturday, March 19, 2022 10:56 AM  
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
Subject: PROPOSED 8 STOREY ACADDEMY/WILSON DEVELOPMENT

Dear Sir,

I first identify myself as a resident of Ancaster.

This development proposal is based on the assumption that the Marr-Phillipo house relocation has already been approved! It has NOT and serious concerns still remain and will continue to be raised by residents.

The present proposal fails to conform, in any way, with the cultural heritage of Ancaster (which is wonderful) and fails to conform to the Cultural Heritage Landscape heritage status already in place. Further, the new proposal does not meet the bylaws and zoning of the Ancaster-Wilson Secondary Plan. The proposed development is massive and in no way "blends" with historic Wilson Street.

The proposed development will overwhelm Ancaster,s already congested downtown.

The proposed development will overwhelm the present infrastructure system.

I am NOT opposed to infill development.

I am HIGHLY OPPOSED to this project and request that the proposed application BE DENIED.

Respectfully,

Gail Moffatt

To The City of Hamilton

From Residents of Ancaster: Mr. and Mrs. Enrico and Julie Palmese

We want you to use common sense and say “NO” to Amica’s proposed development for Wilson and Rousseaux in the town of Ancaster. We both commute to work and experience the congestion that currently exists. We already must leave extra time in the morning to get through this area and rush hour in the evening is awful as well. Many times, we take Academy as an alternative to avoid the congestion in order to get out onto Rousseaux. Imagine what Amica’s development would do to the congestion! It’s not fair that those residents must deal with overflow now with the way things are and it would be horrible for that neighborhood to have to deal with this proposed mess of traffic.

Our parents are all living. They are ages 93, 83, 81 and 80. No way that we would suggest that any of them buy into a building this size, in this location. It’s dangerous to put slow moving people at the corner of a busy intersection. By the way, in cases where residents don’t drive, where will the DARTS busses be stopping to load and unload? They leave their engines running and that means more neighborhood pollution.

Now for the reasons we moved here in the first place. We have always loved the small-town appeal of this village of Ancaster. That’s why we settled here.

Currently the 3-storey limit seems to be working in some areas although even that takes careful planning.

Just decline the proposal. And do it on our behalf. Because we are the people who live and work here, and we don’t want Amica’s huge buildings in this Heritage town. Use your common sense. Tell them to build somewhere else that is safer and less congested.

Sincerely,

Enrico and Julie Palmese

**From:** David Hardcastle

**Sent:** Tuesday, March 22, 2022 9:38 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Sir

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.**

I have the following comments to make with regards to the proposed development on the lands located at 392, 398, 400,402,406 and 412 Wilson Street East and 15 Lorn Avenue, Ancaster Ontario. My first comment is that I object to the high of this proposed building which is being quoted at eight (8) stories high where as the current regulations state a maximum height of 2.5 stories. Also I am concerned regarding how this development will effect the existing services especially the sanitary sewers systems and how and where they propose to discharge the storm water run off from this development without effecting existing adjoining properties. This is even more critical given the increased rainfall we are experiencing due to climate change. Will the developer be paying for the upgrading of the sewer system, incoming water gas and electrical services for this building.

This developer is proposing to have the main entrance to this development to be off of Academy Street which is a side road and is not built to have an extra 200 plus car using it on a daily basis. This will also cause even more congestion at the junction of Wilson and Academy Streets. How will the developer control the traffic when carrying out works on the sewer and incoming services which will cause major disruption on Wilson, Academy and Rousseaux Streets.

The developer also wants to move the existing designated Heritage building which is in a poor condition due to the lack of repairs carried out since being purchased by the developer, the possibility of it surviving the move is very low and I would request a full report from the developer on their proposal on how they will carry out this work and what guarantee they will give us on this work being carried out successfully.

This proposed building is totally out of keeping with the existing architectural features of the Ancaster Village and I would ask how the developer and architect came up with this design as it is obvious that they do not live in the area and I question how much time they have spent in the Ancaster Village. I would ask them to explain to us who reside in this area, how this development will help enhance the Village, when it bears no resemblance to any other building in shape or size in Ancaster Village.

Regards

David Hardcastle

**From:** Robert Annandale

**Sent:** Tuesday, March 22, 2022 9:31 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** What happened to Ancasters 4 story limit in height? Lets keep Ancaster as it was..

From: Peter Palmer

Sent: Tuesday, March 22, 2022 12:49 PM

To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Subject: Fwd: The application for the official plan amendment and zoning by-law amendment for lands located at 392, 398, 400, 402, 406, 412 Wilson Street East and 15 Lorne Avenue in Ancaster

Sent from my iPhone

Dear Sir or Madame

Generally, this development fails dramatically to confirm to the Cultural Heritage Landscape status of the Ancaster Village

Frankly and simply the proposed development would ruin the beauty of Ancaster from the standpoint of mass, height, footprint and architectural style as well as an increase in auto traffic

The vast majority of Ancaster residents do not want this development

Thank you for your consideration in this important matter

Peter Palmer

**From:** Ancaster Severance

**Sent:** Tuesday, March 22, 2022 8:45 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Sir/Madam,

We, here in Ancaster, want to keep Ancaster as a small town with a wonderful heritage. That's why a lot of people moved here - to get away from a typical cityscape.

This development fails to conform to the cultural heritage landscape status of the Ancaster village.

The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan. It is enormous period!

You have an opportunity here to tell the developer to look at the downtown of Dundas with its small quaint buildings and shops that attract visitors on a regular basis because they feel they are in an older, quieter era where the pace was slower and the pressures of life were less.

It's that feeling we are trying to keep in Ancaster, but you continually give in to these developers and our town is slowly but surely changing to a city.

It's that simple - if you want to build, make it fit into the TOWNscape not the cityscape.

Ever since Ancaster became part of the GHA, it's been totally downhill for us. You have something here that is worth saving - SO SAVE IT.

Marc Bader

proud resident of Ancaster

**From:** shannon kyles

**Sent:** Wednesday, March 23, 2022 2:53 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Dear Mme Clerk,

As President of the Hamilton Region Branch of the Architectural Conservancy of Ontario I must take issue with the proposed Development on Wilson Street at Rousseaux.

The development is contrary to the Secondary Plan in Ancaster, and goes against the community's wishes. In addition, it will further the destruction of one of the oldest main streets in the province.

Ancaster has Cultural Heritage Landscape status because it is both one of the oldest villages in Ontario and because of its unique character. Heritage legislation is put in for a reason. It needs to be adhered to.

Sincerely,

Shannon Kyles

From: Brian Dale

Sent: Thursday, March 24, 2022 8:34 AM

To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Subject: By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Mme Clerk:

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

I write in response to the above development application.

Please consider reducing the size of the building to something closer to the three story limit currently imposed.

In no way does this proposed building represent the style or culture of the downtown Ancaster area.

I am in no way an expert but I find it hard to believe that any infrastructure in the area I can handle in addition like this. Traffic is already a nightmare if there's an issue any where else, one lane through town can be at its limit already.

I understand that the developers money will likely speak louder than any neighbours concerns but please reconsider at least reducing the size of this monstrosity.

Brian Dale

**From:** brooke pearson

**Sent:** Thursday, March 24, 2022 4:41 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Application for official plan amendment and zoning by-law amendment for lands located at 92, 398, 400, 402 and 406 Wilson St and 15 Lorne Avenue Ancaster

Dear Mme. clerk,

As 17 year residents of Ancaster and concerned citizens my wife and I object in the strongest terms to the amendments and implicated building proposal identified above.

The reasons for our objection are significant and obvious. The size (totally disrespectful of the 9 m. building height guideline of the Wilson St plan) and purpose (massive residential structure + additional commercial enterprise) are totally out of keeping with the historic architectural and village nature of Ancaster. The catastrophic functional or engineering implications of such a development are well critiqued by fellow Ancaster resident Bob Maton in his submission to you. Mr. Maton has clearly taken more time and sourced more valid expertise than the project developers for this proposal. Traffic is already excessive along Wilson St with regular back-ups at the Rousseau-Wilson intersection as well as along Wilson Street through central Ancaster particularly though classic rush hour but more and more so throughout the day. Noise and air pollution from traffic as well as the building itself would be significantly elevated and there is a strong possibility of sewage overload. The flimsy argument of possible hydrocarbon toxins for moving the Marr-Philippo heritage home would seem to be an unfounded excuse for removing a piece of classic main street architecture for reasons of building convenience.

We understand the need for growth and particularly increased housing but surely this can be done while still respecting the well conceived Wilson Street plan that has at its base an appreciation of quality of life of residents and preservation of Ancaster's present character as a valued part of the greater Hamilton community.

Please turn down this application and the subsequent modifications that are sure to follow until the developers demonstrate compliance with the Wilson Street plan as well respect for infrastructural realities and quality of life.

Respectfully,

Dr. Brooke Pearson and Kathleen Pearson

**From:**  
**Sent:** Thursday, March 24, 2022 1:21 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** FW: Academy/Wilson 8-Storey Development, Ancaster  
**Importance:** High

Attention: Clerk

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.**

My husband and I oppose this massive development for the following reasons:

1. Its height, density and size does not conform to the Cultural Heritage Landscape status of the Ancaster Village or the bylaws and zoning of the Ancaster Wilson Street Secondary Plan
2. The consultants' reports included in the Application re contaminants which require the relocation of the historic 1840 Marr-Phillipo House are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil. Based on a review by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster, a Phase II ESA and the Hydrogeology Report should be required before proceeding with any relocation.
3. Like many of our neighbours, my husband and myself do not oppose some intensification within Ancaster but it should reasonably conform to current bylaws, zoning and infrastructure limitations.
4. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day. The study needs to be expanded beyond "peak" hours as it is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood.
5. Based on the City's By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial.
6. There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load. Further work on the Functional Report is clearly necessary, especially since the

route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

In conclusion, this development should not be permitted to proceed and any revised building proposals should be only considered if they reasonably comply with current bylaws and Ancaster Wilson Street secondary plan.

Sincerely,

Maxine Morris-Zecchini and Mario Zecchini

**From:** Jan King  
**Sent:** Tuesday, March 29, 2022 4:26 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Messrs Manchia and Spallaci zoning By-Law ameendment

Subject: Messrs Manchia and Spallaci/Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Sirs, Madams :

As a concerned citizen of Ancaster, I wish to express my views on the current application to develop an 8-storey building at the corner of Wilson and Academy. We need to honour the zoning and Secondary Plan, set forth for Ancaster in 2013 which allows for a building height of 9 meters. This development proposal would not only dwarf the surrounding buildings but would not be consistent with the surrounding streetscape of the neighbourhood. Unfortunately, we have lost some very significant historical buildings on Wilson Street and the potential move of the Marr Phillippo building is of grave concern.

The proposed structure is unattractive and does not compliment the character of Ancaster village. Ancaster is steep with Canadian history, let's develop buildings that reflect the style and design of this era.

I do not oppose reasonable intensification which meets our current bylaws, zoning and infrastructure limits, however, this proposal is so far outside the required boundaries! Please abide by the 9-meter height restriction and at least try to blend in with the historical appearance of the neighbourhood.

If you want to be part of the community, please listen to the community.

Thank you,

Jan King

**From:** Bonnie Angelini  
**Sent:** Wednesday, March 30, 2022 10:52 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Wilson/Academy Development

Planning Committee c/o City Clerk  
City of Hamilton  
71 Main St. West, 5<sup>th</sup> Floor,  
Hamilton, ON L8P 4Y5

Dear Mm. Clerk:

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report. It is most welcome.

First and foremost, the developers have NOT fulfilled the 17 rigorous conditions prior to relocating the Marr-Phillipo house.

This proposed 8 storey eyesore development does NOT conform to the Cultural Heritage Landscape of the Ancaster Village, introduced in the mid 1970s. The proposed massive, aesthetically unattractive development does NOT conform to the existing bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented just 7 years ago.

Traffic- The proposed development will create an intolerable traffic situation. Traffic on Wilson Street is already a nightmare whenever there is an accident on Highway 403, in either direction. The walkability, health and safety of the Wilson/Academy neighbourhood should be of utmost consideration. Furthermore, all access in both directions to the proposed development should be from Wilson Street only.

Parking- The proposed development does not provide sufficient parking for retail and commercial purposes. This part of Ancaster Village is already woefully short of parking for businesses.

Wastewater Disposal- The developers' Functional Report raises many questions about the ability of the existing 200 mm sewage pipe on Wilson Street to carry the extra sewage produced by this proposed development. Are residents in the valley below the escarpment going to have to continue to have sewage-flooded basements?

Hydrocarbons in the Soil- There is inconclusive data regarding the hydrocarbon content of the soil on the property. Isn't the presence of significant hydrocarbons the reason for the Marr-Phillipo house being relocated to the rear of the property?

Noise Study- There is incomplete assessment of noise being emitted from the new building itself, including the climate control mechanisms.

In conclusion, this proposed development should be denied, and any future application should be required to accommodate the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan. This proposed development will destroy the heritage and charm of Ancaster Village. The residents of Ancaster deserve better!

Yours sincerely,  
Bonnie Angelini

**From:** Anka Cassar

**Sent:** Wednesday, March 30, 2022 4:11 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Development at 392, 398, 400, 1402,406 and 412 Wilson Street East and 15 Lorne Avenue

To whom it may concern,

Please add my letter to the agenda for the Planning committee meeting dated April 5, 2022, regarding item 9.5.

As an Ancaster resident, I feel that the proposed eight-storey mixed use development is not the right fit for Ancaster's core.

The Ancaster Secondary plans limits the height of new buildings to three storeys but I think it should be raised to four. This height is not too tall or imposing and will increase the amount of units available. The province is experiencing a housing shortage and this development need to include more families sized units and not pricey high end bachelor pads. The development should be built sustainably with green building standards. The building should include geothermal heating or heat pumps, tankless water heaters or even grey water recycling systems and permeable paving should be used as well as green roofs or terraces. If possible, building underground parking would reduce the amount of paved surfaces on the ground. There should also be green spaces for residents and the community to share which should be planted with native trees and plants. Commercial units on the ground level should be enticing and provide a variety of services and goods bringing new and exciting businesses to the Ancaster core.

Hamilton's population is proposed to increase by 236,000 residents by the year 2051 and the city chose not to expand our urban boundary, so our city needs to be intensified. We cannot keep build single-detached home anymore on farmland and natural areas. We don't need anymore car dependent suburbs, we need pedestrian/bike friendly communities where everything you need or desire is only a short walk or bike ride away. If the developer abides to the aesthetic requirements outlined in the Ancaster Secondary Plan, Ancaster Village can still keep its old-time charm.

Thank you,

Anka Cassar  
Ward 12 Resident

29 March 2022

Planning Committee, City of Hamilton  
71 Main St West, 1<sup>st</sup> Floor  
Hamilton, Ontario L8P 4Y5

Attn: Legislative Coordinator, Planning Committee

By email: clerk@hamilton.ca

RE: Files: UHOPA-22-004 / ZAC-22-011

I offer the following comments on the above applications and ask Planning Committee to consider them in its decision.

My first comment is recognition of the remarkably thorough Staff Report PED11111 and the strong support for the vision and intent of the Ancaster Wilson Street Secondary Plan and the C5a (570) zoning.

1. **Staff Report Sets Out the Reasons for Denial:** The Staff Report sets out the case for Denial very well, and all I need say is I absolutely support the staff positions. I ask the Planning Committee to do the same.
2. **Marr Phillip House:** Why is this application at Planning Committee? Marr Phillip House at 398 Wilson Street must be demolished or moved to build the building as proposed. The applicant has only conditional approval to move the building (Council HP2021-023) with 17 conditions. Many of these conditions deal directly with the structural condition of the building, which appears very poor, and the ability to move it without damage or destruction.

These conditions have not been satisfied, so the permit to move Marr Phillip House is not valid and may never be.

3. **Is This Application Truly Complete?** How can Planning Committee consider this application with Marr Phillip in place and no certain path to its removal? To assume the 17 conditions will be met places incredible pressure on City staff who must approve satisfaction of the conditions.

If it is not physically possible to build what is proposed, how can the City consider the application complete and ready for consideration?

4. **Marr Phillip Options:** The options I see:
  1. The applicant could abandon the conditional approval granted by HP2021-023 and submit a revised plan with Marr Phillip House in situ.
  2. Consideration of this application could be deferred until all conditions of HP2021-023 are satisfied and a revised plan is submitted either with or without Marr Phillip House on Wilson Street as the case may be.

5. **Ontario Land Tribunal:** Concerns have been expressed at previous meetings if Council denies an application the City will face an appeal to the Ontario Land Tribunal. I believe I speak for many in the community when I say it is essential the City uphold the Ancaster Wilson Street Secondary Plan and the zoning and if there is an appeal the City can count on strong public support.

Planning decisions should be made in accordance with Official Plans and zoning without regard for what OLT may or may not do. Council will never face criticism for defending the legitimate concerns of a community.

6. **This Application Cannot be Considered By Itself:** The City position is each development application stands on its own. In most circumstances this is reasonable regarding what happens on the land. It is not reasonable when other major developments compete for the same limited infrastructure.

Wilson Street infrastructure was designed and built to accommodate the two and three storey buildings that exist and future development on that scale. The C5a zoning permits up to 22 meters in height, but for most addresses on Wilson Street Exception 570 limits height to 9 meters. The Ancaster Wilson Street Secondary Plan sets a 2.5 storey limit. There is good reason for this.

Developments built on that scale would be welcome and have little impact on the infrastructure. They could be built "as right". When an application like this proposes 3.2 times the permitted height and a multiple of the 50 persons per hectare density permitted in the Secondary Plan it raises serious technical and practical issues.

**The perfect storm?** The City has two applications in process within about 200 meters of each other each proposing building significantly higher and with greater density than the Secondary Plan or zoning permits.

Each uses the same sewer with a design capacity significantly under the density proposed by each.

Each will feed significant additional traffic to a street the City acknowledges is near capacity now.

Surely both should be considered in tandem regarding infrastructure.

Approval of either of these applications effectively gives capacity to one developer that could be used by many others to build projects in alignment with the zoning and Official Plan.

Future development on Wilson Street could be prevented for years to come by approval of these projects due if they require all the capacity of the sewer system.

7. **Look at The Whole Infrastructure Picture**--Both applications need to be considered together regarding:
1. demand on the sewer system including the Old Dundas Rd sanitary pumping station. There are overloads with current inflows. The June 2020 assessment of this facility states "increasing the capacity of the pumping station is not a feasible solution in the foreseeable future due to significant capacity constraints downstream from the force main"; and

2. addition to already near capacity traffic that Transportation Planning states in the Staff Report cannot be accommodated; and
3. concerns expressed by Hamilton Conservation about stormwater management and related issues; and
4. doubt expressed by Enbridge Gas if there is sufficient gas pressure to service this development.

**Who Pays? We Do**--Approval of this application as proposed will certainly produce profits in the millions for the applicant but leave the community to bear the significant costs of upgrading infrastructure in the future and bearing the ripping up of Wilson Street to do it.

This situation needs a different planning approach as these infrastructure concerns have impact far beyond the land in question.

8. **Park Land**—the applicant proposes cash in lieu rather than provision of park land. This immediate area has no park land. Given it is in the Village Core addition of green space would be a significant community benefit. This is especially true as this development adds 150+ families with no yard. The City should require the set aside and deny cash in lieu.
9. **Consistency:** While each application stands on its own, surely decisions regarding infrastructure should be consistent. I note in this application the applicant will be required to provide a Right of Way dedication to allow Academy Street to potentially widen from the current 12.192-meter ROW to 15.24 meters.

In a relatively recent decision for a property 1 street away at 15 Church the City agreed the 12-meter width was sufficient and proposed an Official Plan amendment to fix the width. Church Street services the Tennis Club, Lawn Bowling, and a civic parking lot so that decision seems out of touch with the situation and inconsistent with the Academy Street recommendation.

10. **Public Consultation Strategy Guidelines:** The Staff Report references what is described as the required public consultation on July 4, 2019. I may have to stand corrected, but I believe that was a meeting of the Rotary Club and hardly a public consultation. Further what was described was 5.5 storeys, not the 8-storey behemoth you have been presented with. The public has never been involved in any meaningful consultation on this application.

These public meetings are important, and the takeaway is Planning Staff need to be involved in any of these developer led consultations to ensure that are public and are done in a meaningful way,

Thank you for consideration of these comments.

Sincerely



Jim MacLeod

Rousseaux Street

**From:** Gayle Villeneuve

**Sent:** Saturday, March 26, 2022 8:27 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Sir/Madam,

I think we can all agree that something should be done on this barren lot, however not this magnitude of a building and not moving the Marr Phillip house out of site! This beautiful little house will be gone forever if it breaks when it is moved or if it is moved to the back of the property, out of sight to those walking or driving down Wilson. The remediation of the soil seems to be an excuse for moving this heritage building and putting it at risk. There is weak evidence of contamination.

We, here in Ancaster, want to keep Ancaster as a small town with a wonderful heritage. That's why a lot of people moved here - to get away from a typical cityscape.

This development fails to conform to the cultural heritage landscape status of the Ancaster village.

The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan. It is enormous period!

You have an opportunity here to tell the developer to look at the downtown of Dundas with its small quaint buildings and shops that attract visitors on a regular basis because they feel they are in an older, quieter era where the pace was slower and the pressures of life were less.

It's that feeling we are trying to keep in Ancaster, but you continually give in to these developers and our town is slowly but surely changing to a city.

It's that simple - if you want to build, make it fit into the TOWNscape not the cityscape.

Ever since Ancaster became part of the GHA, it's been totally downhill for us. You have something here that is worth saving - SO SAVE IT.

Let's develop this property, yes but not with this unsightly building that doesn't fit the character of Ancaster.

Thank you for your time,

Gayle Villeneuve

Ancaster resident for 22 years.



Patrick J. Harrington  
Direct: 416.865.3424  
E-mail: [pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)

March 31, 2022

VIA E-MAIL & COURIER

Our File No. 162409

City of Hamilton  
71 Main St. W, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Attention: Chair and Members of Planning Committee  
Via email Hamilton City Clerk: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Dear Sir/Madam,

<b>Re:</b>	<b>Request:</b>	<b>Planning Act Applications for OPA &amp; ZBA</b>
<b>Property Address:</b>	<b>Municipality:</b>	<b>392, 398, 400, 402, 406 and 412 Wilson Street East &amp; 15 Lorne Avenue</b>
<b>Requestor:</b>	<b>Requestor:</b>	<b>City of Hamilton</b>
<b>City File Nos.:</b>	<b>Requestor:</b>	<b>Wilson St Ancaster Inc.</b>
<b>Subject:</b>	<b>City File Nos.:</b>	<b>UHOPA-22-004/ZAC-22-011</b>
	<b>Subject:</b>	<b>Submission to Planning Committee re: Item 9.5</b>

Aird & Berlis LLP is counsel to Wilson St Ancaster Inc. Our client filed applications for official plan and zoning by-law amendments on December 17, 2021. On January 20, 2022, the City of Hamilton issued a Notice of Complete Application respecting both *Planning Act* applications.

On February 14, 2022, our office wrote a letter to the City's Director of Planning (Mr. Steve Robichaud). In this letter, we requested an opportunity to have our client's consulting team receive and review circulation and feedback comments provided by the City in response to our client's applications. Our client's goal is to provide a full response (and potential revisions) to address various concerns raised with the proposed development. As the Planning Committee is aware, this is a normal and expected part of the *Planning Act* application and approvals process.

Since the date of our letter, the following has occurred:

- One meeting was held between a representative of our client and Mr. Robichaud on Feb. 28.
- Partial circulation comments were forwarded to our client's consultants on March 9.
- Notice of the Statutory Public Meeting for our client's applications was published on March 18
- A staff report recommending refusal of the applications was provided to our client on March 24.

In short, notwithstanding our previous request for an opportunity to meet with staff, review circulation comments and provide a full response prior to consideration by Council, the City has advanced our client's applications from Notice of Compete Application to Refusal Report in approximately 60 days – with only one informal meeting in-between and no meaningful opportunity to respond to circulation comments.

In our February 14 letter to Mr. Robichaud, we indicated as follows:

March 31, 2022  
Page 2

*...There has been no opportunity provided to our client's various consultants to address any staff concerns respecting the requested amendments or the project's associated design. Instead, we submit that what is proposed is a "rush to judgment" with an intention to judge negatively regardless of the merits.*

*Moreover, the requirement for the Ontario Land Tribunal to "have regard for" a decision of Council is not without qualification. Section 2.1 of the Planning Act requires the Tribunal to consider the information and materials that Council had before it when it rendered its decision. In the circumstances of the subject applications, our client was directed to undertake a myriad of assessments, studies and reports to facilitate the City's processing of the requested amendments. The above-noted process would seem to confirm an intention to not have appropriate information and materials (in the form of staff's feedback comments on the applicant's responses to same) available to Council when Council is requested to render its decision.*

Unfortunately, the City is continuing to follow a "rush to judgment" approach by having a refusal report presented to Planning Committee at the statutory public meeting - before any response can be prepared and submitted by the applicant's consultants. If this leads to a refusal recommendation adopted by Council, our client will be forced to appeal this refusal to the Ontario Land Tribunal, wherein the City's ability to have input on this project will be restricted to the laws of evidence and administrative procedure.

Given the public interest in this project, and our client's commitment to bringing forward a positive development that contributes to an intensified complete community on Wilson Street, an appeal is not our client's preferred option. Our client prefers to work collaboratively with staff and area representatives (as it has on many projects) towards an appropriate approval. However, our client certainly cannot accept the process accorded to the subject applications to-date.

We note that the following are the first two "Alternatives for Consideration" offered in the refusal report prepared by Mr. Robichaud:

*1) Should the Applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including but not limited to, filing of a Record of Site Condition, and addressing archaeological and built heritage impacts, noise impacts, sanitary sewer system capacity constraints, transportation impacts, right-of-way dedication requirements, visual impacts, and any other necessary agreements to implement Council's direction.*

*2) Council could direct staff to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.*

Our request is that the Planning Committee endorse (2) in order to provide an opportunity to our client and staff to return to Planning Committee with appropriate amendments as contemplated by (1). As noted above, there is nothing gained by rushing these applications to a refusal, which would simply sideline Council to the role of a party to a full Tribunal hearing. Appropriate progress can and should be made at the municipal/local level before an impasse is declared and appeals are filed. We simply ask that our client be given a fair opportunity to review and respond to the City's concerns.

The undersigned has registered as a speaker for the April 5 Committee Meeting. We look forward to addressing Committee and answering any questions you may have at that time.



**March 31, 2022**  
**Page 3**

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in cursive script that reads "Patrick J. Harrington".

Patrick J. Harrington  
PJH/np

- c. Councillor Lloyd Ferguson, via email & delivered  
Mayor Fred Eisenberger, via email & delivered  
Wilson Street Inc. (c/o Messrs. F. Spallacci and S. Manchia)

April 1st, 2022

Dear Mme Clerk,

Re: Response to Application for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

I am writing in response to the above development application.

The development does not in any way conform to the Heritage of the Ancaster Village and will forever destroy its cultural heritage. How does this conform to the Ancaster Wilson Street Secondary Plan which was implemented seven years ago? This development does not in any way fit in with the other buildings along the street.

The increase in traffic will be considerable and this intersection is already extremely busy. The consultants report was inadequate and only considered traffic during one hour in the morning and one hour in the evening.

I am also concerned that the wastewater system will not be able to handle the additional flow and more information is needed with respect to this issue.

With respect to the Marr-Phillippo House, it appears that a Geotechnical report was completed but is in fact inadequate. Wilf Ruland P. Eng has reviewed the report and states that "none of the borehole logs for the boreholes/wells closest to the Marr-Philippo House made any mention of hydrocarbons." How can the decision to move the House be made on this inadequate report?

I am urging you to deny the development and that the Heritage of Ancaster be protected and the Ancaster Wilson Street Secondary Plan be upheld.

Yours sincerely,

Nancy Dingwall

A large black rectangular redaction box covering the signature area.

**From:** Dan Faulkner  
**Sent:** Friday, April 1, 2022 11:33 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Development Application 392, 398, 400, 406, 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

April 1, 2022

Planning Committee, City of Hamilton 71 Main St West, 1st Floor  
Hamilton, Ontario L8P 4Y5

Attn: Legislative Coordinator, Planning Committee

RE: Files: UHOPA-22-004 / ZAC-22-011

Below are my comments on the application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

This development should be **DENIED**, as the proposed amendments do not meet the general intent of the Urban Hamilton Official Plan (UHOP), the Ancaster Wilson Street Secondary Plan, and the C5a (570) Zoning By-law.

These lands should be developed in accordance with the bylaw "Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone". This permits a building with a height of 9 metres, which must also be consistent with the character of the Village. Developments built on that scale would be good planning, have little impact on the infrastructure and contribute to a healthy, safe and prosperous community, in a sustainable manner.

An application like this raises serious technical, practical, environmental, design and economic issues with respect to building height, residential density, massing, privacy, noise, overlook, right-of-way dedications, setbacks, complimentary design that fits in with the character of the existing village core and long-lasting detrimental effects on future growth.

On its own, this development application proposal is NOT considered to be good planning and is an OVERDEVELOPMENT of the site. However, it must be noted that this application combined with the recent application for Official Plan Amendment and Zoning By-Law Amendment for the lands located at 442 to 462 Wilson Street East (ANOTHER OVERDEVELOPMENT only 4 lots away) are to be deemed as 'BAD PLANNING' and will essentially disrupt for years all Ancaster residence. It will prevent visitors from coming to Ancaster permanently to avoid the traffic stress, have negative economic impact on existing businesses in this area of the village core, upset the heart of the community and potentially take away the capacity for future development on Wilson Street for many years.

For this we agree 100% with the staff recommendation that the applications be DENIED.

Regards,  
Dan Faulkner

Sent: Saturday, April 2, 2022 3:47 PM

To: clerk@hamilton.ca

Subject: Re: Comments for the upcoming Public Meeting of the Planning Committee (File No. UHOPA-22-004) (File No. ZAC-22-011)

Greetings,

Please except the following comments and concerns regarding the Urban Hamilton Official Plan Amendment (File No. UHOPA-22-004) and Zoning By-Law Amendment (File No. ZAC-22-011)

I am completely against the development of an 8 story structure in the middle of one of the oldest historic town centres in Canada

Details outlining my opposition to both amendments have been listed below and are respectfully submitted for your consideration.

1.) Low to medium density

The jump from low density (mostly 2 story buildings) to medium density (an 8 story building) strains the definition of what a low to medium density is in the context of Ancaster's historical setting.

2.,) Changing the Zoning By-Law

Clearly the 8 story height violates the bi-law limits. Obviously the builder knows this and doesn't care.

3.) Loss of a quiet neighbourhood setting

Obviously local Ancaster residents in the surrounding neighbourhood will see a dramatic increase in traffic and noise.

A drastic change at night will also occur when bright lights emanating from this massive structure dominate the area.

4.) Historically and Stylistically Inappropriate

Clearly the historical significance of Ancaster will be altered by an oversized modern structure that has no aesthetic or stylistic connection to the town's historical setting. One could argue that this proposal offers more of the same generic style that permeates much of today's "modern" architecture. Those in

favour could argue that opinions on design are very subjective, but what can not be denied in this case is that a large, modern, square shaped building is being forced into an area of small historically significant stone buildings. It simply does not belong.

#### 5.) Motivation not about Densification

One of the main driving forces behind the development of an 8 story building in Ancaster is the mistaken belief by developer Frank Spallacci that the town's 3 story height bylaw is obsolete. What I find particularly upsetting about this developer's rationale is that he uses "the realities of current development needs" (Spallacci's words) as an excuse to override Ancaster's unique historic setting. Clearly densification is not the motivating factor here, but rather an opportunistic approach that exploits Ancaster's beautiful setting.... a setting that will then be dramatically altered once an 8 story building is in place.

#### 6.) Tactical Issue

Though this final point is outside the scope of the Planning Committee, I would like to mention that a number of proposals like this may not succeed on a municipal level and, by design, developers rely on the bias rulings of the Ontario Land Tribunal, where they stand a greater chance. This approach by developers, who override local community concerns and take this course of action, eventually needs to be address.

Chris Asimoudis R.G.D

Sent: Sunday, April 3, 2022 8:47 PM

To: clerk@hamilton.ca

Subject: In opposition to Ancaster amendments

In response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, I OPPOSE THESE AMENDMENTS.

In general this development fails by an extreme to conform to the cultural heritage landscape status of the Ancaster Village.

The plan is in opposition to even the liberal development criteria that are the City's rules.

The proposal is going to lead to further decay in our Village. We grew up here and have watched from a ringside seat how heritage buildings are destroyed by thick of night a la Bandon House.

We need only to look down the road at Dundas, Niagara-On-The-Lake, and Kleinburg. These municipalities have also rebelled against amalgamation but have thrived as historical attractions nonetheless.

Because Ancaster is represented by a developer-friendly councillor, the personality of our old village has rapidly decayed as Lloyd Ferguson has been watching out for us. Ha!

This particular proposal will further destroy the village,

It is nothing short of criminal what is going on here.

--

David Watkins

**Sent:** Sunday, April 3, 2022 5:57 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Ferguson, Lloyd <[Lloyd.Ferguson@hamilton.ca](mailto:Lloyd.Ferguson@hamilton.ca)>

**Subject:** LANDS LOCATED AT 392,398,400,402,406,412 WILSON ST E. and 15 LORNE STREET

Attention: Legislative Coordinator, Planning Committee, City of Hamilton

Dear Sir/Madam

I wish to express my concern for the said re-zoning as we own 2 properties in the immediate proximity to the proposed development, for the following reasons. The traffic congestion as it already exists, is extremely frustrating for all that need to use Wilson Street for business and personal travel. The site is far too small for the number of proposed units, which again will create further traffic problems. We are not new to Ancaster as we have run our own business on Wilson Street East for over 60 years.

We have, ourselves done developing in Ancaster over the years, including, but not limited to (1) County Fair Plaza at 54 Wilson Street West, now known as Fortinos, (2) Ancaster Square located at 109 Wilson Street West, which is a townhouse development, (3) Ancaster Mews at 150 Wilson Street West, which is a LOW RISE condominium building (4) Ancaster Day Care centre at 126 Wilson Street East, so we do know a little bit about the development process.

We are not impressed with the proposal that will impact the Village Core in a negative way, just for the sake of building Density, which correlates to MORE TAX DOLLARS, not to mention DEVELOPMENT FEES We have been able to successfully do these developments without the necessity to ruin the surrounding areas, as we constructed them as per The Town of Ancaster requirements and by-laws. Granted we could have asked for all kinds of variances, as in this case, but we always felt that doing our projects would enhance Ancaster, rather than just FOR PROFIT.

Respectfully submitted

Robert & Arleen Outlaw

2022  
Patrick Bermingham

Dear Mme Clerk:

**Please forward this letter to the Planning Committee for their meeting of April 5<sup>th</sup>, 2022 regarding the Application for Proposed Development at Academy and Wilson Streets in Ancaster, Official Plan Amendment UHOPA -22-004 and Zoning Bylaw Amendment ZAC-22-011. Thank you.**

Dear Planning Committee members:

As a native of Ancaster, I am deeply troubled by the current **eight-storey** development proposed at the intersection of Academy and Wilson streets by Messrs. Spallaci/Manchia which goes far beyond the historical limit of 2.5 stories in Ancaster.

With partners, I am actively involved in the careful preservation and restoration of three buildings in Hamilton 's Gore Park, which we are restoring to life:

1. We have completed a successful conversion of 103 King St East, the previous Capitol Theatre, preserving its entrance and imposing grandeur with an expansive glass facade.
2. We are also beathing new life into two buildings, (62 and 64 King St. East) which were empty for years prior to their purchase in 2017. Our plan to add two storeys to the existing four storeys was met with strong resistance and pushback—even five were discouraged although there is no historical designation on either building and the current regulations allow for six storeys. We are accommodating to these limits.

Of course, there are clear economic advantages to more square footage to rent. However, we accept that these buildings form a part of the city's historic fabric and that their proximity to the Cenotaph requires sensitivity. We do not own the streetscape; we try to fit in to it. We have been careful not to cast a shadow on the cenotaph - not because we absolutely must but because it is the right thing to do.

**Taking into account our own efforts to be sensitive to historical context, why would eight storey buildings be permitted in an 18<sup>th</sup> century village streetscape, if just six storeys do not fit downtown?**

This application suggests two of the most defining aspects of the Village of Ancaster are now to be discarded: HEIGHT and SETBACK.

Ancaster has always had a height limit of 2.5 stories or 9 meters. Height is both one of the most defining characteristics and one of the easiest to regulate. It does not fall prey to the opinions of style, and a height limit defines cities and villages alike. Ancaster has maintained its village character for the past 230 years in large part because of this height limit.

The second feature of the village is the setback of its buildings, which is interwoven with its ancient past. The village was sited at the intersection of three significant first nations pathways. For thousands of years, Wilson Street was a footpath leading to the Mohawk village and Detroit. The houses and buildings that line this ancient pathway are for the most part set back 40 paces from the original path. They define the route and the alignment of thousands of years of history.

In 1793 Ancaster was one of a handful of settlements being considered for the new capital of Upper Canada, By 1800 there was regular mail service between Montreal and Detroit, passing through Ancaster, with a spur line going to Niagara. Hamilton was not in the picture then. The pathway was enlarged to a road, then a wider road, and recently a center lane was added, but the buildings lining the street still define the path to the Mohawk Village. Removing or relocating the Marr-Phillipo house is tantamount to saying that there was never a road here. No one ever passed by this way on their way to Detroit or Montreal. It erases history.

Neighbouring Dundas became a town having three story buildings, but still has managed to maintain the character and fabric of its mercantile past with a largely intact main street, and scrupulously restored (and valuable) heritage housing stock. Hamilton followed suit and became a city with buildings that doubled the height of Dundas.

Ancaster maintained its character not because developers in the past lacked the imagination or finances to exceed the height limits; rather, they respected the streetscape and heritage of one of the first villages in Upper Canada. It's hard to understand why Ancaster does not have a [historic designation district](#) (unlike Waterdown, Dundas, etc.) Of course, cataloging requires resources; responsible planning and prohibiting demolition does not. For the 150<sup>th</sup> anniversary of Canada, there was a laudable effort to [identify buildings standing](#) at confederation. Nearly 200 in Ancaster claim this history: yet two of them were demolished by the developers who then called the empty lots "neglected brownfields".

Who really cares??? Who is harmed by unconstrained development? Every single homeowner and developer who has invested in property in Ancaster Village, built a home or addition and managed to stay within the limits of the bylaws. Every single resident who has chosen to live in a sleepy village and made a long-term investment in the place where they live and send their children to school. Even the auto garage (!) across the street that preserved and repurposed its early 19<sup>th</sup> century building.

A cynic might say, let's erase the historical character of Ancaster and let it be absorbed into the city of Hamilton . Ancaster will not be allowed to maintain the character of its origin. It will no longer be a village or a town, it will simply be an abused back yard of the city of Hamilton.

No, rather I would suggest that true resolution before city council should be the following:

I hope that City council will reconsider the long term impact of destroying the character of Ancaster and recognize both its history and value as a complementary and contrasting streetscape to the core of Hamilton. The proposed Development will not benefit or enhance the Town of Ancaster. It will simply destroy the character and value of the existing homes and buisnesses.

Sent to you with greatest concern,

Patrick Bermingham

**Sent:** Monday, April 4, 2022 9:06 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Manchia/Spallaci development proposal in Ancaster

Dear Councillors of Hamilton,

A 30-year resident of Ancaster, I submit this letter as someone who grew up in a historic town, Alexandria Virginia whose “olde town section” remains a destination for good dining shops and valuable real estate. This town outside Washington retained its touristic, commercial and real estate value BECAUSE it scrupulously maintained the historic built environment—and controlled the height, setback and streetscape and any new **nearby** construction.

The same is true of Yorkville, Georgetown DC, Charleston, Savannah, etc etc. Developers in these historic centers may have wanted to raze two- storey 18th & 19th century buildings to sell 6 or 8 story condos, but the shared cityscape was deemed more important than private profit.

The city of Hamilton should learn from these examples **disallow the Spallaci/Manchia development**—and require them to **rebuild the two pre-confederation buildings** so crassly destroyed to reinstate the historic streetscape that attracted the other thousands of residents.

What’s especially painful about the developers' wanton demolition of two 19th century buildings, is they aimed at the most historic blocks on the high street. A block away sits the stone town hall; two blocks away stand two 19th century stone churches—one spire is visible from the site. Even the automotive garage across the street restored the heritage structure on its site and repurposed it. A plaque claiming Ancaster’s history can be found 500 meters up the street.

*Why did Hamilton not protect this historic streetscape and allow these demolitions?*

Building a kilometer west of the proposed site, which is NOT the historic core would not be opposed for intense infilling if below 3 stories.

The developers have said in interviews that they must build high to make a profit. The city of Hamilton, nor the residents of Ancaster do not owe Manchia/Spallaci a certain multiple of their investment. I am shocked that these two men still live in the town where they have encountered so much angry opposition.

Soon after the Manchia/Spoilacci block’s historic were razed, I often heard regular people bemoan the loss of the village's character—not historians, not architecture junkies, but those who chose to live in a suburb with a past, with a traditional rural high street—with a human-scaled streetscape.

Below are pictures of the two buildings razed in order to make way for the proposed condo site. Both would have been eligible for the **City’s Still Standing project** to commemorate the 150th celebration of Canada—with their red signs.

**"This Building was standing in 1867"**

We need them both back.

Amy Willard-Cross



N va average price 625



From: Patti Leonard  
Sent: Saturday, April 2, 2022 7:09 PM  
To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Cc: Patti Leonard  
Subject: Planning Committee

Dear Mme Clerk:

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I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report, it is most welcome.

1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster's heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

"The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster....."

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this report. Further, if approved and built, it will consume so much of the capacity of locally available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants' reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of "reasonable" that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

## 2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

"The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) during the morning and afternoon peak hours, respectively."

I.e., "during the morning and afternoon peak hours, respectively".

The data cited by the consultants' report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer's Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street.

The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children's playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

### 3) Parking

Based on the City's By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

### 4) Wastewater Disposal

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

#### 5) Hydrocarbons in the Soil

It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

"It's true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

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2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

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The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports."

And in another communication:

"This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report."

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The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

#### 7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,

Patti Leonard

**From:** Bill Vandermarel  
**Sent:** Sunday, April 3, 2022 5:09 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Planning Committee

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William & Marta Vandermarel

From: Lucy Bower  
Sent: Sunday, April 3, 2022 11:52 AM  
To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Cc: Lucy Bower  
Subject: Fwd: Planning Committee

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Ancaster Village deserves better.

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The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

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## 2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

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According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

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Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

"It's true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports."

And in another communication:

"This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report."

#### 6) Noise Study

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

#### 7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,  
Lucy Bower

**From:** Marion Spicer

**Sent:** Saturday, April 2, 2022 11:45 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Manchia/Spallaci application for the proposed development and moving the Marr-Phillipo House at Wilson and Academy Streets in Ancaster

To Who It May Concern,

I am writing to voice my strong opposition to the proposed Manchia/Spallaci development at Academy and Wilson Streets in Ancaster. There are so many reasons why this particular development project should not happen. It is aesthetically unsuitable to the surrounding community and will ruin the very charm that draws people to the village of Ancaster. It is too large for the village, violates the building height restriction bylaw of Ancaster's Secondary Plan, and will exacerbate an already terrible traffic situation. Moving the Marr-Phillipo House will further diminish the historical integrity of Ancaster, the 3rd oldest community in Ontario. Any structures built in the Ancaster village should reflect and compliment the existing sensibilities of the community. The Manchia/Spallaci proposal does the opposite; it is an abomination and an insult to the past, present and future people of Ancaster and the City of Hamilton. Wouldn't it be better to build something like this where there is proper infrastructure to support it (along the proposed LRT route for example) and where it actually fits in with its surroundings?

The current municipal government would have us believe that there are only two options for development in Hamilton: urban sprawl or intensive infill. Surely there is some ground in between these two extremes. There has to be an architecturally appropriate solution to increasing housing availability and retail space in a community without destroying it's goodness and appeal. Otherwise, what's the point? It's time to stop making decisions based on expediency. We need to get creative with development proposals that honour and celebrate our past while anticipating our future needs as a community. The Manchia/Spallaci development proposal for the village of Ancaster is unimaginative, lazy and self-serving. We should build projects that further our pride in our communities. If this proposal is allowed to be built, it will lead only to regret and shame for the City of Hamilton.

I am a seventh generation Ancestrian and I am so grateful to the people, who came before me, who stood up successfully for the historical charm and integrity of Ancaster. Once our heritage is destroyed by inappropriate overdevelopment, it is gone forever. Do you really want that to continue to happen on your watch? I sure don't. I hate to think that we can't preserve what is left of Ancaster's historical legacy for future generations.

Please do not approve the Manchia/Spallaci application for the development project proposed for the corner of Wilson and Academy Streets in Ancaster.

Thank you for your consideration,

Nell Farmer Spicer

From: pada venus

Sent: Sunday, April 3, 2022 5:35 PM

To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Sir/Madam:

We are writing this as concerned community citizens respecting the Application for Official Plan Amendment & Zoning By-Law Amendment for 392, 398, 400, 402, 406, 412 Wilson Street and 15 Lorne Ave., Ancaster. We appreciate this opportunity to share our perspective and reasoning in opposition to this application for consideration by the Planning Committee.

The proposed application is disturbing to the extent that this development completely ignores existing bylaws and zoning restrictions. It is offensive in that it ignores the Cultural Heritage Landscape Status. In short, the building's looming height over the rest of the town (3 times higher than what is currently permissible under the Ancaster Wilson Street Secondary Plan), massive size, appalling nondescript, cheap, design would be a scarring, and sadly permanent eyesore on the townscape.

Furthermore, rather than creating development in tune with the lower rooftops and historic references of the town, this development undermines potential economic gains in promoting Ancaster as a historic "escape from the city", a respite surrounded by Conservation for tourism. Should a development of this kind proceed, it would permanently destroy "historic" development potential and consequent economic gains, as experienced by communities who have maximized their unique strengths such as Niagara-on-the-Lake. It is very sad that there is not a better vision for this land, a vision which would develop its potential responsibly and for the benefit economically of existing and future town businesses. A recent example of such a positive development was the neighbouring Barracks Inn. Furthermore, integrating the Marr-Phillipo house into a new development, rather than hiding it behind the proposed eyesore would have respected the historic legacy of Ancaster. No relocation of the house should be entertained until all of the Environmental Site Assessment preconditions have been satisfied, discussed and evaluated.

Traffic, is, of course another problem, with backups occurring daily during commuter times to work and home, and being a full stop on Wilson St. whenever the Highway 403 or eastbound Lincoln Alexander Parkway experience serious accidents. A development of this size would only aggravate this problem, which at present, has no other solution.

We fully support the refusal of this application, and hope that future applications are more thoughtful and respectful of current development restrictions.

Thank you for your consideration.

Yours truly,

Pat Venus  
David Venus

Ancaster

**Sent:** Sunday, April 3, 2022 8:35 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Dear Clerk,

I recently received a letter regarding a Public Meeting of the Planning Committee on April 5, 2022, in regards to the proposed development at the above lands. I am writing in response to the above development application. I object to it. I have already contacted the City of Hamilton (Tim Vrooman) in February to voice significant concerns with this proposal. My concerns remain unchanged. Below please find a copy of the email that I sent in February.

I am writing in strong opposition to the proposed 8 story "mixed use" development at Academy and Wilson Street East in Ancaster; reference: "Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)".

I am a lifelong resident of Ancaster. I live directly across the street from the site of the proposed development. My community and I would be significantly negatively impacted if it were built.

I have a number of concerns regarding this proposed development.

Traffic along Wilson Street and Rousseaux appears to be already near or at capacity. At peak travel times, I have observed traffic to be backed up and long lines of traffic (up to several kilometers) extend both up and down Wilson Street and down Rousseaux Street. During rush hour it can be almost impossible to make a left hand turn out of my driveway onto Wilson Street East. This congestion is further exacerbated when an accident on the 403 drives additional traffic onto either or both of these roads. The streets in my neighbourhood are, without question, not designed to accommodate the large volume of traffic that would ensue if the proposed development was allowed.

I understand that, according to the Wilson Street Secondary Plan, buildings can be a height of 9 m only and must be consistent with the character of the existing neighbourhood. I have seen pictures of the proposed development. The proposed new 8 storey building clearly exceeds these height restrictions and certainly is not in character with the buildings in my neighbourhood and the Ancaster Village core, which includes a number of heritage and historic buildings. It would be a gross overdevelopment of this site and would change the character of the area substantially.

I have environmental concerns regarding this proposal. I am not aware of evidence of adequate waste water pipe capacity for this area. The addition of large buildings may also negatively impact the natural watershed, including Ancaster creek.

I understand that the Niagara Escarpment Commission does not support this development and that the proposal does not comply with the Niagara Escarpment Plan (NEP). Apparently the Urban Hamilton Official Plan (UHOP) requires NEP conformity - therefore, as the NEP does not support the proposal, the UHOP also cannot support it. I have personally witnessed at least three huge, beautiful, environmentally relevant mature trees being cut down at this property, far in advance of any actual development. Green space around my neighbourhood - a vitally important part of my community, for environmental and a multitude of other reasons - has already been destroyed in the past 5 years with development, and I have sadly observed a number of mature trees destroyed to accommodate new buildings. I oppose further decimation of green space in my community. I would think that removing any more trees at the proposed new development site would also violate the city's Climate Emergency Plan.

For the above reasons, I request that this proposed development be stopped.

**I expressly request that the City remove my personal information from my submission.**

Sincerely,

Jessica Laposa

**From:** Veronica Watkins

**Sent:** Sunday, April 3, 2022 10:19 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392,398,400,406, and 412 Wilson St. East and 15 Lorne Avenue, Ancaster.

I write in response to this development application.

Please do not let the integrity and character of Ancaster's village core be destroyed. It is one of the earliest European settlements in Ontario.

We are building a beautiful theatre and have many viable businesses that have thoughtfully used existing structures or built to fit in with the historical street scape.

There are many reasons why this proposed structure must not proceed, as outlined in a letter penned by Bob Maton, president of Ancaster Village Heritage Community.

With more thought, consideration and perhaps a more talented architect, there is an opportunity for a better design. One that will attract tax paying tourists as well as business and residential tenants with a desire to live and work in a beautiful and well planned community.

It's time to go back to the drawing board and come up with a proposal that everyone can live with.

**From:** Klaas Detmar  
**Sent:** Saturday, April 2, 2022 8:52 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** My Vision for Ancaster

Village Core Park at Academy and Wilson

Dear City Clerk of Hamilton: I would like to comment on the proposed zoning changes by a developer for the property bordering Academy Street, Lorne Ave and Wilson Street in the Village Core of Ancaster. The existing buildings, whether old or new, conform to a 2 1/2 storey height restriction and now the builders of the proposed site are asking to put up an eight storey, massive structure encompassing 6 lots. This is an affront to all the citizens of Ancaster.

Why are certain builders so driven to snatch up every parcel of land in Ancaster and want to turn it into a monstrosity? They seem oblivious to the fact that most Ancasterites like large open spaces with plenty of trees; the very reason the zoning requirements are what they are. I say to them respectfully, Please... take your dreams to another community. Ancaster can do very well without you.

This parcel of land would be perfect for a Village Core Park. It would be for everyone to enjoy, especially visitors to our new Arts Center. This is the vision that would inspire creativity and goodwill.

Therefore, I would recommend City Councilors to deny this proposed development and reach for a higher calling for the residents of Ancaster, a vision upon which Ancaster was founded over 200 years ago.

Yours truly,  
Klaas Detmar

From: Jennifer Asimoudis  
Sent: Monday, April 4, 2022 11:31 AM  
To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Subject: Re: Proposed Urban Hamilton Official Plan & Zoning By-law Amendment (ward 12) Ancaster

Re: An Urban Hamilton Official Plan Amendment & Zoning By-law Amendment for 392.398, 400, 402, 406, & 412 Wilson Street East and 15 Lorne Avenue, Ancaster (Ward 12)

To The Planning Committee,

There has been much development in Ancaster since my family moved to the area twenty years ago. During that time, many positive changes have taken place which have provided both residential and commercial development and welcomed amenities.

It is my concern, however, that the recent approach by developers in Ancaster has been to flout the laws put in place to protect and preserve the historical character and esthetical appeal of the town and village core. No one is against further development that will aid in the growth and economic success of this ward of the city, but this development should not be at the expense of our cultural and historical heritage.

The larger size of the now eight story building, which is more than double the legally protected three story height of the village core, is out of sync with the streetscape and its historical distinctiveness. Wilson Street is on an incline and this eight story tower will seem even more looming and massive as it is approached from the intersection at Rousseaux Street. As well, the street is a two-lane road, not a four-lane one, and the increased traffic from this large proposed mixed-density building on such a narrow main street will be horrendous. The sheer scale of this building and high-rise density, together with the one proposed for the former Brandon House site, will create congestion and traffic problems for Ancaster residents and detract from the quaintness and village feel of the area.

Secondly, the proposed architectural building design and removal of the Marr-Phillipo House from its original place to a back street is again a snub of Ancaster's historical role as one of only a few places in Ontario with a collection of stone buildings covering over a hundred year time period. With some of those buildings already destroyed, it is imperative that we save this piece of history. This is why retaining it in full view of the village core should be a major consideration. After remediation of the area beneath it, it should be incorporated into the design of the new structure, lending its architectural features and stonework from the area to the overall design of the new build and commercial space. In that way, the streetscape will have a continuous flow of stonework, historically as well as presently, characteristic of many Ancaster houses in the area.

I am therefore against the amendments being considered and ask that the builder be required to work within the height restrictions currently protecting Ancaster's village core as well to preserve and incorporate Ancaster's historical stone structures into the village landscape.

Thank you.

Jennifer Asimoudis

**From:** Gail Lazzarato

**Sent:** Monday, April 4, 2022 11:54 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Response to Application for Official Plan Amendment and Zoning By-Law Amendment for lands located at 392,398,400,402,406 and 412 Wilson Street

Good Morning

Regarding the application for the above development

Here are my reasons why this should not go through. I will keep it short so I can get it composed before the deadline.

Height is in excess of by-law

Heritage architecture for the street scape is not followed...this is a massive ugly artist concept

Infrastructure cannot sustain it and all the other development proposed for this village core

Traffic will be unbelievable...we are almost at capacity now

Marr-Phillipo house being relocated is a joke....sticking a heritage building at the back of the property is disgusting. If there are 17 conditions to moving it there should be an 18th which would require the house to be disassembled and numbered and rebuilt like they did the hermitage with a 2 million dollar penalty if not achieved, and not relocated to the back of the property, it should be incorporated into the streetscape.

Thank you

Gail Lazzarato

Mr. E. Tim Vrooman, City of Hamilton  
 Planning and Economic Development Dept.  
 Development Planning, Heritage and Design – Suburban Team  
 71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Hello Mr. Vrooman:

**Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.**

I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report, it is most welcome.

1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster's heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

“The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster....”

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#### 5) Hydrocarbons in the Soil

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“It’s true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

6) Noise Study

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,

Bob Maton PhD, President  
Ancaster Village Heritage Community

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**From:** Kelly Pearce  
**Sent:** Monday, April 4, 2022 11:26 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Cc:** Sandy Shaw  
**Subject:** Ancaster Village Planning Committee

Dear Mme Clerk:

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report, it is most welcome.

**I have read the concerns sent to you by Patti Leonard and would like to replicate the concerns of which I am knowledgeable and I feel most strongly need addressing.**

#### **1) General Comments Regarding Architectural Style of This Application**

**As a supporter of "Stop the Sprawl" Hamilton, I know that if we want to preserve our farmland and surrounding wetlands then we need to find space within current city limits. So I am in favour of this idea, HOWEVER, there are some aspects that must be addressed before the project moves forward:**

It fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

"The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster....."

Ancaster Village deserves better.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of "reasonable" that it is inconceivable that it might be built.

## 2) Traffic

What about creating a "Brantford-Bound" entrance at the end of Rousseaux/Mohawk? This would help keep south-bound traffic out of Ancaster Village.

## 3) Wastewater Disposal

This is SO SO SO important as city population grows. We need to have proper plans so flooding is avoided.

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

## 4) Conclusions

In conclusion, this development should be **postponed until the above mentioned issues are accounted for, in a manner that puts the future of Ancaster above developer's profits**. Any application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,

Kelly Pearce

**From:** Linda Friend  
**Sent:** Sunday, April 3, 2022 10:51 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Ancaster Growth and Development

To Whom it may Concern,

This letter is in support of the report written by Bob Maton of the Ancaster Village Heritage Community. Please refer to it as a support of the concerns over the plans for the development proposed by developers.

Further to the report I would like to add a concern of the interests of those whom live, go to school, Church and use all the wonderful well thought out amenities Ancaster offers. My husband and I chose to live here well over forty years ago. We have witnessed thoughtful growth and growth in the name of profit to those who do not reside in Ancaster.

The planned development fits into the later. Our village was settled over one hundred and fifty years ago. It has character and charm however it is being overwhelmed by building that does not "fit" our community.

PLEASE study Bob Maton's report. Listen to the people that have contacted you regarding the development. There are many of us that object to the proposals. Listen to those of us who make Ancaster their home.

Yours respectfully,

Linda Friend and Terry Pearce



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That approval be given to **City Initiative CI 22-C for modifications and updates to the City of Hamilton Zoning By-law No. 05-200** on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Draft Rural Hamilton Official Plan Amendment No.\_\_\_\_ (Appendix “B” attached to Report PED22047);
  - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow:

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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: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 2 of 9**

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Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;

- (b) That approval be given to **City Initiative CI 22-C for modifications to the Town of Ancaster Zoning By-law No. 87-57** on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (c) That approval be given to **City Initiative CI 22-C for updates to the Town of Flamborough Zoning By-law No. 90-145-Z** on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (d) That approval be given to **City Initiative C1 22-C for updates to the City of Hamilton Zoning By-law No. 6593** on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as By-law No. 21-249 is in force and effect;

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 3 of 9**

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- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED22046, for enactment by Council, once By-law No. 21-249 is in force and effect;
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iv) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (e) That approval be given to **City Initiative CI 22-C for updates to the City of Stoney Creek Zoning By-law No. 3692-92** on the following basis:
- (i) That the Draft By-law, attached as Appendix “E” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017.

## **EXECUTIVE SUMMARY**

Staff regularly monitor City of Hamilton Zoning By-law No. 05-200 and the former municipal Zoning By-laws and where necessary, bring forward amendments to ensure the By-laws remain up-to-date and any clarification and interpretation issues are resolved. Staff propose five separate Zoning By-law Amendments:

- To the City of Hamilton Zoning By-law No. 05-200;
- To the Town of Ancaster Zoning By-law No. 87-57;
- To the Town of Flamborough Zoning By-law No. 90-145-Z;
- To the former City of Hamilton Zoning By-law No. 6593; and,
- To the City of Stoney Creek Zoning By-law No. 3692-92.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 4 of 9**

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The purpose of the amendments to the City of Hamilton Zoning By-law No. 05-200 are:

- To amend certain by-law administration regulations;
- To amend certain existing definitions;
- To correct inconsistencies in terminology and structure;
- To amend certain regulations to reflect best practices as a result of by-law implementation and monitoring;
- To correct inconsistencies in terminology, numbering, and structure in Schedule “C” - Special Exceptions, Schedule “D” - Holding Provisions, and Schedule “F” - Special Figures; and,
- To propose ten mapping changes.

The purpose of the amendment to Ancaster Zoning By-law No. 87-57 is to modify a regulation in the Existing Residential “ER” Zone to specify that the one metre unobstructed area required in the side and rear yards may be traversed by a fence and / or gate.

The purpose of the amendments to the Flamborough Zoning By-law No. 90-145-Z and Stoney Creek Zoning By-law No. 3692-92 are to correct mapping errors.

The purpose of the amendment to City of Hamilton Zoning By-law No. 6593 is to implement technical variances.

The proposed amendments are discussed in the Analysis and Rationale for Recommendation section of this Report.

### **Alternatives for Consideration – See Page 8**

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

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 5 of 9**

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## **HISTORICAL BACKGROUND**

Zoning By-law No. 05-200 is intended to be a “living document” which is monitored and amended on an on-going basis. Zoning staff continue to work with Development Planning, Zoning and Committee of Adjustment, and Building Division staff, as well as other stakeholders, to identify any general text and mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law. The purpose of this Report is to bring forward an amending By-law to make the necessary revisions, including text and mapping amendments (see Appendix “A” attached to Report PED22046).

On the same basis, amendments have also been identified to the Town of Ancaster Zoning By-law No. 87-57, the Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92 (see Appendix “B”, “C”, “D”, and “E” attached to Report PED22046).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended (Growth Plan) and the Greenbelt Plan (2017). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan.

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 approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

Based on the foregoing, it is staff’s opinion that these amendments are:

- Consistent with the Provincial Policy Statement (2020);
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- Conform to the Greenbelt Plan (2017).

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 6 of 9**

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## **Official Plan**

The modifications and updates proposed to City of Hamilton Zoning By-law No. 05-200 are in conformity with the Urban Hamilton Official Plan. Report PED22047 includes housekeeping amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan. Report PED22047, a separate housekeeping report for the Urban Hamilton Official Plan and Rural Hamilton Official Plan, includes amendments to the Rural policies to replace the definition “Agricultural Brewery/Cidery/Winery” with “Agricultural Alcohol Production Facility”. The modifications proposed for Zoning By-law No. 05-200 will implement the same changes to the definitions by replacing the definition “Agricultural Brewery/Cidery/Winery” with “Agricultural Alcohol Production Facility” and introducing distillation as a permitted production method within the new definition. The modifications to Zoning By-law 05-200 will be in conformity with the Rural Hamilton Official Plan upon approval of Draft Rural Hamilton Official Plan Amendment No.\_\_\_\_ which is incorporated as Appendix “B” attached to Report PED22047.

The extent of modifications and updates to Ancaster Zoning By-law No. 87-57, Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and Stoney Creek Zoning By-law No. 3692-92 are minor in nature and in conformity with the Urban Hamilton Official Plan.

Therefore, the proposed modifications comply with the policies of the Urban Hamilton Official Plan and Rural Hamilton Official Plan upon approval of the Official Plan Amendment incorporated as Appendix “B” attached to Report PED22047.

## **RELEVANT CONSULTATION**

Consultation has been undertaken with staff in Development Planning, Zoning and Committee of Adjustment, and Growth Management to determine the necessary updates and revisions required to Zoning By-law No. 05-200 and the former Community Zoning By-laws.

Notice of the proposed amendments was posted in the Hamilton Spectator on March 17, 2022.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 7 of 9**

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## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### 1. Zoning By-law No. 05-200 Amendments

The following sections of City of Hamilton Zoning By-law No. 05-200 are to be amended, as described in detail in Appendix “A1” and “A2” attached to Report PED22046:

- **Section 1**  
(Administration)
  - To modify and update regulations for Legal Non-Conforming Uses and Transitional Provisions.
- **Section 3**  
(Definitions)
  - To modify existing definitions and update terminology; and,
  - To provide further clarity of the intent of certain definitions.
- **Section 4**  
(General Provisions)
  - To modify existing provisions and update terminology; and,
  - To provide further direction regarding the intent of certain regulations.
- **Section 5**  
(Parking Regulations)
  - To modify and update the parking regulations for the C5, C5a and TOC Zones to correct inconsistencies and to add parking requirements that were omitted in error.
- **Section 9**  
(Industrial Zones)
  - A technical change to update terminology.
- **Section 10**  
(Commercial and Mixed Use Zones)
  - A technical change to correct terminology.
- **Section 12**  
(Rural Zones)
  - A technical change to update terminology.
- **Schedule “C”**  
(Special Exceptions)
  - To make technical changes to correct special exception numbers, remove duplicate special exceptions, numbering within special exceptions, and special figure references;
  - To update terminology;
  - To add a use to an existing special exception;
  - To add a property to an existing special exception;
  - To remove a property from an existing special exception; and,
  - To introduce three new special exceptions.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 8 of 9**

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- **Schedule “D”**  
(Holding Provisions)
  - To make technical changes to two holding provisions; and,
  - To introduce a new holding provision.
- **Schedule “F”**  
(Special Figures)
  - To make technical changes to correct special figure references.
- **Mapping Amendments**
  - To correct zone boundary delineation;
  - To update zoning by adding properties to Zoning By-law No. 05-200; and,
  - To introduce two new special exceptions.

## 2. Amendments to Former Community Zoning By-laws

The purpose of the amendment to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law is to permit a fence or gate to traverse the required one metre unobstructed area in the side yard and rear yard of “ER” zoned properties, provided the functionality of a swale is not compromised should it be located within this one metre area. See Appendix “B1” attached to Report PED22046.

The purpose of the amendment to City of Hamilton Zoning By-law No. 6593 is to implement site specific technical variances that were omitted in error at the Zoning By-law Amendment stage to issue site plan approval. See Appendix “D1” attached to Report PED22046.

The amendments to the Town of Flamborough and City of Stoney Creek Zoning By-laws are to correct zoning errors. See Appendix “C1” and “E1” attached to Report PED22046.

## ALTERNATIVES FOR CONSIDERATION

If the proposed By-law Amendments are not approved, inconsistencies in the interpretation and Application of the Zoning By-laws may occur.

## ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

### Economic Prosperity and Growth

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

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 9 of 9**

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**Clean and Green**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" – Draft City of Hamilton Zoning By-law No. 05-200 Amendment
- Appendix "A1" – Summary of Proposed Modifications to City of Hamilton Zoning By-law No. 05-200
- Appendix "A2" – Summary of Proposed Amendments to City of Hamilton Zoning By-law No. 05-200
- Appendix "B" – Draft Town of Ancaster Zoning By-law No. 87-57 Amendment
- Appendix "B1" – Summary of Proposed Amendments to Town of Ancaster Zoning By-law No. 87-57
- Appendix "C" – Draft Town of Flamborough Zoning By-law No. 90-145-Z Amendment
- Appendix "C1" – Summary of Proposed Amendments to Flamborough Zoning By-law No. 90-145-Z
- Appendix "D" – Draft City of Hamilton Zoning By-law No. 6593 Amendment
- Appendix "D1" – Summary of Proposed Amendments to City of Hamilton Zoning By-law No. 6593
- Appendix "E" – Draft City of Stoney Creek Zoning By-law No. 3692-92 Amendment
- Appendix "E1" – Summary of Proposed Amendments to Stoney Creek Zoning By-law 3692-92

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

**Authority:** Item  
Report: 22- (PED22046)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 05-200 respecting modifications and updates to the Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Zoning Maps, Special Exceptions, Holding Provisions, and Special Figures**

**WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on April 5, 2022;

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

**AND WHEREAS** this By-law conforms to the Rural Hamilton Official Plan upon the adoption of Rural Hamilton Official Plan Amendment No. \_\_\_\_\_

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended, the boundaries of which are shown on a plan hereto annexed as Schedules "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", "A-7", "A-8", "A-9", and "A10" to this By-law, as follows:
  - 1.1 That Map 79 is amended by changing the zoning from the Conservation / Hazard Land – Rural (P7) Zone to the Settlement Residential (S1) Zone for the lands located at 19 McDonald Street, attached as Schedule "A-1" to this By-law;
  - 1.2 That Map 1052 is amended by adding the Open Space (P4) Zone and the Conservation / Hazard Land (P5) Zone and changing the zoning from the Open Space (P4) Zone to the Conservation / Hazard Land (P5) Zone for the

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

- lands known as Green Millan Shore Estates, Stoney Creek, attached as Schedule "A-2" to this By-law;
- 1.3 That Maps 1483 and 1530 are amended by changing the zoning from the General Business Park (M2, 451, 678) Zone to the General Business Park (M2, 678, 767) Zone for the lands located at 1295 Cormorant Road, Ancaster, attached as Schedule "A-3" to this By-law;
  - 1.4 That Map 1184 is amended by adding the lands located at 171 Mohawk Road East, Hamilton, to Zoning By-law No. 05-200 and establishing the Neighbourhood Commercial (C2) Zone, attached as Schedule "A-4" to this By-law);
  - 1.5 That Map 106 is amended by adding lands located at 65 Oak Avenue, Flamborough, to Zoning By-law No. 05-200 and establishing the Settlement Residential (S1) Zone, and the Settlement Residential (S1, H125) Zone, attached as Schedule "A-5" to this By-law;
  - 1.6 That Map 860 is amended by changing the zoning from the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone for the lands located at 112 King Street West, Dundas, attached as Schedule "A-6 to this By-law;
  - 1.7 That Maps 1291 and 1292 are amended by adding lands located at 389, 391, and 427 Limeridge Road East, Hamilton, to Zoning By-law No. 05-200 and establishing the Neighbourhood Institutional (I1, 776) Zone, and changing the zoning from the Mixed Use Medium Density (C5) Zone, to the Neighbourhood Institutional (I1, 776) Zone for a small portion of the lands, attached as Schedule "A-7" to this By-law;
  - 1.8 That Map 1150 is amended by changing the zoning from the Community Commercial (C3, 579) Zone to the Community Commercial (C3) Zone for the lands located at 821 – 825 North Service Road, Stoney Creek, attached as Schedule "A-8" to this By-law;
  - 1.9 That Map 1256 is amended by changing the zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 375) Zone, for the lands located at 333 McNeilly Road, Stoney Creek, attached as Schedule "A-9" to this By-law; and,
  - 1.10 That Maps 25 and 35 are amended by changing the zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 778)

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

Zone for a portion of the lands located at 1609 & 1611 Brock Road, Flamborough, attached as Schedule "A-10" to this By-law.

2. That SECTION 1: ADMINISTRATION of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "A" of this By-law;
3. That SECTION 3: DEFINITIONS of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "B" of this By-law;
4. That SECTION 4: GENERAL PROVISIONS of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "C" of this By-law;
5. That SECTION 5: PARKING of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "D" of this By-law;
6. That SECTION 9: INDUSTRIAL ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "E" of this By-law;
7. That SECTION 10: COMMERCIAL AND MIXED USE ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "F" of this By-law;
8. That SECTION 12: RURAL ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "G" of this By-law;
9. That SCHEDULE "C" – Special Exceptions of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "H" of this By-law;
10. That SCHEDULE "D" – Holding Provisions of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "I" of this By-law;
11. That Schedule "F" – Special Figures of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix "J" of this By-law;
12. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*;
13. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by Sections 34 and 36 of the *Planning Act*; and,
14. That this By-law comes into force in accordance with Sections 34 and 36 of the *Planning Act*.

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

**PASSED** this \_\_\_\_\_, 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 22-C

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

<b>Appendix “A” – Section 1: Administration</b>		
<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<small>Grey highlighted strikethrough text = text to be deleted</small>		<small><b>bolded text</b> = text to be added</small>
1.11c)i)	<p>In addition to Section 1.11 c), the repair, restoration, or replacement of an existing porch, deck, balcony, unenclosed fire escape, or open stair of an existing Single Detached, Semi-Detached, or Duplex Dwelling shall be permitted, provided that such repair, restoration, or replacement will not increase the height, area or volume, or site coverage of such structure.</p>	<p>In addition to Section 1.11 c), the repair, restoration, or replacement of an existing porch, deck, balcony, unenclosed fire escape, or open stair of an existing Single Detached, Semi-Detached, or Duplex Dwelling shall be permitted, provided that such repair, restoration, or replacement will not increase the height, area or volume, or site coverage of such structure.</p>
1.12 b)	<p>Within the C1 to C7 Zones, a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. 17-240 was passed by Council, provided the Building Permit Application complies with the Zoning By-law that affected the lot before By-law No. 17-240 came into effect. For the purposes of determining zoning conformity the following shall apply:</p> <p>i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection b) above.</p> <p>ii) Once the permit or approval under Subsection b) above, has been granted, the provisions of this By-law</p>	<p>Within the C1 to C7 Zones, a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. 17-240 was passed by Council, provided the Building Permit Application complies with the Zoning By-law that affected the lot before By-law No. 17-240 came into effect. For the purposes of determining zoning conformity the following shall apply:</p> <p>i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection b) above.</p> <p>ii) Once the permit or approval under Subsection b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</p>

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "A" – Section 1: Administration		
Section	Proposed Change	Proposed Revised Zone Regulation
	<del>Grey highlighted strikethrough text</del> = text to be deleted	<b>bolded text</b> = text to be added
	apply in all other respects to the land in question.	



To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "B" – Section 3: Definitions		
Term	Proposed Change	Proposed Revised Zone Regulation
<del>Grey highlighted strikethrough text</del> = text to be deleted		<b>bolded text</b> = text to be added
	<b>Agricultural Alcohol Production Facility</b> or processing of cannabis products.	Facility or processing of cannabis products.
Alcohol Production Facility	Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> , Beverage Making Establishment or Microbrewery.	Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an Agricultural Alcohol Production Facility, Beverage Making Establishment or Microbrewery.
Major Recreation Vehicle Sales and Service Establishment	Shall mean the use of land, building or structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include but not be limited to the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle <del>Sales and Service Establishment</del> <b>Dealership</b> .	Shall mean the use of land, building or structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include but not be limited to the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle Dealership.
Motor Vehicle Service Station	Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical	Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "B" – Section 3: Definitions		
Term	Proposed Change	Proposed Revised Zone Regulation
	Grey highlighted strikethrough text = text to be deleted	<b>bolded text</b> = text to be added
	parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle <b>Dealership</b> <del>Sales and Service Establishment</del> , or a Motor Vehicle Wrecking Establishment.	undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Dealership, or a Motor Vehicle Wrecking Establishment.
Planting Strip	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include <b>charging stations, walkways, and sidewalks, and charging stations</b> unless a walkway or sidewalk traverses the planting strip to provide access to the site.	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include charging stations, walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

<b>Appendix “C” – Section 4: General Provisions</b>		
<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text</b> = text to be added
4.8a)	Unless otherwise provided for in this By-law, Accessory Buildings shall not be used for <del>human habitation</del> <b>as a dwelling unit.</b>	Unless otherwise provided for in this By-law, Accessory Buildings shall not be used as a dwelling unit.
4.17	All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time. <b>No projections shall be permitted beyond this maximum height.</b>	All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time. No projections shall be permitted beyond this maximum height.
4.21e)	A home business within a Dwelling Unit, <b>Mixed Use</b> <del>(s) in conjunction with a Commercial Use</del> shall not be permitted.	A home business within a Dwelling Unit, Mixed Use shall not be permitted.
4.23d)	All buildings or structures located on a property shall <del>have a minimum</del> <b>be setback a minimum of 7.5 metres from a P5, P7 and P8 Zone boundary, which is determined by flood and fill line mapping as prepared by the Conservation Authority having jurisdiction and amended from time to time.</b>	All buildings or structures located on a property shall have a minimum setback of 7.5 metres from a P5, P7 and P8 Zone boundary, which is determined by flood and fill line mapping as prepared by the Conservation Authority having jurisdiction and amended from time to time.

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

Appendix "D" – Section 5: Parking			
Section	Proposed Change		Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
5.6 c)	<u>Column 1</u>	<u>Column 2</u>	<u>Column 1</u>
	<b>i. Residential Uses</b>		<b>i. Residential Uses</b>
	Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Dwelling Unit	1 per unit.	Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Dwelling Unit
	Dwelling Unit and Dwelling Unit, Mixed Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones)  (By-law No. 16-264, October 12, 2016) <b>(NOT FINAL AND BINDING</b> By-law No. 17-240, November 8, 2017) (By-law No. 21-189, October 13, 2021)		Dwelling Unit and Dwelling Unit, Mixed Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones)  (By-law No. 16-264, October 12, 2016) <b>(NOT FINAL AND BINDING</b> By-law No. 17-240, November 8, 2017) (By-law No. 21-189, October 13, 2021)
i) Dwelling Units less than 50.0 square metres in gross floor area	0.3 per unit.	i) Dwelling Units less than 50.0 square metres in gross floor area	0.3 per unit.
ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum.	Maximum.	ii) Dwelling Units greater than 50.0 square metres in gross floor area Minimum. Maximum.

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

Appendix "D" – Section 5: Parking						
Section	Proposed Change			Proposed Revised Zone Regulation		
	1 – 3 units	0.3 per unit.	1.25 per unit.	1 – 3 units	0.3 per unit.	1.25 per unit.
	4 – 14 units	0.7 per unit.	1.25 per unit.	4 – 14 units	0.7 per unit.	1.25 per unit.
	15 – 50 units	0.85 per unit.	1.25 per unit.	15 – 50 units	0.85 per unit.	1.25 per unit.
	51+ units	1.0 per unit.	1.25 per unit.	51+ units	1.0 per unit.	1.25 per unit.
	Multiple Dwelling, Street Townhouse Dwelling	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit. (NOT FINAL AND BINDING By-law No. 17-240, November 8, 2017)		Multiple Dwelling, Street Townhouse Dwelling	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit. (NOT FINAL AND BINDING By-law No. 17-240, November 8, 2017)	
	Multiple Dwelling (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones) (By-law No. 16-264, October 12, 2016) (NOT FINAL AND BINDING By-law No. 17-240, November 8, 2017)			Multiple Dwelling (Commercial and Mixed Use (C5) Zone and all Transit Oriented Corridor Zones) (By-law No. 16-264, October 12, 2016) (NOT FINAL AND BINDING By-law No. 17-240, November 8, 2017)		
	i) Dwelling Units less than 50.0 square metres in gross floor area	Minimum	Maximum	i) Dwelling Units less than 50.0 square metres in gross floor area	Minimum	Maximum
		0.3 per unit.	1.25 per unit.		0.3 per unit.	1.25 per unit.

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

Appendix "D" – Section 5: Parking						
Section	Proposed Change			Proposed Revised Zone Regulation		
	ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum	Maximum	ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum	Maximum
	1 – 14 units	0.7 per unit.	1.25 per unit.	1 – 14 units	0.7 per unit.	1.25 per unit.
	15 – 50 units	0.85 per unit.	1.25 per unit.	15 – 50 units	0.85 per unit.	1.25 per unit.
	51+ units	1.0 per unit.	1.25 per unit.	51+ units	1.0 per unit.	1.25 per unit.

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

<b>Appendix "E" – Section 9 – Industrial Zones</b>		
<b>Section 9.8 – Airport Related Business (M8) Zone</b>		
<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text</b> = text to be added
9.8.1	<p>PERMITTED USES</p> <ul style="list-style-type: none"> <li>• Catering Service</li> <li>• Commercial Motor Vehicle Sales, Rental and Service Establishment</li> <li>• Commercial Parking Facility</li> <li>• Conference or Convention Centre</li> <li>• Equipment and Machinery Sales, Rental and Service Establishment</li> <li>• Financial Establishment</li> <li>• Hotel</li> <li>• Labour Association Hall</li> <li>• Motor Vehicle Rental Establishment</li> <li>• Motor Vehicle Service Station</li> <li>• Motor Vehicle <del>Dealership Sales and Service Establishment</del></li> <li>• Motor Vehicle Washing Establishment</li> <li>• Personal Services</li> <li>• Restaurant</li> <li>• Retail</li> <li>• Transportation Depot</li> <li>• Trade School</li> </ul>	<p>PERMITTED USES</p> <ul style="list-style-type: none"> <li>• Catering Service</li> <li>• Commercial Motor Vehicle Sales, Rental and Service Establishment</li> <li>• Commercial Parking Facility</li> <li>• Conference or Convention Centre</li> <li>• Equipment and Machinery Sales, Rental and Service Establishment</li> <li>• Financial Establishment</li> <li>• Hotel</li> <li>• Labour Association Hall</li> <li>• Motor Vehicle Rental Establishment</li> <li>• Motor Vehicle Service Station</li> <li>• Motor Vehicle Dealership</li> <li>• Motor Vehicle Washing Establishment</li> <li>• Personal Services</li> <li>• Restaurant</li> <li>• Retail</li> <li>• Transportation Depot</li> <li>• Trade School</li> </ul>



To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "G" – Section 12: Rural Zones		
Section 12.1 – Agriculture (A1) Zone		
Section 12.2 – Rural (A2) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added
12.1.3.2	<p>a) Uses Permitted as Secondary to Agriculture</p> <p><del>Agricultural Processing Establishment – Secondary</del></p> <p><del>Agricultural Research Operation</del></p> <p><del>Agritourism</del></p> <p><del>Home Industry</del></p> <p><del>Kennel</del></p> <p><del>Agricultural Brewery/Cidery/Winery</del></p> <p><b>Agricultural Alcohol Production Facility</b></p> <p><del>Landscape Contracting Establishment – Secondary</del></p> <p>h) <del>Agricultural Brewery/Cidery/Winery</del></p> <p><b>Agricultural Alcohol Production Facility</b></p>	<p>a) Uses Permitted as Secondary to Agriculture</p> <p>Agricultural Processing Establishment – Secondary</p> <p>Agricultural Research Operation</p> <p>Agritourism</p> <p>Home Industry</p> <p>Kennel</p> <p>Agricultural Alcohol Production Facility</p> <p>Landscape Contracting Establishment – Secondary</p> <p>h) Agricultural Alcohol Production Facility</p> <p>i) Notwithstanding Sections 12.1.3.1 a), 12.1.3.2 b), and 4.12 d), an Agricultural Alcohol Production Facility shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing of grapes, fruits, hops or other produce directly associated with onsite beer, cider, or wine, or <b>spirit</b> production;</p>

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "G" – Section 12: Rural Zones			
Section 12.1 – Agriculture (A1) Zone			
Section 12.2 – Rural (A2) Zone			
Section	Proposed Change		Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added	
		ii) The total maximum building area devoted to an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	ii) The total maximum building area devoted to an Agricultural Alcohol Production Facility use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.
12.2.3.2	a) Uses Permitted as Secondary to Agriculture	Agricultural Processing Establishment – Secondary Agricultural Research Operation Agritourism Home Industry <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> Landscape Contracting Establishment – Secondary	a) Uses Permitted as Secondary to Agriculture Agricultural Processing Establishment – Secondary Agricultural Research Operation Agritourism Home Industry Agricultural Alcohol Production Facility Landscape Contracting Establishment – Secondary g) Agricultural i) Notwithstanding

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

Appendix "G" – Section 12: Rural Zones				
Section 12.1 – Agriculture (A1) Zone				
Section 12.2 – Rural (A2) Zone				
Section	Proposed Change		Proposed Revised Zone Regulation	
Grey highlighted strikethrough text = text to be deleted			<b>bolded text</b> = text to be added	
	g) <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b>	i) Notwithstanding Sections 12.2.3.1 a), 12.2.3.2 b), and 4.12 d) an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing <del>production</del> of grapes, fruits, hops or other produce directly associated with on-site beer, cider, <del>or wine, or</del> <b>spirit</b> production;  ii) The total maximum building area devoted to an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used	Alcohol Production Facility	Sections 12.2.3.1 a), 12.2.3.2 b), and 4.12 d) an Agricultural Alcohol Production Facility shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing of grapes, fruits, hops or other produce directly associated with on-site beer, cider, wine, or spirit production;  ii) The total maximum building area devoted to an Agricultural Alcohol Production Facility use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "G" – Section 12: Rural Zones		
Section 12.1 – Agriculture (A1) Zone		
Section 12.2 – Rural (A2) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added
	for Retail and/or hospitality/tasting purposes.	

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

<b>Appendix "H" – Schedule "C" Special Exceptions</b>		
<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>		<p><b>bolded text = text to be added</b></p>
<p>SE 66  2318 Wilson Street West, Ancaster</p>	<p>In addition to Section 12.4.1, on those lands zoned Settlement Commercial (S2) Zone, identified on Map 157 of Schedule "A" – Zoning Maps and described as 2318 Wilson Street West, a Motor Vehicle <b>Dealership Sales and Service Establishment</b> shall also be permitted.</p>	<p>In addition to Section 12.4.1, on those lands zoned Settlement Commercial (S2) Zone, identified on Map 157 of Schedule "A" – Zoning Maps and described as 2318 Wilson Street West, a Motor Vehicle <b>Dealership Sales and Service Establishment</b> shall also be permitted.</p>
<p>SE 187  400 Brock Road, Flamborough</p>	<p>Notwithstanding Section 12.7.1 and the definition of a Motor Vehicle Service Station found in Section 3 of this By-law, on those lands zoned Existing Rural Industrial (E2) Zone, identified on Map 94 of Schedule "A" – Zoning Maps and described as 400 Brock Road, the following special provisions shall also apply:</p> <p>a) Only the following uses shall be permitted:</p> <ul style="list-style-type: none"> <li>i) Manufacturing;</li> <li>ii) Motor Vehicle Collision Repair Establishment;</li> <li>iii) Motor Vehicle Service Station where the sale of fuel is prohibited;</li> <li>iv) Motor Vehicle <b>Dealership Sales and Service Establishment</b>;</li> <li>v) Towing Establishment;</li> <li>vi) Bulk Fuel and Oil Storage Establishment; and,</li> <li>vii) Transport Terminal.</li> </ul> <p>b) The following uses shall be prohibited:</p> <ul style="list-style-type: none"> <li>i) Abattoir; and,</li> <li>ii) Open Storage.</li> </ul>	<p>Notwithstanding Section 12.7.1 and the definition of a Motor Vehicle Service Station found in Section 3 of this By-law, on those lands zoned Existing Rural Industrial (E2) Zone, identified on Map 94 of Schedule "A" – Zoning Maps and described as 400 Brock Road, the following special provisions shall also apply:</p> <p>a) Only the following uses shall be permitted:</p> <ul style="list-style-type: none"> <li>viii) Manufacturing;</li> <li>ix) Motor Vehicle Collision Repair Establishment;</li> <li>x) Motor Vehicle Service Station where the sale of fuel is prohibited;</li> <li>xi) Motor Vehicle Dealership;</li> <li>xii) Towing Establishment;</li> <li>xiii) Bulk Fuel and Oil Storage Establishment; and,</li> <li>xiv) Transport Terminal.</li> </ul> <p>b) The following uses shall be prohibited:</p> <ul style="list-style-type: none"> <li>iii) Abattoir; and,</li> <li>iv) Open Storage.</li> </ul>

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "H" – Schedule "C" Special Exceptions		
SE / Address	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted added		<b>bolded text</b> = text to be added
SE 216 850 Concession 6 West, Flamborough	In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 58 of Schedule "A" – Zoning Maps and described as part of 850 Concession 6 West, the following special provisions shall also apply:  a) The following uses shall also be permitted:  i) Motor Vehicle <b>Service Station</b> <del>repair shop</del> , including body and fender repairs; and, ii) Motor Vehicle <b>Dealership</b> <del>sales</del> .  b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).	In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 58 of Schedule "A" – Zoning Maps and described as part of 850 Concession 6 West, the following special provisions shall also apply:  a) The following uses shall also be permitted:  iii) Motor Vehicle Service Station, including body and fender repairs; and, iv) Motor Vehicle Dealership.  b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).
SE 217 Part of 963 Regional Road 97, Flamborough	In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 24 and 25 of Schedule "A" – Zoning Maps and described as part of 963 Regional Road 97, the following special provisions shall also apply:  a) The following uses shall also be permitted:  i) Motor Vehicle <b>Service Station</b> <del>repair shop</del> , ii) Motor Vehicle <b>Dealership</b> <del>sales</del> , excluding sale of new motor vehicles; and,	In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 24 and 25 of Schedule "A" – Zoning Maps and described as part of 963 Regional Road 97, the following special provisions shall also apply:  a) The following uses shall also be permitted:  i) Motor Vehicle Service Station repair shop, ii) Motor Vehicle Dealership sales, excluding sale of new motor vehicles; and,

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<b>Appendix "H" – Schedule "C" Special Exceptions</b>		
<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
Grey highlighted strikethrough text = text to be deleted added		<b>bolded text</b> = text to be added
	<p>iii) Salvage yard.</p> <p>b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).</p>	<p>iii) Salvage yard.</p> <p>b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).</p>
<p>SE 224</p> <p>557 Highway No. 5, Flamborough</p>	<p>In addition to Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 84 of Schedule "A" – Zoning Maps and described as 557 Highway No. 5, the following uses shall also be permitted:</p> <p>a) Commercial Motor Vehicle Sales, Rental and Service Establishment;</p> <p>b) fruit and vegetable market;</p> <p>c) Garden Centre;</p> <p>d) Motor Vehicle <del>Dealership Sales and Service Establishment;</del></p> <p>e) Manufacturing; and,</p> <p>f) Restaurant.</p>	<p>In addition to Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 84 of Schedule "A" – Zoning Maps and described as 557 Highway No. 5, the following uses shall also be permitted:</p> <p>a) Commercial Motor Vehicle Sales, Rental and Service Establishment;</p> <p>b) fruit and vegetable market;</p> <p>c) Garden Centre;</p> <p>d) Motor Vehicle Dealership;</p> <p>e) Manufacturing; and,</p> <p>f) Restaurant.</p>
<p>SE 302</p> <p>883 and 999 Upper Wentworth Street and 508, 520 and 524 Limeridge Road East, Hamilton</p>	<p>Within the lands zoned Mixed Use High density (C4) Zone, identified on Maps 1239 and 1292 of Schedule "A" – Zoning Maps and described as 883 and 999 Upper Wentworth Street and 508, 520 and 524 Limeridge Road East, shown as <del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures, the following special provisions shall apply:</p> <p>d) For the purposes of Special Exception No.302 the following special regulations shall apply to Areas A to E, as shown on</p>	<p>Within the lands zoned Mixed Use High density (C4) Zone, identified on Maps 1239 and 1292 of Schedule "A" – Zoning Maps and described as 883 and 999 Upper Wentworth Street and 508, 520 and 524 Limeridge Road East, shown as Figure 25 of Schedule "F" – Special Figures, the following special provisions shall apply:</p> <p>d) For the purposes of Special Exception No.302 the following special regulations shall apply to Areas A to E, as shown on</p>

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<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>		<p><b>bolded text = text to be added</b></p>
	<p><del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures</p> <p>e) For the purposes of Special Exception No. 302 the following special regulations shall apply to Areas A to D as shown on <del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures</p> <p>iii) The ground floor façade facing a front lot line and access driveway to the site shall be greater than or equal to 50% of the measurement of the width identified for Area A1 to D in <del>Figure 10</del> <b>Figure 25</b> for buildings greater than 1,000 square metres and shall exclude access driveways and lands within a required yard.</p> <p>f) For the purposes of Special Exception No. 302 the following special regulations shall apply to Area E as shown on <del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures:</p>	<p>Figure 25 of Schedule "F" – Special Figures</p> <p>e) For the purposes of Special Exception No. 302 the following special regulations shall apply to Areas A to D as shown on Figure 25 of Schedule "F" – Special Figures</p> <p>iii) The ground floor façade facing a front lot line and access driveway to the site shall be greater than or equal to 50% of the measurement of the width identified for Area A1 to D in Figure 25 for buildings greater than 1,000 square metres and shall exclude access driveways and lands within a required yard.</p> <p>f) For the purposes of Special Exception No. 302 the following special regulations shall apply to Area E as shown on Figure 25 of Schedule "F" – Special Figures:</p>
SE 304	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 482, 860, 903, 912, 947, 956, <b>958</b>, 1039, <b>1042</b>, 1085, 1136, 1175, 1234, <b>1238</b>, 1251, 1287, <b>1291</b>, 1302, 1389, <b>1398</b>, 1502 and 1956 of Schedule "A" – Zoning Maps and described as:</p>	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 482, 860, 903, 912, 947, 956, 958, 1039, 1042, 1085, 1136, 1175, 1234, 1238, 1251, 1287, 1291, 1302, 1389, 1398, 1502 and 1956 of Schedule "A" – Zoning Maps and described as:</p>

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

<b>Appendix "H" – Schedule "C" Special Exceptions</b>			
<b>SE / Address</b>	<b>Proposed Change</b>		<b>Proposed Revised Zone Regulation</b>
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
	<b>Property Address</b>	<b>Map Number</b>	<b>Property Address</b>
			<b>Map Number</b>
	925 Barton Street East	956	925 Barton Street East
	19 Flamboro Street	482	19 Flamboro Street
	Part of 18-64 Hamilton Street North	482	Part of 18-64 Hamilton Street North
	473-489 Upper Wellington Street	1039 and 1085	473-489 Upper Wellington Street
	139 and 141 Oak Avenue	912	139 and 141 Oak Avenue
	902 Main Street East	1042	902 Main Street East
	386 Upper Gage Avenue and 63 East 39 <sup>th</sup> Street	1136	386 Upper Gage Avenue and 63 East 39 <sup>th</sup> Street
	283 and 289 Highway No. 8	1251	283 and 289 Highway No. 8
	889 Upper Paradise Road	1234 and 1287	889 Upper Paradise Road
	200 King Street West	860	200 King Street West
	121 King Street West	860	121 King Street West
	134, 138 King Street West	860	134, 138 King Street West
	<del>40</del> <b>16 Foundry Street</b>	860	16 Foundry Street
	1 Osler Drive	903	1 Osler Drive
	1655 Main Street West	947	1655 Main Street West
	407, 413 Wilson Street East	1175	407, 413 Wilson Street East
	82 King Street East	1302 and 1249	82 King Street East
	605 Garner Road East	1389	605 Garner Road East
	136-146 Upper Mount Albion Road	1502	136-146 Upper Mount Albion Road
	3194 Regional Road 56	1956	3194 Regional Road 56
	<b>517 Kenilworth Avenue North</b>	<b>958</b>	517 Kenilworth Avenue North
	<b>209 and 221 Limeridge Road East</b>	<b>1238 and 1291</b>	209 and 221 Limeridge Road East
	<b>902 Main Street East</b>	<b>1042</b>	902 Main Street East
	<b>92 Stapleton Avenue</b>	<b>958</b>	92 Stapleton Avenue
	<b>1368 Upper Gage Avenue</b>	<b>1398</b>	1368 Upper Gage Avenue

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

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<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>																				
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SE 339  45 Goderich Road, Hamilton	<p>Within the <del>these</del> lands zoned Arterial Commercial (C7) Zone, identified on Map 1048 of Schedule "A" – Zoning Maps and described as 45 Goderich Road, the following special provisions shall apply: a) In addition to Subsection 10.7.1, the following uses shall also be permitted:</p> <p><b>i) Medical Clinic</b> <b>ii) Office</b> <b>iii) Retail</b></p>	<p>Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1048 of Schedule "A" – Zoning Maps and described as 45 Goderich Road, the following special provisions shall apply: a) In addition to Subsection 10.7.1, the following uses shall also be permitted:</p> <p>i) Medical Clinic ii) Office iii) Retail</p>																				
SE 375  Various properties	<p>375. Within the lands zoned <b>Prestige Business Park (M3) Zone</b>, General Industrial (M5) Zone, and Light Industrial (M6) Zone, identified on Maps 829, 870, 871, 912, 913, 914, 915, 956, 957, 958, 959, 1147, 1198, 1199, <b>and 1256</b> of Schedule "A" – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th><b>Property Address</b></th> <th><b>Map Number</b></th> </tr> </thead> <tbody> <tr> <td>1-18, 20, 22-37, 39, 41, 43 Albemarle Street</td> <td>915, 956, 957</td> </tr> <tr> <td>362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street</td> <td>914, 915, 956, 957</td> </tr> <tr> <td>481 Barton Street East</td> <td>1147, 1198, 1199</td> </tr> <tr> <td>31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83, 89, 91, 93, 104, 105, 107-113, 116-118, 120, 122, 124, 126, 128, 130,</td> <td>914, 956, 957, 958, 959</td> </tr> </tbody> </table>	<b>Property Address</b>	<b>Map Number</b>	1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957	362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street	914, 915, 956, 957	481 Barton Street East	1147, 1198, 1199	31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83, 89, 91, 93, 104, 105, 107-113, 116-118, 120, 122, 124, 126, 128, 130,	914, 956, 957, 958, 959	<p>375. Within the lands zoned Prestige Business Park (M3) Zone, General Industrial (M5) Zone, and Light Industrial (M6) Zone, identified on Maps 829, 870, 871, 912, 913, 914, 915, 956, 957, 958, 959, 1147, 1198, 1199, and 1256 of Schedule "A" – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th><b>Property Address</b></th> <th><b>Map Number</b></th> </tr> </thead> <tbody> <tr> <td>1-18, 20, 22-37, 39, 41, 43 Albemarle Street</td> <td>915, 956, 957</td> </tr> <tr> <td>362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street</td> <td>914, 915, 956, 957</td> </tr> <tr> <td>481 Barton Street East</td> <td>1147, 1198, 1199</td> </tr> <tr> <td>31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83,</td> <td>914, 956, 957, 958, 959</td> </tr> </tbody> </table>	<b>Property Address</b>	<b>Map Number</b>	1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957	362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street	914, 915, 956, 957	481 Barton Street East	1147, 1198, 1199	31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83,	914, 956, 957, 958, 959
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<b>Appendix "H" – Schedule "C" Special Exceptions</b>				
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	132, 136, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160-164, 166, 167, 169, 172, 173, 175-177, 179-182, 184, 186, 188, 190, 192, 194, 195, 203, 205, 207, 211, 213, 215, 217, 219, 221, 223, 227, 229, 233, 237, 240, 243, 252, 254, 263, 264, 266, 267, 269-275, 526, 528, 530, 532, 534, 544, 548, 554, 560, 568 Beach Road		89, 91, 93, 104, 105, 107-113, 116-118, 120, 122, 124, 126, 128, 130, 132, 136, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160-164, 166, 167, 169, 172, 173, 175-177, 179-182, 184, 186, 188, 190, 192, 194, 195, 203, 205, 207, 211, 213, 215, 217, 219, 221, 223, 227, 229, 233, 237, 240, 243, 252, 254, 263, 264, 266, 267, 269-275, 526, 528, 530, 532, 534, 544, 548, 554, 560, 568 Beach Road	
	3, 8-10, 12-15, 20, 22 Beatty Avenue	958	3, 8-10, 12-15, 20, 22 Beatty Avenue	958
	2, 4, 8, 16 Birmingham Street	914	2, 4, 8, 16 Birmingham Street	914
	450, 517, 520, 539, 553, 555, 561, 563, 569, 571, 573, 577 Burlington Street East	971	450, 517, 520, 539, 553, 555, 561, 563, 569, 571, 573, 577 Burlington Street East	971
	29, 43, 110, 112, 114, 116, 118, 120, 122, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 Burton Street	870, 912	29, 43, 110, 112, 114, 116, 118, 120, 122, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 Burton Street	870, 912
	83, 85, 87, 89, 91-105 Cheever Street	912	83, 85, 87, 89, 91-105 Cheever Street	912
	3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue	870, 912	3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue	870, 912
	5-7, 21, 23, 25, 27, 29-31, 33, 35, 37, 39, 40, 45, 47-49 Depew Street	915, 957	5-7, 21, 23, 25, 27, 29-31, 33, 35, 37, 39, 40, 45, 47-49 Depew Street	915, 957
	12-22, 24-28, 30, 31, 33 Dickson Street	871	12-22, 24-28, 30, 31, 33 Dickson Street	871
			3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue	870, 912

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	6, 8, 10, 16 Douglas Avenue	912	5-7, 21, 23, 25, 27, 29-31, 33, 35, 37, 39, 40, 45, 47-49 Depew Street
	350, 353, 360, 362, 364, 366, 368, 373, 375, 377, 391, 393, 395 Emerald Street North	870, 912	12-22, 24-28, 30, 31, 33 Dickson Street
	304, 322, 332, 334, 337, 342, 344, 348, 350, 352, 357 Gage Avenue North	914, 956	6, 8, 10, 16 Douglas Avenue
	3, 17, 20, 22, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43-58, 60, 62, 64, 66, 69, 70, 72-79, 81-84, 86, 87-95, 97, 99, 101-103, 105, 107, 109, 113, 115 Gertrude Street	914, 915, 957	350, 353, 360, 362, 364, 366, 368, 373, 375, 377, 391, 393, 395 Emerald Street North
	5, 59, 61, 63, 65-71, 73-75, 78, 79, 81, 91, 93, 95, 97-99, 101-103, 105, 107, 109, 111, 113, 115-119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141 Hillyard Street	871, 913	304, 322, 332, 334, 337, 342, 344, 348, 350, 352, 357 Gage Avenue North
	1, 3, 5, 7, 9, 11, 13, 15-17, 19-21, 23, 25, 34, 36, 38, 40, 42 Land Street	915, 957	3, 17, 20, 22, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43-58, 60, 62, 64, 66, 69, 70, 72-79, 81-84, 86, 87-95, 97, 99, 101-103, 105, 107, 109, 113, 115 Gertrude Street
	1, 4-12, 14-16, 18, 19, 21-24, 26-28, 30-37 Lyndhurst Street	915, 957	5, 59, 61, 63, 65-71, 73-75, 78, 79, 81, 91, 93, 95, 97-99, 101-103, 105, 107, 109, 111, 113, 115-119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141 Hillyard Street
	2, 6, 8, 10, 16, 20, 22, 24-27, 30, 31, 35, 36, 38-41, 43, 45 Macallum Street	870, 871	17, 23, 25, 27, 29, 31 McKinstry Street
	17, 23, 25, 27, 29, 31 McKinstry Street	871	<b>333 McNeilly Road</b>
	<b>333 McNeilly Road</b>	<b>1256</b>	1, 3, 5, 7, 9, 11, 13, 15-17, 19-21, 23, 25, 34, 36, 38, 40, 42 Land Street
	52, 56, 58, 60, 64 Munroe Street	913	

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	66, 67, 69-71, 73-76, 78, 82, 84, 86, 88, 98, 99, 102-104, 106-110, 112-131, 133-135, 137, 139, 141, 143, 152, 163, 167, 171 Niagara Street	829, 871	1, 4-12, 14-16, 18, 19, 21-24, 26-28, 30-37 Lyndhurst Street
	2, 4, 10, 12, 20, 26, 28, 32 Northcote Street	957	2, 6, 8, 10, 16, 20, 22, 24-27, 30, 31, 35, 36, 38-41, 43, 45 Macallum Street
	1 Norton Street	914	17, 23, 25, 27, 29, 31 McKinstry Street
	5 Roadway	871, 914, 915, 956, 957	333 McNeilly Road
	1, 2, 4, 6, 8 Roosevelt Avenue	958	52, 56, 58, 60, 64 Munroe Street
	1, 3, 5-20, 22-25, 27-29, 31, 33, 35-37 Rowanwood Street	957	66, 67, 69-71, 73-76, 78, 82, 84, 86, 88, 98, 99, 102-104, 106-110, 112-131, 133-135, 137, 139, 141, 143, 152, 163, 167, 171 Niagara Street
	15, 17, 20-27, 29-36, 38, 40, 48, 50, 52, 56, 58, 60, 64, 65, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 103, 107, 109, 111, 113, 115, 117-119, 170, 175 Shaw Street	912, 913	2, 4, 10, 12, 20, 26, 28, 32 Northcote Street
	366, 390, 400 Victoria Avenue North	870, 912	1 Norton Street
	335, 517, 519, 521, 527, 529, 531, 533, 536, 540, 560, 562, 564, 566, 568, 570, 572, 574, 578, 580, 582, 584, 600, 610, 612, 618 Wentworth Street North	829, 871, 912, 913	5 Roadway
	2, 4, 6, 8, 10-25, 27, 28, 30, 32, 34, 36, 38, 40 44, 46-48, 50 Whitfield Avenue	914	1, 2, 4, 6, 8 Roosevelt Avenue
			1, 3, 5-20, 22-25, 27-29, 31, 33, 35-37 Rowanwood Street
			15, 17, 20-27, 29-36, 38, 40, 48, 50, 52, 56, 58,

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SE / Address	Proposed Change	Proposed Revised Zone Regulation	
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	<p>The following special provisions shall apply:</p> <p>a) In addition to Subsections <b>9.3.1</b>, 9.5.1 and 9.6.1, and notwithstanding Subsections <b>9.3.2 ii)</b>, 9.5.2 and 9.6.2 ii), the legally established residential uses existing on the date of passing of this By-law (May 26, 2010) shall also be permitted.</p> <p>b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010 and shall be in accordance with Section 4.33 of the By-law.</p> <p>c) Notwithstanding Subsections <b>9.3.3</b>, 9.5.3 and 9.6.3, the following regulations shall apply to the use permitted in Clause a):</p> <p>i) Minimum Front Yard      6.0 metres</p> <p>Maximum Building Height      14.0 metres</p> <p>iii) Minimum Side Yard      0.6 metres</p> <p>iv) Minimum Rear Yard      7.5 metres</p>	<p>60, 64, 65, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 103, 107, 109, 111, 113, 115, 117-119, 170, 175 Shaw Street</p> <p>366, 390, 400 Victoria Avenue North</p> <p>335, 517, 519, 521, 527, 529, 531, 533, 536, 540, 560, 562, 564, 566, 568, 570, 572, 574, 578, 580, 582, 584, 600, 610, 612, 618 Wentworth Street North</p> <p>2, 4, 6, 8, 10-25, 27, 28, 30, 32, 34, 36, 38, 40 44, 46-48, 50 Whitfield Avenue</p>	<p>870, 912</p> <p>829, 871, 912, 913</p> <p>914</p>
		<p>The following special provisions shall apply:</p> <p>a) In addition to Subsections 9.3.1, 9.5.1 and 9.6.1, and notwithstanding Subsections 9.3.2 ii), 9.5.2 and 9.6.2 ii), the legally established residential uses existing on the date of passing of this By-law (May 26, 2010) shall also be permitted.</p> <p>b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally</p>	

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "H" – Schedule "C" Special Exceptions		
SE / Address	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added
	v) Accessory buildings shall be subject to Subsection 4.8.1	<p>established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010 and shall be in accordance with Section 4.33 of the By-law.</p> <p>c) Notwithstanding Subsections 9.3.3, 9.5.3 and 9.6.3, the following regulations shall apply to the use permitted in Clause a):</p> <p>i) Minimum Front Yard 6.0 metres</p> <p>Maximum Building Height 14.0 metres</p> <p>iii) Minimum Side Yard 0.6 metres</p> <p>iv) Minimum Rear Yard 7.5 metres</p> <p>v) Accessory buildings shall be subject to Subsection 4.8.1</p>
SE 383 0 Portia Drive, Ancaster	<p><del>383</del> In addition to the uses permitted in Section 9.3.1, on those lands zoned Prestige Business Park (M3) Zone, identified on Maps 1433 and 1482 of Schedule "A" Zoning Maps and described as 0 Portia Drive, the following uses shall also be permitted:</p> <p>a. Motor Vehicle Sales and Service Establishment</p>	

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

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	<del>b. Veterinary Service c. Retail d. Farm Product Supply Dealer e. Major Recreational Vehicle Sales and Service Establishment</del>	
SE 384  0 Portia Drive, Ancaster	<del>384 In addition to the Regulations of Section 9.3.3, on those lands zoned Prestige Business Park (M3) Zone, identified on Map 1433 of Schedule "A" – Zoning Maps and described as 0 Portia Drive, the Minimum Rear Yard shall be 15.0 metres</del>	
SE 451  1295 Cormorant Road, Ancaster	<del>SE 451</del> <b>SE 767</b>	SE 767
SE 451  108 James Street North and 111 and 115 Hughson Street North, Hamilton	Notwithstanding Sections 6.2.3 of this By-law, within the lands zoned Downtown Prime Retail Streets (D2, 451) Zone, identified on Maps 910 and 911 of Schedule "A" – Zoning Maps, and described as 108 James Street North and 111 and 115 Hughson Street North, and as further detailed and informed through attached Concept Plan (Schedule "F" – <del>Figure 5</del> <b>Figure 17</b> ), the following special provisions shall apply:	Notwithstanding Sections 6.2.3 of this By-law, within the lands zoned Downtown Prime Retail Streets (D2, 451) Zone, identified on Maps 910 and 911 of Schedule "A" – Zoning Maps, and described as 108 James Street North and 111 and 115 Hughson Street North, and as further detailed and informed through attached Concept Plan (Schedule "F" – <b>Figure 17</b> ), the following special provisions shall apply:
SE 579  Various	Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, <del>1150</del> , 1185, 1194, 1196, 1198,	Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1185, 1194, 1196, 1198,

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

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properties	<p>1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1503 and 1640 of Schedule "A" – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr><td>168 Barton Street</td><td>1145</td></tr> <tr><td>178 Barton Street</td><td>1145</td></tr> <tr><td>188 Barton Street</td><td>1145</td></tr> <tr><td>198 Barton Street</td><td>1145</td></tr> <tr><td>210 Barton Street</td><td>1145</td></tr> <tr><td>214 Barton Street</td><td>1145</td></tr> <tr><td>232 Barton Street</td><td>1146</td></tr> <tr><td>274 Barton Street</td><td>1146</td></tr> <tr><td>276 Barton Street</td><td>1146</td></tr> <tr><td>386 Barton Street</td><td>1198</td></tr> <tr><td>412 Barton Street</td><td>1198</td></tr> <tr><td>520 Barton Street</td><td>1199</td></tr> <tr><td>2800 Barton Street East</td><td>1145</td></tr> <tr><td>2806 Barton Street East</td><td>1145</td></tr> <tr><td>2814 Barton Street 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Appendix "H" – Schedule "C" Special Exceptions					
SE / Address	Proposed Change		Proposed Revised Zone Regulation		
Grey highlighted strikethrough text = text to be deleted added			bolded text = text to be added		
	309 Grays Road	1145	309 Grays Road	1145	
	312 Grays Road	1145	312 Grays Road	1145	
	316 Grays Road	1145	316 Grays Road	1145	
	80 Green Mountain Road	1405	80 Green Mountain Road	1405	
	364 Highway 8	1251	364 Highway 8	1251	
	410 Highway 8	1252	410 Highway 8	1252	
	411 Highway 8	1252	411 Highway 8	1252	
	418 Highway 8	1252	418 Highway 8	1252	
	419 Highway 8	1252	419 Highway 8	1252	
	420 Highway 8	1252	420 Highway 8	1252	
	421 Highway 8	1252	421 Highway 8	1252	
	423 Highway 8	1252	423 Highway 8	1252	
	424 Highway 8	1252	424 Highway 8	1252	
	426 Highway 8	1252	426 Highway 8	1252	
	427 Highway 8	1252	427 Highway 8	1252	
	430 Highway 8	1252	430 Highway 8	1252	
	432 Highway 8	1252	432 Highway 8	1252	
	436 Highway 8	1252	436 Highway 8	1252	
	438 Highway 8	1252	438 Highway 8	1252	
	440 Highway 8	1252	440 Highway 8	1252	
	446 Highway 8	1252	446 Highway 8	1252	
	448, 450 Highway 8	1252	448, 450 Highway 8	1252	
	452 Highway 8	1252	452 Highway 8	1252	
	454 Highway 8	1252 and 1305	454 Highway 8	1252 and 1305	
	466 Highway 8	1252 and 1305	466 Highway 8	1252 and 1305	
	483 Highway 8	1252	483 Highway 8	1252	
	171 Margaret Avenue	1252	171 Margaret Avenue	1252	
	173 Margaret Avenue	1252	173 Margaret Avenue	1252	
	520 Highway 8	1305	520 Highway 8	1305	
	521 Highway 8	1252 and 1305	521 Highway 8	1252 and 1305	
	538 Highway 8	1305	538 Highway 8	1305	
	542, 548 Highway 8	1305 and 1306	542, 548 Highway 8	1305 and 1306	
	570 Highway 8	1306	570 Highway 8	1306	
	604 Highway 8	1306	604 Highway 8	1306	
	100 King Street West	1248	100 King Street West	1248	
	102 King Street West	1247 and 1248	102 King Street West	1247 and 1248	
	30 Lake Avenue Drive	1248 and 1249	30 Lake Avenue Drive	1248 and 1249	

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

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SE / Address	Proposed Change		Proposed Revised Zone Regulation	
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	32 Lake Avenue Drive	1248 and 1249	32 Lake Avenue Drive	1248 and 1249
	36 Lake Avenue Drive	1248 and 1249	36 Lake Avenue Drive	1248 and 1249
	3 Lockport Way	1260	3 Lockport Way	1260
	15 Lockport Way	1260	15 Lockport Way	1260
	256, 270, 276, 280, 284, 288, 294, 300 Mud Street West	1454	256, 270, 276, 280, 284, 288, 294, 300 Mud Street West	1454
	74 Neil Avenue	1194	74 Neil Avenue	1194
	<del>Part of 821 North Service Road</del>	<del>1150</del>	1050 Paramount Drive	1403 and 1454
	1050 Paramount Drive	1403 and 1454	Part of 2157 Rymal Road and Concession 8 Pt Lot 27 SLT SC RP 62R15203	1596 and 1640
	Part of 2157 Rymal Road and Concession 8 Pt Lot 27 SLT SC RP 62R15203	1596 and 1640	136 – 146 Upper Mount Albion Road	1502
	136 – 146 Upper Mount Albion Road	1502	775-779 Upper Wentworth Street	1185 and 1239
	775-779 Upper Wentworth Street	1185 and 1239	524, 526, 530 Winona Road	1205
	524, 526, 530 Winona Road	1205		
SE 633 75 Centennial Parkway North (Eastgate Square), Hamilton	<p>Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142, 1143, and 1194 of Schedule "A" – Zoning Maps, and described as 75 Centennial Parkway North (Eastgate Square), shown as <del>Figure 11</del> <b>Figure 18</b> of Schedule "F" – Special Figures, the following special provisions shall also apply:</p> <p>a) The lands described as 75 Centennial Parkway North (Eastgate Square), as shown as <del>Figure 11</del> <b>Figure 18</b> of Schedule "F" – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.</p>		<p>Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142, 1143, and 1194 of Schedule "A" – Zoning Maps, and described as 75 Centennial Parkway North (Eastgate Square), shown as Figure 18 of Schedule "F" – Special Figures, the following special provisions shall also apply:</p> <p>a) The lands described as 75 Centennial Parkway North (Eastgate Square), as shown as Figure 18 of Schedule "F" – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or</p>	

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<p><del>Grey highlighted strikethrough text</del> = text to be deleted  <b>added</b></p>		<p><b>bolded text</b> = text to be added</p>
	<p>c) For the purposes of Special Exception No. 633, the following provisions shall apply to Area A as shown on <del>Figure 11</del> <b>Figure 18</b> of Schedule "F" – Special Figures:</p> <p>d) For the purposes of Special Exception No. 633, the following provisions shall apply to Area B as shown on <del>Figure 11</del> <b>Figure 18</b> of Schedule "F" – Special Figures:</p>	<p>division of the lot.</p> <p>c) For the purposes of Special Exception No. 633, the following provisions shall apply to Area A as shown on Figure 18 of Schedule "F" – Special Figures:</p> <p>d) For the purposes of Special Exception No. 633, the following provisions shall apply to Area B as shown on Figure 18 of Schedule "F" – Special Figures:</p>
<p>SE 637  670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton</p>	<p>Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 and 1193 of Schedule "A" – Zoning Maps, and described as 670, 674, 686, 692, 700 and 706 Queenston Road, shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures, the following special provisions shall also apply:</p> <p>a) For the purposes of Special Exception No. 637, the following special regulations shall apply to Areas A and B, as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figure:</p> <p>A) The lands described as 670, 674, 686, 692, 700 and 706 Queenston Road, as shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.</p>	<p>Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 and 1193 of Schedule "A" – Zoning Maps, and described as 670, 674, 686, 692, 700 and 706 Queenston Road, shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures, the following special provisions shall also apply:</p> <p>a) For the purposes of Special Exception No. 637, the following special regulations shall apply to Areas A and B, as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figure:</p> <p>A) The lands described as 670, 674, 686, 692, 700 and 706 Queenston Road, as shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any</p>

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

<b>Appendix "H" – Schedule "C" Special Exceptions</b>		
<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>  <b>added</b></p>		<p><b>bolded text</b> = text to be added</p>
	<p>b) For the purposes of Special Exception No. 637, the following special regulations shall apply to Area A as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p> <p>c) For the purposes of Special Exception No. 637, the following special provisions shall apply to Area B as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p>	<p>consolidation or division of the lot.</p> <p>b) For the purposes of Special Exception No. 637, the following special regulations shall apply to Area A as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p> <p>c) For the purposes of Special Exception No. 637, the following special provisions shall apply to Area B as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p>
<p>SE 649  Northwest corner of Wilson Street West and Mason Drive, Ancaster</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1433 and 1482 of Schedule "A" – Zoning Maps and described as the northwest corner of Wilson Street West and Mason Drive, the following special provisions shall apply:</p> <p>a) In addition to the definition of Retail in Section 3: Definitions, the following definition shall also apply:</p> <p>Super-market     A store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies,</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1433 and 1482 of Schedule "A" – Zoning Maps and described as the northwest corner of Wilson Street West and Mason Drive, the following special provisions shall apply:</p> <p>a) In addition to the definition of Retail in Section 3: Definitions, the following definition shall also apply:</p> <p>Super-market     A store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines,</p>

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<b>Appendix "H" – Schedule "C" Special Exceptions</b>		
<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text = text to be added</b>
	<p>garden supplies, wine, photofinishing, magazines and videos.</p> <p>b) Notwithstanding Subsection 10.6.1, only the following uses shall be permitted:</p> <ul style="list-style-type: none"> <li>i) Art Gallery</li> <li>ii) Auctioneer Establishment</li> <li>iii) Building and Lumber Supply Establishment, within a wholly enclosed building</li> <li>iv) Catering Service</li> <li>v) Cold Storage Locker Establishment</li> <li>vi) Commercial Entertainment, within a wholly enclosed building</li> <li>vii) Commercial Parking Facility</li> <li>viii) Commercial Recreation, within a wholly enclosed building</li> <li>ix) Community Garden</li> <li>x) Craftsperson Shop</li> <li>xi) Day Nursery</li> <li>xii) Educational Establishment</li> <li>xiii) Financial Establishment</li> <li>xiv) Funeral Home</li> <li>xv) Laboratory</li> <li>xvi) Library</li> </ul>	<p>toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.</p> <p>b) Notwithstanding Subsection 10.6.1, only the following uses shall be permitted:</p> <ul style="list-style-type: none"> <li>i) Art Gallery</li> <li>ii) Auctioneer Establishment</li> <li>iii) Building and Lumber Supply Establishment, within a wholly enclosed building</li> <li>iv) Catering Service</li> <li>v) Cold Storage Locker Establishment</li> <li>vi) Commercial Entertainment, within a wholly enclosed building</li> <li>vii) Commercial Parking Facility</li> <li>viii) Commercial Recreation, within a wholly enclosed building</li> <li>ix) Community Garden</li> <li>x) Craftsperson Shop</li> <li>xi) Day Nursery</li> <li>xii) Educational Establishment</li> <li>xiii) Financial Establishment</li> <li>xiv) Funeral Home</li> <li>xv) Laboratory</li> <li>xvi) Library</li> </ul>

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Appendix "H" – Schedule "C" Special Exceptions		
SE / Address	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted added		<b>bolded text</b> = text to be added
	xvii) Major Recreation Vehicle Sales and Service Establishment xxiii) Manufacturing, limited to a Printing and / or Publishing Establishment xix) Medical Clinic xx) <del>Motor Vehicle Dealership Sales and Service Establishment</del> xxi) Museum xxii) Office xxiii) Personal Services xxiv) Post Office xxv) Private Club or Lodge xxvi) Recreational Vehicle Sales and Service Establishment xxvii) Repair Service xxviii) Restaurant xxix) Retail, not including a Supermarket xxx) Transportation Depot xxxi) Urban Farm xxxii) Urban Farmer's Market  c) Notwithstanding Subsection 10.6.1.1 i) 1. B., a two-storey building containing office uses on both the first and second floor is also permitted.  d) In addition to Subsection 10.6.2, the following uses shall also be prohibited, even as an accessory use:  i) Body Rub Parlour ii) Department Store iii) Dwelling Unit iv) Open Storage v) Supermarket	xvii) Major Recreation Vehicle Sales and Service Establishment xxiii) Manufacturing, limited to a Printing and / or Publishing Establishment xix) Medical Clinic xx) Motor Vehicle Dealership xxi) Museum xxii) Office xxiii) Personal Services xxiv) Post Office xxv) Private Club or Lodge xxvi) Recreational Vehicle Sales and Service Establishment xxvii) Repair Service xxviii) Restaurant xxix) Retail, not including a Supermarket xxx) Transportation Depot xxxi) Urban Farm xxxii) Urban Farmer's Market  c) Notwithstanding Subsection 10.6.1.1 i) 1. B., a two-storey building containing office uses on both the first and second floor is also permitted.  d) In addition to Subsection 10.6.2, the following uses shall also be prohibited, even as an accessory use:  i) Body Rub Parlour ii) Department Store iii) Dwelling Unit

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Appendix "H" – Schedule "C" Special Exceptions		
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	e) Notwithstanding Subsection 10.6.3e) and f), the maximum Gross Floor Area for all uses shall be 10,000 square metres, and shall not apply to Motor Vehicle Sales and Service Establishment and Major Recreational Vehicle Sales, Service, and Rental Establishment.	iv) Open Storage v) Supermarket  e) Notwithstanding Subsection 10.6.3e) and f), the maximum Gross Floor Area for all uses shall be 10,000 square metres, and shall not apply to Motor Vehicle Sales and Service Establishment and Major Recreational Vehicle Sales, Service, and Rental Establishment.
SE 674  3100, 3110, 3120, 3140 RR 56, Block 131 of Registered Plan of Subdivision 62M-1062, Glanbrook	d) In addition to Subsection 5.1 d) i) and 5.6 c), and notwithstanding Subsections 5.1 a) v), 5.2 b) and f), and 5.6 c) i. and iv., the following regulations shall apply:  i) <b>The minimum parking space size shall be 3.0 metres in width and 5.8 metres in length.</b>  ii) The minimum barrier-free parking space size shall be 4.4 metres in width and 5.8 metres in length, except where two (2) barrier-free parking spaces are located together, a minimum 3.5 metres in width shall be permitted for each space.  iii) Minimum Parking Requirements  i. Residential Uses  Dwelling Units <del>and</del> 1 space per unit <del>Dwelling Units in Conjunction</del> 0.5 visitor spaces per unit <del>with a Commercial Use</del>	d) In addition to Subsection 5.1 d) i) and 5.6 c), and notwithstanding Subsections 5.1 a) v), 5.2 b) and f), and 5.6 c) i. and iv., the following regulations shall apply:  i) The minimum parking space size shall be 3.0 metres in width and 5.8 metres in length.  ii) The minimum barrier-free parking space size shall be 4.4 metres in width and 5.8 metres in length, except where two (2) barrier-free parking spaces are located together, a minimum 3.5 metres in width shall be permitted for each space.  iii) Minimum Parking Requirements  i. Residential Uses  Dwelling Units 1 space per unit

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<b>Appendix "H" – Schedule "C" Special Exceptions</b>		
<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>		<p><b>bolded text</b> = text to be added</p>
	<p><b>Dwelling Unit, Mixed Use</b></p> <p><del>iv. ii. Residential Uses</del> <b>Commercial Uses</b></p> <p>All Commercial Uses 1 for each 30 square metres of Gross Floor Area which accommodates such use</p> <p>iv) Minimum Loading Space Requirements: 1 space</p> <p>e) Notwithstanding Subsection 4.6 a), d), e), and f), the following regulations apply:</p> <p>i) Sills, belt courses, cornices, eaves and gutters, chimneys, bay windows, and pilasters may project into any required yard a maximum 3.0 metres; and,</p> <p>ii) Balconies, canopies, fruit cellars, and unenclosed porches may project into any required front, rear or side yard a maximum 3.0 metres.</p> <p>f) In addition to Subsection 10.5a.1, the following uses shall also be permitted:</p> <p>i) Dwelling Unit</p> <p>ii) Multiple Dwelling</p> <p>iii) Private Club or Lodge</p>	<p>Dwelling Unit, Mixed Use 0.5 visitor spaces per unit</p> <p><b>ii. Commercial Uses</b></p> <p>All Commercial Uses 1 for each 30 square metres of Gross Floor Area which accommodates such use</p> <p>iv) Minimum Loading Space Requirements: 1 space</p> <p>e) Notwithstanding Subsection 4.6 a), d), e), and f), the following regulations apply:</p> <p>iii) Sills, belt courses, cornices, eaves and gutters, chimneys, bay windows, and pilasters may project into any required yard a maximum 3.0 metres; and,</p> <p>iv) Balconies, canopies, fruit cellars, and unenclosed porches may project into any required front, rear or side yard a maximum 3.0 metres.</p> <p>f) In addition to Subsection 10.5a.1, the following uses shall also be permitted:</p> <p>i) Dwelling Unit</p>

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	<p>g) Notwithstanding Subsection 10.5a.1.1 ii) 2., Dwelling Units shall be permitted on the ground floor.</p> <p>h) Notwithstanding Subsections 10.5a.3 a), d), h) x), i), and in addition to Subsection 10.5a.3. <b>j), the following regulations shall apply:</b></p> <p><del>j) The following regulations shall apply:</del></p> <p>i) Maximum Building Setback from a Street Line                      No Maximum</p> <p>ii) Building Height              The maximum building height shall be 11 metres.</p> <p>iii) Built Form for New Development</p> <p>The first storey shall have a minimum height of 3.5 metres and a maximum height of 4.5 metres.</p> <p>iv) Planting Strip Requirements</p> <p>Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 6.0 metre wide Planting Strip shall be provided and maintained.</p>	<p>ii) Multiple Dwelling</p> <p>iii) Private Club or Lodge</p> <p>g) Notwithstanding Subsection 10.5a.1.1 ii) 2., Dwelling Units shall be permitted on the ground floor.</p> <p>h) Notwithstanding Subsections 10.5a.3 a), d), h) x), i), and in addition to Subsection 10.5a.3. j), the following regulations shall apply:</p> <p>i) Maximum Building Setback from a Street Line                      No Maximum</p> <p>ii) Building Height              The maximum building height shall be 11 metres.</p> <p>iii) Built Form for New Development</p> <p>The first storey shall have a minimum height of 3.5 metres and a maximum height of 4.5 metres.</p> <p>iv) Planting Strip Requirements</p> <p>Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a</p>

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	<p>v) Visual Barrier A Visual Barrier shall also be required where a loading space abuts any Residential or Institutional Zone or a residential or institutional use.</p>	<p>Laneway, a minimum 6.0 metre wide Planting Strip shall be provided and maintained.</p> <p>v) Visual Barrier A Visual Barrier shall also be required where a loading space abuts any Residential or Institutional Zone or a residential or institutional use.</p>
SE 701 71 Rebecca Street, Hamilton	<p>Within the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone identified on Map 953 of Schedule A - Zoning Maps and described as 71 Rebecca Street the following special regulations apply:</p> <p><del>a f</del> Notwithstanding Sections 5.2 b), 6.0 c) i) ii) and iii) 2, and 6.1.3 e), the following special provisions shall also apply:</p> <p><del>b g</del> REGULATIONS</p> <p>a) Stepback from the Building Base Façade Height i) A minimum 3.0 metre stepback shall be required from the building base façade height of 11 metres</p>	<p>Within the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone identified on Map 953 of Schedule A - Zoning Maps and described as 71 Rebecca Street the following special regulations apply:</p> <p>a) Notwithstanding Sections 5.2 b), 6.0 c) i) ii) and iii) 2, and 6.1.3 e), the following special provisions shall also apply:</p> <p>b) REGULATIONS</p> <p>a) Stepback from the Building Base Façade Height i) A minimum 3.0 metre stepback shall be required from the building</p>

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	<p>along Rebecca Street.</p> <p><b>ba)</b> Stepback for the portion of the Building exceeding 22.0 metres, at the southern point of the perpendicular portion of the rear lot line.</p> <p><b>cb)</b> Maximum Lot Coverage</p> <p><b>de)</b> Parking</p> <p>i) Parking stall sizes shall be in accordance with the following:</p> <p>i. 62 parking stalls at 2.8 m x 5.8 m;</p> <p>ii. 93 parking stalls at 2.6 m x 5.8 m;</p> <p>iii. 36 parking stalls at 2.8 m x 5.5 m;</p> <p>iv. 13 parking stalls at 2.8 m x 5.5 m;</p>	<p>base façade height of 11 metres along Rebecca Street.</p> <p>b) Stepback for the portion of the Building exceeding 22.0 metres, at the southern point of the perpendicular portion of the rear lot line.</p> <p>c) Maximum Lot Coverage</p> <p>d) Parking</p> <p>i) 1.0 metres</p> <p>i) Parking stall sizes shall be in accordance with the following:</p> <p>i. 62 parking stalls at 2.8 m x 5.8 m;</p> <p>ii. 93 parking stalls at 2.6 m x 5.8 m;</p>

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<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>		<p><b>bolded text = text to be added</b></p>
	<p><b>v. 3 barrier-free parking stalls at 4.6 m x 5.8 m;</b>  <b>vi. 3 barrier-free parking stalls at 4.6 m x 5.5 m; and,</b>  <b>vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m.</b></p>	<p>iii. 36 parking stalls at 2.8 m x 5.5 m;  iv. 13 parking stalls at 2.8 m x 5.5 m;  v. 3 barrier-free parking stalls at 4.6 m x 5.8 m;  vi. 3 barrier-free parking stalls at 4.6 m x 5.5 m;  and,  vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m.</p>
SE 734 118 Hatt Street, Dundas	Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule "A20" – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:	Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule "A" – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:
SE 735 1289 Upper James Street, Hamilton	Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1290 of Schedule "A8" – Zoning Maps, and described as 1289 Upper James Street, Hamilton, the following special provisions shall apply:	Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1290 of Schedule "A" – Zoning Maps, and described as 1289 Upper James Street, Hamilton, the following special provisions shall apply:
SE 737	Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of	Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16

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1092 Gore Road, Flamborough	Schedule " <del>A22</del> " – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:	of Schedule "A" – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:
SE 741  354 King Street West, Hamilton	<p>Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 and 951 of Schedule "A" to Zoning By-law No. 05-200 and described as <del>354 King Street West</del> <b>354 King Street West</b>, the following special provisions shall apply:</p> <p>c) Notwithstanding Section 11.1.3. d) ii) and iii), the following special provisions shall apply: i) Building Height b) In addition to a) above, maximum building height shall be in accordance with <del>Figure 24</del> <b>Figure 26</b> of Schedule F – Special Figures of Zoning By-law No. 05-200.</p>	<p>Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 and 951 of Schedule "A" to Zoning By-law No. 05-200 and described as 354 King Street West, the following special provisions shall apply</p> <p>c) Notwithstanding Section 11.1.3. d) ii) and iii), the following special provisions shall apply: i) Building Height b) In addition to a) above, maximum building height shall be in accordance with Figure 26 of Schedule F – Special Figures of Zoning By-law No. 05-200.</p>
SE 747  60 Arbour Road and 1375 Stone Church Road East (in part), Hamilton	<p>Within the lands zoned Prestige Business Park (M3) Zone, identified on Maps 1451 and 1452 of Schedule "<del>A6</del>" – Zoning Maps, and described as 60 Arbour Road and 1375 Stone Church Road East (in part) the following special provisions shall also apply:</p>	<p>Within the lands zoned Prestige Business Park (M3) Zone, identified on Maps 1451 and 1452 of Schedule "A" – Zoning Maps, and described as 60 Arbour Road and 1375 Stone Church Road East (in part) the following special provisions shall also apply:</p>
SE 748  1603 Rymal Road East, Hamilton	<p>Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1548 of Schedule "<del>A5</del>" – Zoning Maps, and described as 1603 Rymal Road East the following special provisions shall also apply:</p>	<p>Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1548 of Schedule "A" – Zoning Maps, and described as 1603 Rymal Road East the following special provisions shall also apply:</p>
SE 749	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map</p>	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map</p>

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<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<del>Grey highlighted strikethrough text</del> = text to be deleted		<b>bolded text</b> = text to be added
141 King Street East, Hamilton	1249 of Schedule "A4" – Zoning Maps, and described as 141 King Street East, the following special provisions shall also apply:	1249 of Schedule "A" – Zoning Maps, and described as 141 King Street East, the following special provisions shall also apply:
SE 750 144 Wilson Street East, Hamilton	Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1228 of Schedule "A18" – Zoning Maps, described as 144 Wilson Street East, the following special provisions shall also apply:	Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1228 of Schedule "A" – Zoning Maps, described as 144 Wilson Street East, the following special provisions shall also apply:
SE 751 78 Highway No. 8, Flamborough	Within the lands zoned Settlement Commercial (S2) Zone, identified on Map 107 of Schedule "A19" – Zoning Maps, described as 78 Highway No. 8, the following special provisions shall also apply:	Within the lands zoned Settlement Commercial (S2) Zone, identified on Map 107 of Schedule "A" – Zoning Maps, described as 78 Highway No. 8, the following special provisions shall also apply:
SE 775 112 King Street West, Dundas	<b>775 Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone identified on Map 860 of Schedule "A" – Zoning Maps, and described as 112 King Street West, the following special provision shall apply:</b>  a) <b>Notwithstanding Subsection 5.6 c) iv) Commercial Uses, a minimum of five (5) parking spaces shall be provided.</b>	775 Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone identified on Map 860 of Schedule "A" – Zoning Maps, and described as 112 King Street West, the following special provision shall apply:  a) Notwithstanding Subsection 5.6 c) iv) Commercial Uses, a minimum of five (5) parking spaces shall be provided.
SE 776 389 / 391 / 427 Limeridge	<b>776 Within the lands zoned Neighbourhood Institutional (I1, 776) Zone, identified on Maps 1291 and 1292 of Schedule "A" – Zoning Maps, and described as 389 / 391 / 427 Limeridge Road East, the</b>	776 Within the lands zoned Neighbourhood Institutional (I1, 776) Zone, identified on Maps 1291 and 1292 of Schedule "A" – Zoning Maps, and described as 389 / 391 / 427 Limeridge Road East, the

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<b>SE / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>		<p><b>bolded text</b> = text to be added</p>
Road East, Hamilton	<p><b>following special provision shall apply:</b></p> <p>a) <b>In addition to Section 8.1.1, a Cemetery shall also be permitted and shall be subject to Section 7.4.2.</b></p>	<p>following special provision shall apply:</p> <p>a) In addition to Section 8.1.1, a Cemetery shall also be permitted and shall be subject to Section 7.4.2.</p>
SE 778 (new)  1609 and 1611 Brock Road, Flamborough	<p><b>778 Within the lands zoned Settlement Residential (S1, 778) Zone, identified on Map Nos. 25 and 35 of Schedule "A" – Zoning Maps, and described as 1609 &amp; 1611 Brock Road, the following special provision shall apply:</b></p> <p>a) <b>Notwithstanding Section 12.3.3 a), the Minimum Lot Area shall be 0.17 hectares.</b></p>	<p>778 Within the lands zoned Settlement Residential (S1, 778) Zone, identified on Map Nos. 25 and 35 of Schedule "A" – Zoning Maps, and described as 1609 &amp; 1611 Brock Road, the following special provision shall apply:</p> <p>a) Notwithstanding Section 12.3.3 a), the Minimum Lot Area shall be 0.17 hectares.</p>



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<b>Appendix "I" – Schedule "D" - Holding Provisions</b>		
<b>Holding / Address</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text = text to be added</b>
	fee.	
H701  71 Rebecca Street, Hamilton	<p><del>Notwithstanding Section 6.1 and Schedule "C" – Special Exceptions, of this By-law, on those lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule "A" – Zoning Maps, described as 71 Rebecca Street, no development shall be permitted until:</del></p> <p><del>i) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.</del></p>	
H125 (new)  65 Oak Avenue, Flamborough	<p><b>Notwithstanding Section 12.3 of this By-law, within a portion of the lands zoned Settlement Residential (S1) Zone on Map No. RU106 of Schedule "A" – Zoning Maps, and described as 65 Oak Avenue, no development shall be permitted until such time as:</b></p> <p><b>1. The owner submits a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be</b></p>	<p>Notwithstanding Section 12.3 of this By-law, within a portion of the lands zoned Settlement Residential (S1) Zone on Map No. RU106 of Schedule "A" – Zoning Maps, and described as 65 Oak Avenue, no development shall be permitted until such time as:</p> <p>1. The owner submits a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format,</p>

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

Appendix "I" – Schedule "D" - Holding Provisions		
Holding / Address	Proposed Change	Proposed Revised Zone Regulation
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text</b> = text to be added
	<p>submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.</p> <p>2. That the proponent shall carry out an archaeological assessment of the portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport. Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of</p>	<p>drawn at true scale and location and tied to the City corporate coordinate system.</p> <p>2. That the proponent shall carry out an archaeological assessment of the portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport. Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).</p> <p>3. The Applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the</p>

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "I" – Schedule "D" - Holding Provisions		
Holding / Address	Proposed Change	Proposed Revised Zone Regulation
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>		<p><b>bolded text</b> = text to be added</p>
	<p><b>Small Business and Consumer Services (416.326.8392).</b></p> <p><b>3. The Applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division - Plan Examination Section).</b></p>	<p>Planning and Economic Development Department (Building Division - Plan Examination Section).</p>

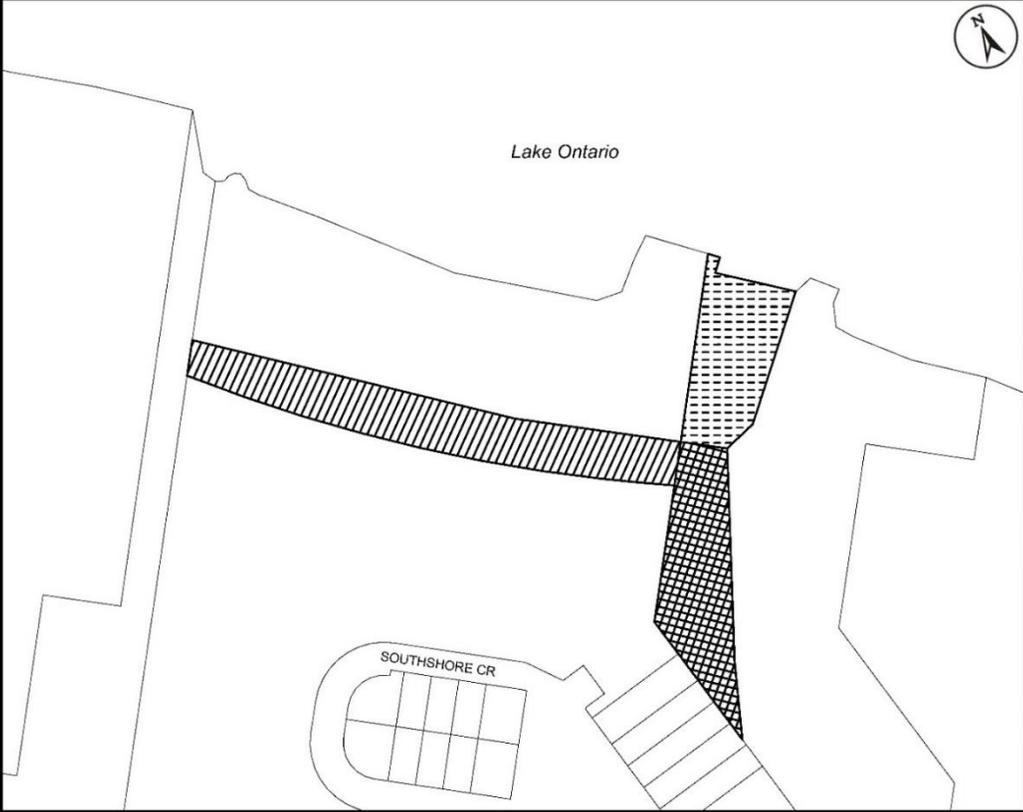
To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

Appendix "J" – Schedule "F" - Special Figures		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added
Figure 10	<del>Figure 10</del> <b>Figure 25</b> : Lime Ridge Mall	Figure 25: Lime Ridge Mall
Figure 24	<del>Figure 24</del> <b>Figure 26</b> : Maximum Building Height for 354 King Street West.	Figure 26: Maximum Building Height for 354 King Street West

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

			
<p>This is Schedule "A-1" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----                  Mayor</p> <p>-----                  Clerk</p>		
<p><b>Schedule "A-1"</b></p> <p>Map forming Part of                  By-law No. 22-_____</p> <p>to Amend By-law No. 05-200                  Map RU79</p>			
<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> 19 McDonald St</p>		<p><b>Subject Property</b>                  19 McDonald Street Flamborough (Ward 14)</p> <p> Change in Zoning from Conservation / Hazard Land – Rural (P7) Zone to Settlement Residential (S1) Zone</p>
<p><b>Date:</b> December 21, 2021</p>		<p><b>Planner/Technician:</b> AF/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

			
		Lake Ontario	
This is Schedule "A-2" to By-law No. 22-  Passed the ..... day of ....., 2022		----- Mayor  ----- Clerk	
<h3>Schedule "A-2"</h3>  Map forming Part of By-law No. 22-_____  to Amend By-law No. 05-200 Map 1052		<b>Subject Property</b> Green Millan Shore Estates  Lands to be added to Zoning By-law No. 05-200 and zoned Open Space (P4) Zone  Lands to be added to Zoning By-law No. 05-200 and zoned Conservation / Hazard Land (P5) Zone  Change in zoning from the Open Space (P4) Zone to the Conservation / Hazard Land (P5) Zone	
Scale: N.T.S.	File Name/Number: ZAC-08-079	 Hamilton	
Date: January 6, 2022	Planner/Technician: AF/NB		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton

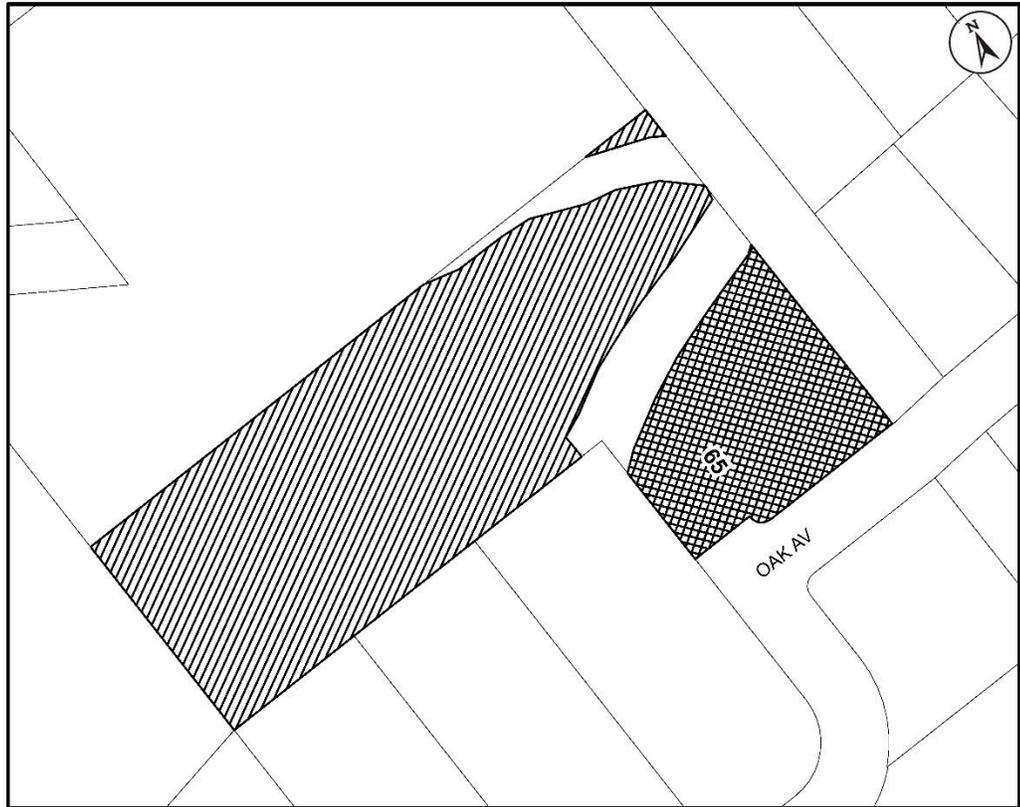
		This is Schedule "A-3" to By-law No. 22-_____  Passed the ..... day of ....., 2022		_____ Mayor	_____ Clerk
		<p align="center"><b>Schedule "A-3"</b></p> <p align="center">Map forming Part of By-law No. 22-_____</p> <p align="center">to Amend By-law No. 05-200 Map 1483 &amp; 1530</p>		<p><b>Subject Property</b> 1295 Cormorant Road</p> <p> Change in Zoning from the General Business Park (M2, 451, 678) Zone to the General Business Park (M2, 678, 767) Zone</p>	
Scale: N.T.S.	File Name/Number: CI-22-C			PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
Date: December 22, 2021	Planner/Technician: AF/VS				

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**



This is Schedule "A-4" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk	
<h3>Schedule "A-4"</h3>  Map forming Part of By-law No. 22-_____  to Amend By-law No. 05-200 Map 1184	<b>Subject Property</b> 171 Mohawk Road East, Hamilton Lands added to Zoning By-law No. 05-200 and zoned Neighbourhood Commercial (C2) Zone	
Scale: N.T.S.  Date: January 6, 2022	File Name/Number: CI-22-C  Planner/Technician: AF/NB	 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**



This is Schedule "A-5" to By-law No. 22-  
 Passed the ..... day of ....., 2022

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 Mayor  
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 Clerk

**Schedule "A-5"**

Map forming Part of  
 By-law No. 22-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 856

**Subject Property**

65 Oak Avenue, Flamborough

 Lands to be added to Zoning By-law No. 05-200 and zoned the Settlement Residential (S1) Zone

 Lands to be added to Zoning By-law No. 05-200 and zoned the Settlement Residential (S1, H125) Zone

Scale:  
 N.T.S

File Name/Number:  
 CI-22-C

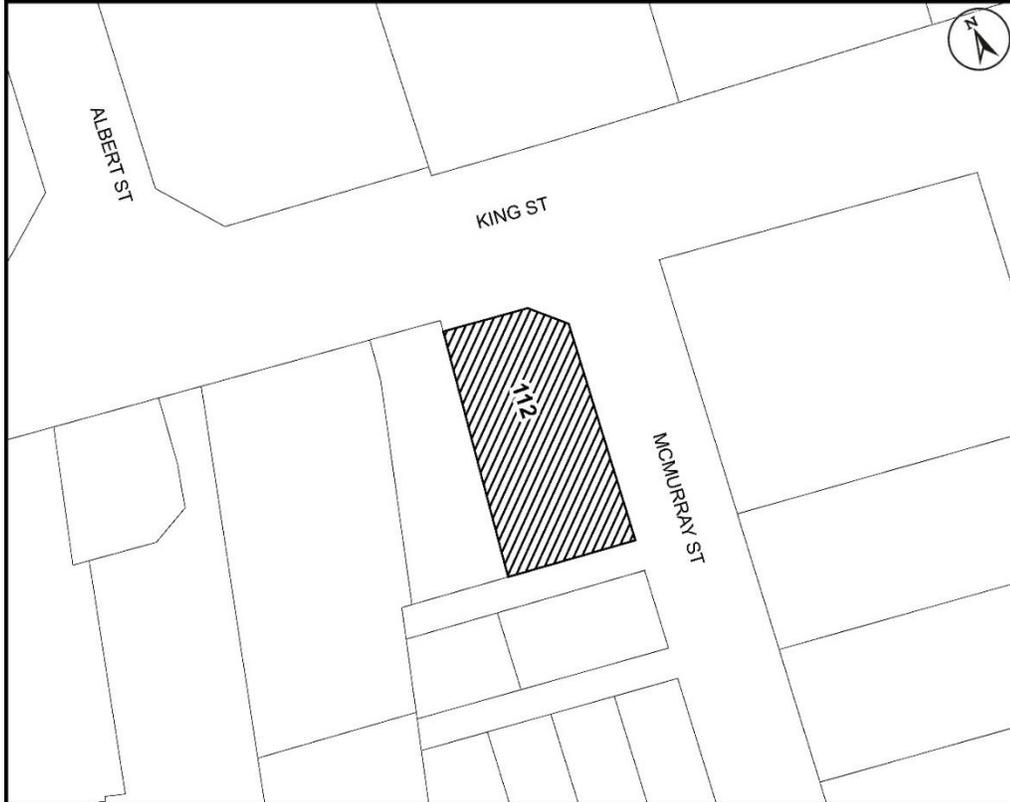
Date:  
 February 15, 2022

Planner/Technician:  
 AF/NB



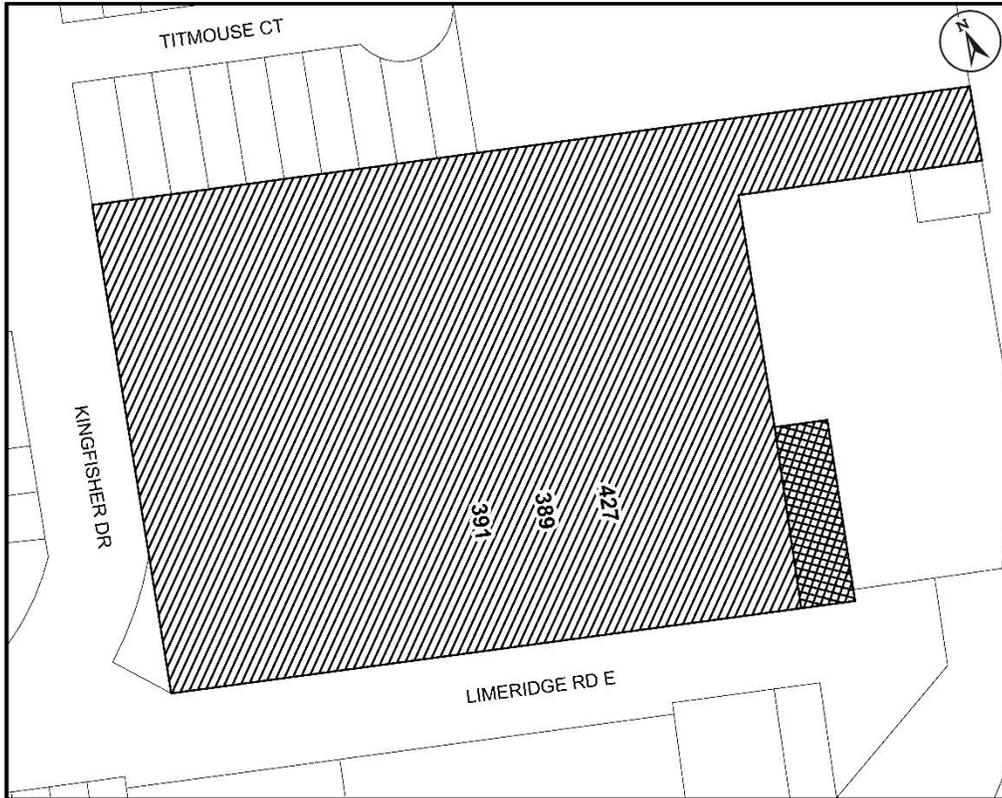
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**



This is Schedule "A-6" to By-law No. 22-  Passed the ..... day of ....., 2022		_____ Mayor  _____ Clerk
<p align="center"><b>Schedule "A-6"</b></p> <p align="center">Map forming Part of By-law No. 22-_____</p> <p align="center">to Amend By-law No. 05-200 Map 860</p>		<p><b>Subject Property</b></p> 112 King Street West, Dundas  Change in Zoning from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone
Scale: N.T.S.  Date: February 14, 2022	File Name/Number: CI-22-C  Planner/Technician: AF/NB	 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton



This is Schedule "A-7" to By-law No. 22-  
 Passed the ..... day of ....., 2022

-----  
 Mayor  
 -----  
 Clerk

**Schedule "A-7"**

Map forming Part of  
 By-law No. 22-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 1291, 1292

**Subject Property**

389, 391 and 427 Limeridge Road East, Hamilton

-  Lands to be added to Zoning By-law No. 05-200 and zoned the Neighbourhood Institutional (I1, 776) Zone
-  Change in zoning from the Mixed Use Medium Density (C5) Zone to the Neighbourhood Institutional (I1, 776) Zone

Scale:  
 N.T.S

File Name/Number:  
 CI-22-C

Date:  
 February 15, 2022

Planner/Technician:  
 AF/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton



This is Schedule "A-8" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk
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<h2>Schedule "A-8"</h2> <p>Map forming Part of                  By-law No. 22-_____</p> <p>to Amend By-law No. 05-200                  Map 1150</p>	<p><b>Subject Property</b>                  821 and 825 North Service Road, Stoney Creek</p> <p> Change in zoning from the Community Commercial (C3, 579) Zone to the Community Commercial (C3) Zone</p>
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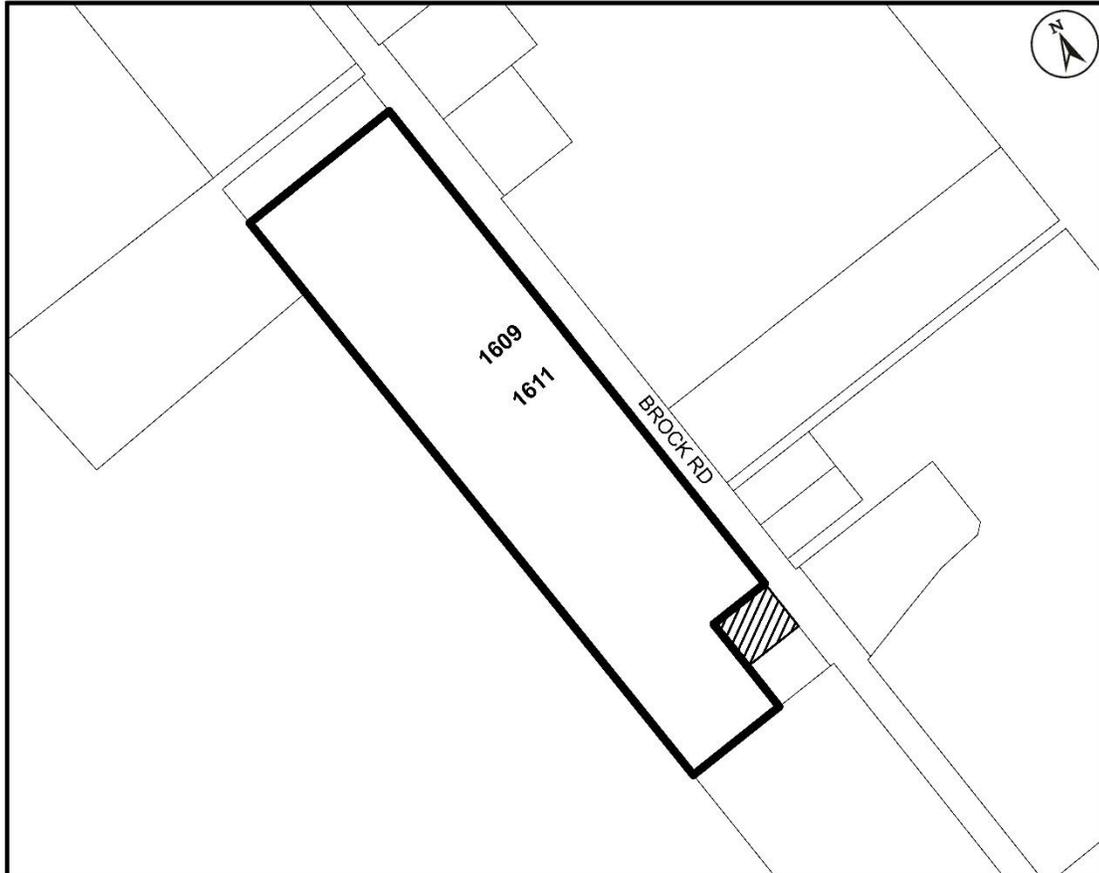
Scale: N.T.S.	File Name/Number: CI-22-C		
Date: February 15, 2022	Planner/Technician: AF/NB		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**



<p>This is Schedule "A-9" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>		
<p><b>Schedule "A-9"</b></p> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 05-200 Map 1256</p>	<p><b>Subject Property</b> 333 McNeilly Road, Stoney Creek</p> <p> Change in zoning from Prestige Business Park (M3) Zone to Prestige Business Park (M3, 375) Zone</p>		
<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> CI-22-C</p>		<p><b>Date:</b> March 3, 2022</p>
<p><b>Planner/Technician:</b> AF/NB</p>			<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>

**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**



This is Schedule "A-10" to By-law No. 22-  
 Passed the ..... day of ....., 2022

-----  
 Mayor  
 -----  
 Clerk

**Schedule "A-10"**

Map forming Part of  
 By-law No. 22-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 196, 224

**Subject Property**  
 1609 and 1611 Brock Road, Flamborough

Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 778) Zone

Remaining Lands

Scale: N.T.S.	File Name/Number: CI-22-C
Date: March 4, 2022	Planner/Technician: AF/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**To Amend By-law 05-200 Respecting Modifications and Updates to certain Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Special Exceptions, Holding Provisions, Special Figures, and Mapping Changes for the City of Hamilton**

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

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Planning Committee	Report No.: PED22046	Date: 04/05/2022
Ward(s) or City Wide: City Wide		(MM/DD/YYYY)

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

## Summary of Proposed Changes to Zoning By-law No. 05-200

Section 1 - Administration			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
1.11 c) i)	<p><b>In addition to Section 1.11 c), the repair, restoration, or replacement of an existing porch, deck, balcony, unenclosed fire escape, or open stair of an existing Single Detached, Semi-Detached, or Duplex Dwelling shall be permitted, provided that such repair, restoration, or replacement will not increase the height, area or volume, or site coverage of such structure.</b></p>	<p>In addition to Section 1.11 c), the repair, restoration, or replacement of an existing porch, deck, balcony, unenclosed fire escape, or open stair of an existing Single Detached, Semi-Detached, or Duplex Dwelling shall be permitted, provided that such repair, restoration, or replacement will not increase the height, area or volume, or site coverage of such structure.</p>	<p>Currently, Section 1.11 c) only permits a homeowner to repair or restore an existing building, or part thereof, that is not in conformity with the provisions of the Zoning By-law, if deemed unsafe. This amendment clarifies that certain structures can be repaired, restored or replaced even if the structure is not in an unsafe condition.</p> <p>The regulation further clarifies that it applies to single detached, semi-detached, and duplex dwellings.</p>
1.12 b)	<p><b>Within the C1 to C7 Zones, a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before</b></p>	<p>Within the C1 to C7 Zones, a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. 17-240 was passed by Council, provided the Building</p>	<p>Consistent with the transition provision for the D1, D2, and D5 zones (Section 1.12 a)), a transition provision is being established for the Commercial and Mixed Use Zones in Zoning By-law No. 05-200 to recognize previous <i>Planning Act</i> approvals for which a building permit had not yet been issued as of the date that By-law No. 17-240 was passed by Council. By-law No. 17-240</p>

**Appendix “A1” to Report PED22046**  
**Page 2 of 58**

<b>Section 1 - Administration</b>			
<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
	<p><b>By-law No. 17-240 was passed by Council, provided the Building Permit Application complies with the Zoning By-law that affected the lot before By-law No. 17-240 came into effect. For the purposes of determining zoning conformity the following shall apply:</b></p> <p><b>i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection b) above.</b></p> <p><b>ii) Once the permit or approval under Subsection b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</b></p>	<p>Permit Application complies with the Zoning By-law that affected the lot before By-law No. 17-240 came into effect. For the purposes of determining zoning conformity the following shall apply:</p> <p>i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection b) above.</p> <p>ii) Once the permit or approval under Subsection b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</p>	<p>introduced the Commercial and Mixed Use Zones.</p> <p>Once a building permit is issued in accordance with the approved <i>Planning Act</i> Application, the provisions of Zoning By-law No. 05-200 apply in full.</p>

## Appendix “A1” to Report PED22046

Section 3 - Definition			
Definition	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
<p><del>Agricultural Brewery / Cidery / Winery</del></p> <p>Agricultural Alcohol Production Facility</p>	<p>Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beers, wine, ciders <b>and / or spirits.</b> <del>or wines. Agricultural Brewery / Cidery / Winery</del> <b>Agricultural Alcohol Production Facility</b> uses may include the crushing, fermentation, <b>distillation</b>, production, bottling, aging, storage and accessory sale of beers, ciders, wines, <b>spirits</b> and related products <del>to both</del>, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.</p>	<p>Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beer, wine, cider and / or spirits. Agricultural Alcohol Production Facility uses may include the crushing, fermentation, distillation, production, bottling, aging, storage and accessory sale of beers, ciders, wines, spirits and related products, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.</p>	<p>Amendment changes the name of the to provide clarity to include all types of alcohol production such as brewery, cidery, winery, and distillation.</p> <p>Amendment also adds “distillation” as a permitted production method for the production of gin, whisky, or other similar products that are not made in a brewery, cidery, or winery.</p> <p>A distillery shall be permitted in the rural area, provided it is a small scale, secondary use to an agricultural operation on the same lot.</p>
<p>Agricultural Processing Establishment – Secondary</p>	<p>Shall mean a Secondary use to an Agricultural operation on the same lot, for a facility dedicated to the transformation of raw agricultural commodities, but shall not include an Abattoir <del>or Agricultural Brewery / Cidery / Winery</del> <b>Agricultural Alcohol Production Facility.</b> Agricultural Processing -</p>	<p>Shall mean a Secondary use to an Agricultural operation on the same lot, for a facility dedicated to the transformation of raw agricultural commodities, but shall not include an Abattoir Agricultural Alcohol Production Facility. Agricultural Processing - Secondary shall be limited to the</p>	<p>Technical change due to new definition name – “Agricultural Alcohol Production Facility”.</p>

## Appendix "A1" to Report PED22046

Section 3 - Definition			
Definition	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
	Secondary shall be limited to the processing of agricultural commodities grown primarily as part of the farm operation, and may include Accessory Retail.	processing of agricultural commodities grown primarily as part of the farm operation, and may include Accessory Retail.	
Agricultural Processing Establishment – Stand Alone	Shall mean the use of land, building or Establishment – Stand Alone structure, or portion thereof, for a stand alone facility dedicated to the transformation of raw agricultural commodities and may include Accessory Retail, but shall not include an Abattoir, <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> or processing of cannabis products.	Shall mean the use of land, building or Establishment – Stand Alone structure, or portion thereof, for a stand alone facility dedicated to the transformation of raw agricultural commodities and may include Accessory Retail, but shall not include an Abattoir, Agricultural Alcohol Production Facility or processing of cannabis products.	Technical change due to new definition name – "Agricultural Alcohol Production Facility".
Alcohol Production Facility	Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an <del>Agricultural Brewery/ Cidery/Winery</del> <b>Agricultural Alcohol Production Facility,</b>	Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an Agricultural Alcohol Production Facility,	Technical change due to new definition name – "Agricultural Alcohol Production Facility".

## Appendix "A1" to Report PED22046

Section 3 - Definition			
Definition	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
	Beverage Making Establishment or Microbrewery.	Beverage Making Establishment or Microbrewery.	
Major Recreation Vehicle Sales and Service Establishment	Shall mean the use of land, building or structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include but not be limited to the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle <del>Sales and Service Establishment</del> .	Shall mean the use of land, building or structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include but not be limited to the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle Dealership.	<p>To change the term from "Motor Vehicle Sales and Service Establishment" to "Motor Vehicle Dealership", which is a defined term.</p> <p>The intent of the definition is unchanged as a Motor Vehicle Dealership may include an associated Motor Vehicle Service Station. So, both the sale and service of motor vehicles remain prohibited.</p>
Motor Vehicle Service Station	Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and	Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation	<p>To change the term from "Motor Vehicle Sales and Service Establishment" to "Motor Vehicle Dealership", which is a defined term.</p> <p>The amendment provides clarity and does not change the intent of the definition as a Motor Vehicle Dealership may include an associated Motor Vehicle Service Station.</p>

## Appendix "A1" to Report PED22046

Section 3 - Definition			
Definition	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle <b>Dealership Sales and Service Establishment</b>, or a Motor Vehicle Wrecking Establishment.</p>	<p>of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Dealership, or a Motor Vehicle Wrecking Establishment.</p>	
Planting Strip	<p>Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include <b>charging stations, walkways, and sidewalks, and charging stations unless a walkway or sidewalk traverses the planting strip to provide access to the site.</b></p>	<p>Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include charging stations, walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.</p>	<p>An amendment to permit a walkway / sidewalk to traverse through the planting strip, providing greater access between the lot and the municipal sidewalk.</p>

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<b>Section 4 – General Provisions</b>			
<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
4.8a)	<p>Unless otherwise provided for in this By-law, Accessory Buildings shall not be used <del>for human habitation</del> <b>as a dwelling unit.</b></p>	<p>Unless otherwise provided for in this By-law, Accessory Buildings shall not be used as a dwelling unit.</p>	<p>Amendment provides clarity that an accessory building may include certain habitable rooms and may be used for human habitation but shall not be a dwelling unit.</p> <p>It is noted that a Secondary Dwelling Unit – Detached, shall not be considered as an Accessory Building.</p>
4.17	<p>All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time. <b>No projections shall be permitted beyond this maximum height.</b></p>	<p>All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time. No projections shall be permitted beyond this maximum height.</p>	<p>Definition of building height does not include certain projections such as flags, chimneys, mechanical penthouses, water tower, antennae, and smokestack. The current regulation does not consider these projections, to which a new development could construct.</p> <p>This amendment clarifies that the maximum height as established by the Hamilton Airport Zoning (Height) Regulation, includes projections.</p>
4.21e)	<p>A home business within a Dwelling Unit, <b>Mixed Use</b> <del>(s) in Conjunction with a Commercial Use</del> shall not be</p>	<p>A home business within a Dwelling Unit, Mixed Use shall not be permitted.</p>	<p>Amendment to change the term from “Dwelling Unit in Conjunction with a Commercial Use” to “Dwelling Unit,</p>

Section 4 – General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted <b>bolded text</b> = text to be added			
	permitted.		Mixed Use". Does not change the intent of the regulation.
4.23d)	All buildings or structures located on a property shall <del>have a minimum</del> <b>be</b> setback a <del>minimum</del> of 7.5 metres from a P5, P7 and P8 Zone boundary, <b>which is determined by flood and fill line mapping as prepared by the Conservation Authority having jurisdiction and amended from time to time.</b>	All buildings or structures located on a property shall have a minimum setback of 7.5 metres from a P5, P7 and P8 Zone boundary, which is determined by flood and fill line mapping as prepared by the Conservation Authority having jurisdiction and amended from time to time.	Amendment includes wording changes that does not change the intent of the regulation.  The amendment also includes determining the setback from the P5, P7, and P8 Zones by flood and fill mapping provided by the Conservation Authorities. Prior to construction of any building on a lot within P5, P7, and P8 Zones, the landowner is required to consult with the Conservation Authority for the flood and fill mapping.

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Section 5 – Parking					
Section	Proposed Change		Proposed Revised Zone Regulation		Rationale
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>					
5.6 c)	<b>Column 1</b>	<b>Column 2</b>	<b>Column 1</b>	<b>Column 2</b>	<p>The parking schedule was silent on the parking requirement for a Dwelling Unit and Dwelling Unit, Mixed Use if located in a C5, C5a or TOC zone and if greater than 50.0 square metres in gross floor area. The intent is to apply the parking requirements for a Multiple Dwelling.</p> <p>To note, these parking regulations are specific to the C5, C5a, and TOC Zones only.</p> <p>In addition, the parking schedule identifies parking requirements for Multiple Dwellings in the C5, C5a and TOC Zones. Standalone residential development is not permitted in the C5a zone and thus a Multiple Dwelling is not a permitted use. Therefore, the C5a zone has been deleted from the parking requirement for Multiple Dwellings.</p>
	<b>i. Residential Uses</b>		<b>i. Residential Uses</b>		
	Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Dwelling Unit	1 per unit.	Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Dwelling Unit	1 per unit.	
	Dwelling Unit and Dwelling Unit, Mixed Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones)		Dwelling Unit and Dwelling Unit, Mixed Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones)		
	(By-law No. 16-264, October 12, 2016) <b>(NOT FINAL AND BINDING</b> By-law No. 17-240, November 8, 2017) (By-law No. 21-189, October 13, 2021)		(By-law No. 16-264, October 12, 2016) <b>(NOT FINAL AND BINDING</b> By-law No. 17-240, November 8, 2017) (By-law No. 21-189, October 13, 2021)		

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Section 5 – Parking							
Section	Proposed Change			Proposed Revised Zone Regulation			Rationale
<del>Grey highlighted strikethrough text = text to be deleted</del>				<b>bolded text = text to be added</b>			
	i) Dwelling Units less than 50.0 square metres in gross floor area	0.3 per unit.		i) Dwelling Units less than 50.0 square metres in gross floor area	0.3 per unit.		
	ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum.	Maximum.	ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum.	Maximum.	
	1 – 3 units	0.3 per unit.	1.25 per unit.	1 – 3 units	0.3 per unit.	1.25 per unit.	
	<b>4 – 14 units</b>	<b>0.7 per unit.</b>	<b>1.25 per unit.</b>	4 – 14 units	0.7 per unit.	1.25 per unit.	
	<b>15 – 50 units</b>	<b>0.85 per unit.</b>	<b>1.25 per unit.</b>	15 – 50 units	0.85 per unit.	1.25 per unit.	
	<b>51+ units</b>	<b>1.0 per unit.</b>	<b>1.25 per unit.</b>	51+ units	1.0 per unit.	1.25 per unit.	
	Multiple Dwelling, Street Townhouse Dwelling	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit. (NOT FINAL AND BINDING By-law No.		Multiple Dwelling, Street Townhouse Dwelling	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit. (NOT FINAL AND BINDING By-law No.		

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Section 5 – Parking							
Section	Proposed Change			Proposed Revised Zone Regulation			Rationale
Grey highlighted strikethrough text = text to be deleted <b>bolded text</b> = text to be added							
		17-240, November 8, 2017)			17-240, November 8, 2017)		
	Multiple Dwelling (Commercial and Mixed Use (C5) <del>and (C5a)</del> Zones and all Transit Oriented Corridor Zones) (By-law No. 16-264, October 12, 2016) (NOT FINAL AND BINDING By-law No. 17-240, November 8, 2017)			Multiple Dwelling (Commercial and Mixed Use (C5) Zone and all Transit Oriented Corridor Zones) (By-law No. 16-264, October 12, 2016) (NOT FINAL AND BINDING By-law No. 17-240, November 8, 2017)			
	i) Dwelling Units less than 50.0 square metres in gross floor area	Minimum	Maximum	i) Dwelling Units less than 50.0 square metres in gross floor area	Minimum	Maximum	
		0.3 per unit.	1.25 per unit.		0.3 per unit.	1.25 per unit.	
	ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum	Maximum	ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum	Maximum	



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Section 9 – Industrial Zones			
Section 9.8 – Airport Related Business (M8) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
9.8.1	PERMITTED USES  Catering Service Commercial Motor Vehicle Sales, Rental and Service Establishment Commercial Parking Facility Conference or Convention Centre Equipment and Machinery Sales, Rental and Service Establishment Financial Establishment Hotel Labour Association Hall Motor Vehicle Rental Establishment Motor Vehicle Service Station Motor Vehicle <b>Dealership Sales</b> and Service Establishment Motor Vehicle Washing Establishment Personal Services Restaurant Retail Transportation Depot Trade School	PERMITTED USES  Catering Service Commercial Motor Vehicle Sales, Rental and Service Establishment Commercial Parking Facility Conference or Convention Centre Equipment and Machinery Sales, Rental and Service Establishment Financial Establishment Hotel Labour Association Hall Motor Vehicle Rental Establishment Motor Vehicle Service Station Motor Vehicle Dealership Motor Vehicle Washing Establishment Personal Services Restaurant Retail Transportation Depot Trade School	To change the term from “Motor Vehicle Sales and Service Establishment” to “Motor Vehicle Dealership”, which is a defined term

Section 10 – Commercial and Mixed Use Zones					
Section 10.5 a – Mixed Use Medium Density – Pedestrian Focus (C5a) Zone					
Section	Proposed Change		Proposed Revised Zone Regulation	Rationale	
Grey highlighted strikethrough text = text to be deleted <b>bolded text</b> = text to be added					
10.5a.3	<del>I) Minimum Amenity Area for Dwelling Units, <b>Mixed Use and Multiple Dwellings</b></del>	On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:	I) Minimum Amenity Area for Dwelling Unit, <b>Mixed Use</b>	On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:	Technical correction to reflect permitted use – Dwelling Unit, Mixed Use

Section 12 – Rural Zones Section 12.1 – Agriculture (A1) Zone Section 12.2 – Rural (A2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
12.1.3.2	<p>a) Uses Permitted as Secondary to Agriculture</p> <p><del>Agricultural Processing Establishment – Secondary</del>  <del>Agricultural Research Operation</del>  <del>Agritourism</del>  <del>Home Industry</del>  <del>Kennel</del>  <del>Agricultural Brewery/Cidery/Winery</del>  <b>Agricultural Alcohol Production Facility</b>  <del>Landscape Contracting Establishment – Secondary</del></p> <p>h) <del>Agricultural Brewery/Cidery/Winery</del>  <b>Agricultural Alcohol Production Facility</b></p>	<p>a) Uses Permitted as Secondary to Agriculture</p> <p>Agricultural Processing Establishment – Secondary  Agricultural Research Operation  Agritourism  Home Industry  Kennel  Agricultural Alcohol Production Facility  Landscape Contracting Establishment – Secondary</p> <p>h) Agricultural Alcohol Production Facility</p> <p>i) Notwithstanding Sections 12.1.3.1 a), 12.1.3.2 b), and 4.12 d), an Agricultural Alcohol Production Facility shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0</p>	<p>Changes a result of the update and name change to the definition “Agricultural Alcohol Production Facility” (formerly “Agricultural Brewery / Cidery / Winery”).</p>

Section 12 – Rural Zones Section 12.1 – Agriculture (A1) Zone Section 12.2 – Rural (A2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
	<p>hectares shall be used for the growing of grapes, fruits, hops or other produce directly associated with onsite beer, cider, <del>or wine,</del> <b>or spirit</b> production;</p> <p>ii) The total maximum building area devoted to an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.</p>	<p>used for the growing of grapes, fruits, hops or other produce directly associated with onsite beer, cider, wine, or spirit production;</p> <p>ii) The total maximum building area devoted to an Agricultural Alcohol Production Facility use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.</p>	

Section 12 – Rural Zones Section 12.1 – Agriculture (A1) Zone Section 12.2 – Rural (A2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
12.2.3.2	<p>a) Uses Agricultural Processing Establishment – Secondary to Agriculture Agricultural Research Operation Agritourism Home Industry <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> Landscape Contracting Establishment – Secondary</p> <p>g) <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b></p>	<p>a) Uses Agricultural Processing Establishment – Secondary to Agriculture Agricultural Research Operation Agritourism Home Industry Agricultural Alcohol Production Facility Landscape Contracting Establishment – Secondary</p> <p>g) Agricultural Alcohol Production Facility</p> <p>i) Notwithstanding Sections 12.2.3.1 a), 12.2.3.2 b), and 4.12 d) an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used</p>	<p>Changes a result of the update and name change to the definition “Agricultural Alcohol Production Facility” (formerly “Agricultural Brewery / Cidery / Winery”).</p>

Section 12 – Rural Zones Section 12.1 – Agriculture (A1) Zone Section 12.2 – Rural (A2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>for the growing production of grapes, fruits, hops or other produce directly associated with on-site beer, cider, <del>or wine, or</del> <b>spirit</b> production;</p> <p>ii) The total maximum building area devoted to an <del>Agricultural Brewery/Cidery/Winery</del> <b>Agricultural Alcohol Production Facility</b> use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.</p>	<p>other produce directly associated with on-site beer, cider, wine, or spirit production;</p> <p>ii) The total maximum building area devoted to an Agricultural Alcohol Production Facility use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.</p>	

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
SE 66  2318 Wilson Street West, Ancaster	In addition to Section 12.4.1, on those lands zoned Settlement Commercial (S2) Zone, identified on Map 157 of Schedule “A” – Zoning Maps and described as 2318 Wilson Street West, a Motor Vehicle <del>Dealership Sales and Service Establishment</del> shall also be permitted.	In addition to Section 12.4.1, on those lands zoned Settlement Commercial (S2) Zone, identified on Map 157 of Schedule “A” – Zoning Maps and described as 2318 Wilson Street West, a Motor Vehicle <b>Dealership Sales and Service Establishment</b> shall also be permitted.	Updated to reflect the change in terminology from “Motor Vehicle Sales and Service Establishment” to “Motor Vehicle Dealership”, which is a defined term.
SE 187  400 Brock Road, Flamborough	Notwithstanding Section 12.7.1 and the definition of a Motor Vehicle Service Station found in Section 3 of this By-law, on those lands zoned Existing Rural Industrial (E2) Zone, identified on Map 94 of Schedule “A” – Zoning Maps and described as 400 Brock Road, the following special provisions shall also apply:  a) Only the following uses shall be permitted:  i) Manufacturing; ii) Motor Vehicle Collision Repair Establishment; iii) Motor Vehicle Service Station where the sale of fuel is prohibited; iv) Motor Vehicle <b>Dealership Sales and Service Establishment</b> ; v) Towing Establishment; vi) Bulk Fuel and Oil Storage Establishment; and,	Notwithstanding Section 12.7.1 and the definition of a Motor Vehicle Service Station found in Section 3 of this By-law, on those lands zoned Existing Rural Industrial (E2) Zone, identified on Map 94 of Schedule “A” – Zoning Maps and described as 400 Brock Road, the following special provisions shall also apply:  a) Only the following uses shall be permitted:  viii) Manufacturing; ix) Motor Vehicle Collision Repair Establishment; x) Motor Vehicle Service Station where the sale of fuel is prohibited; xi) Motor Vehicle Dealership; xii) Towing Establishment; xiii) Bulk Fuel and Oil Storage Establishment; and, xiv) Transport Terminal.	Updated to reflect the change in terminology from “Motor Vehicle Sales and Service Establishment” to “Motor Vehicle Dealership”, which is a defined term.

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>vii) Transport Terminal.</p> <p>b) The following uses shall be prohibited:</p> <p>i) Abattoir; and,  ii) Open Storage.</p>	<p>b) The following uses shall be prohibited:</p> <p>iii) Abattoir; and,  iv) Open Storage.</p>	
<p>SE 216</p> <p>850 Concession 6 West, Flamborough</p>	<p>In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 58 of Schedule "A" – Zoning Maps and described as part of 850 Concession 6 West, the following special provisions shall also apply:</p> <p>a) The following uses shall also be permitted:</p> <p>i) <del>Motor Vehicle <b>Service Station</b> repair shop</del>, including body and fender repairs; and,  ii) <del>Motor Vehicle <b>Dealership</b> sales</del>.</p> <p>b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).</p>	<p>In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 58 of Schedule "A" – Zoning Maps and described as part of 850 Concession 6 West, the following special provisions shall also apply:</p> <p>a) The following uses shall also be permitted:</p> <p>iii) Motor Vehicle Service Station, including body and fender repairs; and,  iv) Motor Vehicle Dealership.</p> <p>b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).</p>	<p>Updated to reflect the change in terminology from "Motor Vehicle Sales and Service Establishment" to "Motor Vehicle Dealership", which is a defined term.</p> <p>Further, "Motor Vehicle Service Station" is a defined term and has replaced repair shop.</p>
<p>SE 217</p> <p>Part of 963</p>	<p>In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 24 and 25 of Schedule "A" – Zoning Maps and</p>	<p>In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 24 and 25 of Schedule "A" – Zoning Maps and described</p>	<p>Updated to reflect the change in terminology from "Motor Vehicle Sales and Service</p>

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
Regional Road 97, Flamborough	<p>described as part of 963 Regional Road 97, the following special provisions shall also apply:</p> <p>a) The following uses shall also be permitted:</p> <ul style="list-style-type: none"> <li>i) Motor Vehicle <b>Service Station</b> <del>repair shop,</del></li> <li>ii) Motor Vehicle <b>Dealership</b> sales, excluding sale of new motor vehicles; and,</li> <li>iii) Salvage yard.</li> </ul> <p>b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).</p>	<p>as part of 963 Regional Road 97, the following special provisions shall also apply:</p> <p>a) The following uses shall also be permitted:</p> <ul style="list-style-type: none"> <li>i) Motor Vehicle Service Station repair shop,</li> <li>ii) Motor Vehicle Dealership sales, excluding sale of new motor vehicles; and,</li> <li>iii) Salvage yard.</li> </ul> <p>b) The uses identified in a) above shall be subject to the regulations contained within Section 12.2.3.1 b), c), d), e), and g).</p>	<p>Establishment” to “Motor Vehicle Dealership”, which is a defined term.</p> <p>Further, “Motor Vehicle Service Station” is a defined term and has replaced repair shop.</p>
SE 224 557 Highway No. 5, Flamborough	<p>In addition to Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 84 of Schedule “A” – Zoning Maps and described as 557 Highway No. 5, the following uses shall also be permitted:</p> <ul style="list-style-type: none"> <li>a) Commercial Motor Vehicle Sales, Rental and Service Establishment;</li> <li>b) fruit and vegetable market;</li> <li>c) Garden Centre;</li> </ul>	<p>In addition to Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 84 of Schedule “A” – Zoning Maps and described as 557 Highway No. 5, the following uses shall also be permitted:</p> <ul style="list-style-type: none"> <li>a) Commercial Motor Vehicle Sales, Rental and Service Establishment;</li> <li>b) fruit and vegetable market;</li> <li>c) Garden Centre;</li> <li>d) Motor Vehicle Dealership;</li> </ul>	<p>Updated to reflect the change in terminology from “Motor Vehicle Sales and Service Establishment” to “Motor Vehicle Dealership”, which is a defined term.</p>

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Schedule "C" – Special Exceptions			
SE / Address	Existing Special Exception (Proposed Change)	Proposed Special Exception	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>d) Motor Vehicle <del>Dealership Sales and Service Establishment;</del>  e) Manufacturing; and,  f) Restaurant.</p>	<p>e) Manufacturing; and,  f) Restaurant.</p>	
<p>SE 302  883 and 999  Upper Wentworth  Street and 508, 520  and 524 Limeridge  Road East,  Hamilton</p>	<p>Within the lands zoned Mixed Use High density (C4) Zone, identified on Maps 1239 and 1292 of Schedule "A" – Zoning Maps and described as 883 and 999 Upper Wentworth Street and 508, 520 and 524 Limeridge Road East, shown as <del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures, the following special provisions shall apply:</p> <p>d) For the purposes of Special Exception No.302 the following special regulations shall apply to Areas A to E, as shown on <del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures</p> <p>e) For the purposes of Special Exception No. 302 the following special regulations shall apply to Areas A to D as shown on <del>Figure 10</del> <b>Figure 25</b> of Schedule "F" – Special Figures</p> <p>iii) The ground floor façade facing a front lot line and access driveway to the site shall be greater than or equal to 50% of the measurement of the</p>	<p>Within the lands zoned Mixed Use High density (C4) Zone, identified on Maps 1239 and 1292 of Schedule "A" – Zoning Maps and described as 883 and 999 Upper Wentworth Street and 508, 520 and 524 Limeridge Road East, shown as Figure 25 of Schedule "F" – Special Figures, the following special provisions shall apply:</p> <p>d) For the purposes of Special Exception No.302 the following special regulations shall apply to Areas A to E, as shown on Figure 25 of Schedule "F" – Special Figures</p> <p>e) For the purposes of Special Exception No. 302 the following special regulations shall apply to Areas A to D as shown on Figure 25 of Schedule "F" – Special Figures</p> <p>iii) The ground floor façade facing a front lot line and access driveway to the site shall be greater than or equal to 50% of the measurement of the width identified for Area A1 to D in Figure 25 for</p>	<p>Schedule "F" contains two Special Figure 10's. This Figure 10 has been renumbered to Figure 25 to remove the duplication.</p>

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<b>Schedule “C” – Special Exceptions</b>																							
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>																				
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>																							
	<p>width identified for Area A1 to D in <del>Figure 10</del>  <b>Figure 25</b> for buildings greater than 1,000 square metres and shall exclude access driveways and lands within a required yard.</p> <p>f) For the purposes of Special Exception No. 302 the following special regulations shall apply to Area E as shown on <del>Figure 10</del> <b>Figure 25</b> of Schedule “F” – Special Figures:</p>	<p>buildings greater than 1,000 square metres and shall exclude access driveways and lands within a required yard.</p> <p>f) For the purposes of Special Exception No. 302 the following special regulations shall apply to Area E as shown on Figure 25 of Schedule “F” – Special Figures:</p>																					
SE 304	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 482, 860, 903, 912, 947, 956, <b>958</b>, 1039, <b>1042</b>, 1085, 1136, 1175, 1234, <b>1238</b>, 1251, 1287, <b>1291</b>, 1302, 1389, <b>1398</b>, 1502 and 1956 of Schedule “A” – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr> <td>925 Barton Street East</td> <td>956</td> </tr> <tr> <td>19 Flamboro Street</td> <td>482</td> </tr> <tr> <td>Part of 18-64 Hamilton Street North</td> <td>482</td> </tr> <tr> <td>473-489 Upper Wellington Street</td> <td>1039 and 1085</td> </tr> </tbody> </table>	Property Address	Map Number	925 Barton Street East	956	19 Flamboro Street	482	Part of 18-64 Hamilton Street North	482	473-489 Upper Wellington Street	1039 and 1085	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 482, 860, 903, 912, 947, 956, 958, 1039, 1042, 1085, 1136, 1175, 1234, 1238, 1251, 1287, 1291, 1302, 1389, 1398, 1502 and 1956 of Schedule “A” – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr> <td>925 Barton Street East</td> <td>956</td> </tr> <tr> <td>19 Flamboro Street</td> <td>482</td> </tr> <tr> <td>Part of 18-64 Hamilton Street North</td> <td>482</td> </tr> <tr> <td>473-489 Upper Wellington Street</td> <td>1039 and 1085</td> </tr> </tbody> </table>	Property Address	Map Number	925 Barton Street East	956	19 Flamboro Street	482	Part of 18-64 Hamilton Street North	482	473-489 Upper Wellington Street	1039 and 1085	<p>SE 304 established through By-law No. 17-240 does not identify all properties subject to this special exception. The list of properties has been updated to identify all subject properties, consistent with the zoning maps.</p>
Property Address	Map Number																						
925 Barton Street East	956																						
19 Flamboro Street	482																						
Part of 18-64 Hamilton Street North	482																						
473-489 Upper Wellington Street	1039 and 1085																						
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<b>Schedule "C" – Special Exceptions</b>				
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>		<b>Proposed Special Exception</b>	<b>Rationale</b>
Grey highlighted strikethrough text = text to be deleted <b>bolded text</b> = text to be added				
	139 and 141 Oak Avenue	912	139 and 141 Oak Avenue	912
	902 Main Street East	1042	902 Main Street East	1042
	386 Upper Gage Avenue and 63 East 39 <sup>th</sup> Street	1136	386 Upper Gage Avenue and 63 East 39 <sup>th</sup> Street	1136
	283 and 289 Highway No. 8	1251	283 and 289 Highway No. 8	1251
	889 Upper Paradise Road	1234 and 1287	889 Upper Paradise Road	1234 and 1287
	200 King Street West	860	200 King Street West	860
	121 King Street West	860	121 King Street West	860
	134, 138 King Street West	860	134, 138 King Street West	860
	<del>40</del> <b>16</b> Foundry Street	860	16 Foundry Street	860
	1 Osler Drive	903	1 Osler Drive	903
	1655 Main Street West	947	1655 Main Street West	947
	407, 413 Wilson Street East	1175	407, 413 Wilson Street East	1175
	82 King Street East	1302 and 1249	82 King Street East	1302 and 1249
	605 Garner Road East	1389	605 Garner Road East	1389
	136-146 Upper Mount Albion Road	1502	136-146 Upper Mount Albion Road	1502
	3194 Regional Road 56	1956	3194 Regional Road 56	1956
	<b>517 Kenilworth Avenue North</b>	<b>958</b>	517 Kenilworth Avenue North	958
	<b>209 and 221 Limeridge Road East</b>	<b>1238 and 1291</b>	209 and 221 Limeridge Road East	1238 and 1291
	<b>902 Main Street East</b>	<b>1042</b>	902 Main Street East	1042
	<b>92 Stapleton Avenue</b>	<b>958</b>	92 Stapleton Avenue	958
	<b>1368 Upper Gage Avenue</b>	<b>1398</b>	1368 Upper Gage Avenue	1398

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<b>Schedule "C" – Special Exceptions</b>															
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>												
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>															
SE 339  45 Goderich Road, Hamilton	<p>Within the <del>these</del> lands zoned Arterial Commercial (C7) Zone, identified on Map 1048 of Schedule "A" – Zoning Maps and described as 45 Goderich Road, the following special provisions shall apply: a) In addition to Subsection 10.7.1, the following uses shall also be permitted:</p> <p><b>i) Medical Clinic</b>  <b>ii) Office</b>  <b>iii) Retail</b></p>	<p>Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1048 of Schedule "A" – Zoning Maps and described as 45 Goderich Road, the following special provisions shall apply: a) In addition to Subsection 10.7.1, the following uses shall also be permitted:</p> <p>i) Medical Clinic  ii) Office  iii) Retail</p>	<p>Permit Medical Clinic use, consistent with special exception S-240b of Former City of Hamilton Zoning By-law No. 6593 which applied to the property before it was rezoned to C7 in Zoning By-law No. 05-200.</p>												
SE 375  Various properties	<p>375. Within the lands zoned <b>Prestige Business Park (M3) Zone</b>, General Industrial (M5) Zone, and Light Industrial (M6) Zone, identified on Maps 829, 870, 871, 912, 913, 914, 915, 956, 957, 958, 959, 1147, 1198, 1199, <b>and 1256</b> of Schedule "A" – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th><b>Property Address</b></th> <th><b>Map Number</b></th> </tr> </thead> <tbody> <tr> <td>1-18, 20, 22-37, 39, 41, 43 Albemarle Street</td> <td>915, 956, 957</td> </tr> <tr> <td>362, 364, 366, 368, 370, 372, 374, 376, 378, 380,</td> <td>914, 915, 956, 957</td> </tr> </tbody> </table>	<b>Property Address</b>	<b>Map Number</b>	1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957	362, 364, 366, 368, 370, 372, 374, 376, 378, 380,	914, 915, 956, 957	<p>375. Within the lands zoned Prestige Business Park (M3) Zone, General Industrial (M5) Zone, and Light Industrial (M6) Zone, identified on Maps 829, 870, 871, 912, 913, 914, 915, 956, 957, 958, 959, 1147, 1198, 1199, and 1256 of Schedule "A" – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th><b>Property Address</b></th> <th><b>Map Number</b></th> </tr> </thead> <tbody> <tr> <td>1-18, 20, 22-37, 39, 41, 43 Albemarle Street</td> <td>915, 956, 957</td> </tr> <tr> <td>362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street</td> <td>914, 915, 956, 957</td> </tr> </tbody> </table>	<b>Property Address</b>	<b>Map Number</b>	1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957	362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street	914, 915, 956, 957	<p>The property 333 McNeilly Road is within the McNeilly residential enclave. The Employment Land Review Report, completed as part of the Municipal Comprehensive Review, recommended this property be rezoned to Prestige Business Park (M3, 375) to permit the legally established residential use.</p>
<b>Property Address</b>	<b>Map Number</b>														
1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957														
362, 364, 366, 368, 370, 372, 374, 376, 378, 380,	914, 915, 956, 957														
<b>Property Address</b>	<b>Map Number</b>														
1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957														
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<b>Schedule "C" – Special Exceptions</b>				
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>		<b>Proposed Special Exception</b>	<b>Rationale</b>
Grey highlighted strikethrough text = text to be deleted <b>bolded text</b> = text to be added				
	<del>382, 385-387, 393, 395, 397, 399 Avondale Street</del> 481 Barton Street East	1147, 1198, 1199	481 Barton Street East 1147, 1198, 1199	
	<del>31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83, 89, 91, 93, 104, 105, 107-113, 116-118, 120, 122, 124, 126, 128, 130, 132, 136, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160-164, 166, 167, 169, 172, 173, 175-177, 179-182, 184, 186, 188, 190, 192, 194, 195, 203, 205, 207, 211, 213, 215, 217, 219, 221, 223, 227, 229, 233, 237, 240, 243, 252, 254, 263, 264, 266, 267, 269-275, 526, 528, 530, 532, 534, 544, 548, 554, 560, 568</del> Beach Road	914, 956, 957, 958, 959	<del>31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83, 89, 91, 93, 104, 105, 107-113, 116-118, 120, 122, 124, 126, 128, 130, 132, 136, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160-164, 166, 167, 169, 172, 173, 175-177, 179-182, 184, 186, 188, 190, 192, 194, 195, 203, 205, 207, 211, 213, 215, 217, 219, 221, 223, 227, 229, 233, 237, 240, 243, 252, 254, 263, 264, 266, 267, 269-275, 526, 528, 530, 532, 534, 544, 548, 554, 560, 568</del> Beach Road	914, 956, 957, 958, 959
	<del>3, 8-10, 12-15, 20, 22</del> Beatty Avenue	958	<del>3, 8-10, 12-15, 20, 22</del> Beatty Avenue	958
	<del>2, 4, 8, 16</del> Birmingham Street	914	<del>2, 4, 8, 16</del> Birmingham Street	914
	<del>450, 517, 520, 539, 553, 555, 561, 563, 569, 571,</del>		<del>450, 517, 520, 539, 553, 555, 561, 563, 569, 571,</del>	971

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<b>Schedule "C" – Special Exceptions</b>				
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>	
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>				
	<p>450, 517, 520, 539, 553, 555, 561, 563, 569, 571, 573, 577 Burlington Street East</p> <p>29, 43, 110, 112, 114, 116, 118, 120, 122, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 Burton Street</p> <p>83, 85, 87, 89, 91-105 Cheever Street</p> <p>3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue</p> <p>5-7, 21, 23, 25, 27, 29-31, 33, 35, 37, 39, 40, 45, 47-49 Depew Street</p> <p>12-22, 24-28, 30, 31, 33 Dickson Street</p> <p>6, 8, 10, 16 Douglas Avenue</p> <p>350, 353, 360, 362, 364, 366, 368, 373, 375, 377, 391, 393, 395 Emerald Street North</p> <p>304, 322, 332, 334, 337, 342, 344, 348, 350, 352, 357 Gage Avenue North</p>	<p>971</p> <p>870, 912</p> <p>912</p> <p>870, 912</p> <p>915, 957</p> <p>871</p> <p>912</p> <p>870, 912</p> <p>914, 956</p>	<p>573, 577 Burlington Street East</p> <p>29, 43, 110, 112, 114, 116, 118, 120, 122, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 Burton Street</p> <p>83, 85, 87, 89, 91-105 Cheever Street</p> <p>3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue</p> <p>5-7, 21, 23, 25, 27, 29-31, 33, 35, 37, 39, 40, 45, 47-49 Depew Street</p> <p>12-22, 24-28, 30, 31, 33 Dickson Street</p> <p>6, 8, 10, 16 Douglas Avenue</p> <p>350, 353, 360, 362, 364, 366, 368, 373, 375, 377, 391, 393, 395 Emerald Street North</p> <p>304, 322, 332, 334, 337, 342, 344, 348, 350, 352, 357 Gage Avenue North</p> <p>3, 17, 20, 22, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43-58, 60, 62, 64, 66, 69,</p>	<p>870, 912</p> <p>912</p> <p>870, 912</p> <p>915, 957</p> <p>871</p> <p>912</p> <p>870, 912</p> <p>914, 956</p> <p>914, 915, 957</p>

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	3, 17, 20, 22, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43-58, 60, 62, 64, 66, 69, 70, 72-79, 81-84, 86, 87- 95, 97, 99, 101-103, 105, 107, 109, 113, 115 Gertrude Street	914, 915, 957	70, 72-79, 81-84, 86, 87- 95, 97, 99, 101-103, 105, 107, 109, 113, 115 Gertrude Street
	5, 59, 61, 63, 65-71, 73- 75, 78, 79, 81, 91, 93, 95, 97-99, 101-103, 105, 107, 109, 111, 113, 115- 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141 Hillyard Street	871, 913	5, 59, 61, 63, 65-71, 73- 75, 78, 79, 81, 91, 93, 95, 97-99, 101-103, 105, 107, 109, 111, 113, 115- 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141 Hillyard Street
	1, 3, 5, 7, 9, 11, 13, 15- 17, 19-21, 23, 25, 34, 36, 38, 40, 42 Land Street	915, 957	1, 3, 5, 7, 9, 11, 13, 15- 17, 19-21, 23, 25, 34, 36, 38, 40, 42 Land Street
	1, 4-12, 14-16, 18, 19, 21-24, 26-28, 30-37 Lyndhurst Street	915, 957	1, 4-12, 14-16, 18, 19, 21-24, 26-28, 30-37 Lyndhurst Street
	2, 6, 8, 10, 16, 20, 22, 24-27, 30, 31, 35, 36, 38- 41, 43, 45 Macallum Street	870, 871	2, 6, 8, 10, 16, 20, 22, 24-27, 30, 31, 35, 36, 38- 41, 43, 45 Macallum Street
	17, 23, 25, 27, 29, 31 McKinstry Street	871	17, 23, 25, 27, 29, 31 McKinstry Street
	<b>333 McNeilly Road</b>	<b>1256</b>	333 McNeilly Road
	52, 56, 58, 60, 64 Munroe Street	913	52, 56, 58, 60, 64 Munroe Street
			66, 67, 69-71, 73-76, 78, 82, 84, 86, 88, 98, 99, 102-104, 106-110, 112- 131, 133-135, 137, 139,

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<b>Schedule "C" – Special Exceptions</b>				
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>	
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>				
	<p>66, 67, 69-71, 73-76, 78, 82, 84, 86, 88, 98, 99, 102-104, 106-110, 112-131, 133-135, 137, 139, 141, 143, 152, 163, 167, 171 Niagara Street</p> <p>2, 4, 10, 12, 20, 26, 28, 32 Northcote Street</p> <p>1 Norton Street</p> <p>5 Roadway</p> <p>1, 2, 4, 6, 8 Roosevelt Avenue</p> <p>1, 3, 5-20, 22-25, 27-29, 31, 33, 35-37 Rowanwood Street</p> <p>15, 17, 20-27, 29-36, 38, 40, 48, 50, 52, 56, 58, 60, 64, 65, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 103, 107, 109, 111, 113, 115, 117-119, 170, 175 Shaw Street</p> <p>366, 390, 400 Victoria Avenue North</p> <p>335, 517, 519, 521, 527, 529, 531, 533, 536, 540, 560, 562, 564, 566, 568, 570, 572, 574, 578, 580, 582, 584, 600, 610, 612, 618 Wentworth Street North</p>	<p>829, 871</p> <p>957</p> <p>914</p> <p>871, 914, 915, 956, 957</p> <p>958</p> <p>957</p> <p>912, 913</p> <p>870, 912</p> <p>829, 871, 912, 913</p>	<p>141, 143, 152, 163, 167, 171 Niagara Street</p> <p>2, 4, 10, 12, 20, 26, 28, 32 Northcote Street</p> <p>1 Norton Street</p> <p>5 Roadway</p> <p>1, 2, 4, 6, 8 Roosevelt Avenue</p> <p>1, 3, 5-20, 22-25, 27-29, 31, 33, 35-37 Rowanwood Street</p> <p>15, 17, 20-27, 29-36, 38, 40, 48, 50, 52, 56, 58, 60, 64, 65, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 103, 107, 109, 111, 113, 115, 117-119, 170, 175 Shaw Street</p> <p>366, 390, 400 Victoria Avenue North</p> <p>335, 517, 519, 521, 527, 529, 531, 533, 536, 540, 560, 562, 564, 566, 568, 570, 572, 574, 578, 580, 582, 584, 600, 610, 612, 618 Wentworth Street North</p>	

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<b>Schedule "C" – Special Exceptions</b>				
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>		<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>				
	<p>570, 572, 574, 578, 580, 582, 584, 600, 610, 612, 618 Wentworth Street North</p>		<p>2, 4, 6, 8, 10-25, 27, 28, 30, 32, 34, 36, 38, 40 44, 46-48, 50 Whitfield Avenue</p>	<p>914</p>
	<p>2, 4, 6, 8, 10-25, 27, 28, 30, 32, 34, 36, 38, 40 44, 46-48, 50 Whitfield Avenue</p>	<p>914</p>	<p>The following special provisions shall apply:</p> <p>a) In addition to Subsections 9.3.1, 9.5.1 and 9.6.1, and notwithstanding Subsections 9.3.2 ii), 9.5.2 and 9.6.2 ii), the legally established residential uses existing on the date of passing of this By-law (May 26, 2010) shall also be permitted.</p> <p>b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010 and shall be in accordance with Section 4.33 of the By-law.</p> <p>c) Notwithstanding Subsections 9.3.3, 9.5.3 and 9.6.3, the following regulations shall apply to the use permitted in Clause a):</p>	
	<p>The following special provisions shall apply:</p> <p>a) In addition to Subsections <b>9.3.1</b>, 9.5.1 and 9.6.1, and notwithstanding Subsections <b>9.3.2 ii)</b>, 9.5.2 and 9.6.2 ii), the legally established residential uses existing on the date of passing of this By-law (May 26, 2010) shall also be permitted.</p> <p>b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010 and shall be in accordance with Section 4.33 of the By-law.</p>			

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
	<p>c) Notwithstanding Subsections <b>9.3.3</b>, 9.5.3 and 9.6.3, the following regulations shall apply to the use permitted in Clause a):</p> <p>i) Minimum Front Yard      6.0 metres</p> <p>Maximum Building Height      14.0 metres</p> <p>iii) Minimum Side Yard      0.6 metres</p> <p>iv) Minimum Rear Yard      7.5 metres</p> <p>v) Accessory buildings shall be subject to Subsection 4.8.1</p>	<p>i) Minimum Front Yard      6.0 metres</p> <p>Maximum Building Height      14.0 metres</p> <p>iii) Minimum Side Yard      0.6 metres</p> <p>iv) Minimum Rear Yard      7.5 metres</p> <p>v) Accessory buildings shall be subject to Subsection 4.8.1</p>	
SE 383 0 Portia Drive, Ancaster	<p><del>383</del> In addition to the uses permitted in Section 9.3.1, on those lands zoned Prestige Business Park (M3) Zone, identified on Maps 1433 and 1482 of Schedule "A" Zoning Maps and described as 0 Portia Drive, the following uses shall also be permitted:</p> <p><del>a. Motor Vehicle Sales and Service Establishment</del></p>		SE 383 was replaced by SE 649 through By-law No. 17-240. This modification will correct the error by deleting SE 383.

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
	<p><del>b. Veterinary Service</del>  <del>c. Retail</del>  <del>d. Farm Product Supply Dealer</del>  <del>e. Major Recreational Vehicle Sales and Service Establishment</del>  f.</p>		
SE 384  0 Portia Drive, Ancaster	<del>384</del> In addition to the Regulations of Section 9.3.3, on those lands zoned Prestige Business Park (M3) Zone, identified on Map 1433 of Schedule "A" – Zoning Maps and described as 0 Portia Drive, the Minimum Rear Yard shall be 15.0 metres		SE 384 was replaced by SE 650 through By-law No. 17-240. This modification will correct the error by deleting SE 383.
SE 451  1295 Cormorant Road, Ancaster	<del>SE 451</del> <b>SE 767</b>	<b>SE 767</b>	Duplicate Special Exception Numbers were used.  Renumber SE 451 that applies to 1295 Cormorant Road, Ancaster to resolve the duplication.  The change to Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is shown on Schedule "A-3" to the amending by-law.

**Appendix "A1" to Report PED22046**  
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<b>Schedule "C" – Special Exceptions</b>																																															
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>																																												
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SE 451  108 James Street North and 111 and 115 Hughson Street North, Hamilton	Notwithstanding Sections 6.2.3 of this By-law, within the lands zoned Downtown Prime Retail Streets (D2, 451) Zone, identified on Maps 910 and 911 of Schedule "A" – Zoning Maps, and described as 108 James Street North and 111 and 115 Hughson Street North, and as further detailed and informed through attached Concept Plan (Schedule "F" – <del>Figure 5</del> <b>Figure 17</b> ), the following special provisions shall apply:	Notwithstanding Sections 6.2.3 of this By-law, within the lands zoned Downtown Prime Retail Streets (D2, 451) Zone, identified on Maps 910 and 911 of Schedule "A" – Zoning Maps, and described as 108 James Street North and 111 and 115 Hughson Street North, and as further detailed and informed through attached Concept Plan (Schedule "F" – <b>Figure 17</b> ), the following special provisions shall apply:	Incorrect Special Figure # is referenced in the Special Exception.																																												
SE 579  Various properties	Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, <del>1150</del> , 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1503 and 1640 of Schedule "A" – Zoning Maps and described as: <table border="1" data-bbox="451 1040 963 1425"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr><td>168 Barton Street</td><td>1145</td></tr> <tr><td>178 Barton Street</td><td>1145</td></tr> <tr><td>188 Barton Street</td><td>1145</td></tr> <tr><td>198 Barton Street</td><td>1145</td></tr> <tr><td>210 Barton Street</td><td>1145</td></tr> <tr><td>214 Barton Street</td><td>1145</td></tr> <tr><td>232 Barton Street</td><td>1146</td></tr> <tr><td>274 Barton Street</td><td>1146</td></tr> <tr><td>276 Barton Street</td><td>1146</td></tr> <tr><td>386 Barton Street</td><td>1198</td></tr> </tbody> </table>	Property Address	Map Number	168 Barton Street	1145	178 Barton Street	1145	188 Barton Street	1145	198 Barton Street	1145	210 Barton Street	1145	214 Barton Street	1145	232 Barton Street	1146	274 Barton Street	1146	276 Barton Street	1146	386 Barton Street	1198	Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1503 and 1640 of Schedule "A" – Zoning Maps and described as: <table border="1" data-bbox="1052 1040 1564 1425"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr><td>168 Barton Street</td><td>1145</td></tr> <tr><td>178 Barton Street</td><td>1145</td></tr> <tr><td>188 Barton Street</td><td>1145</td></tr> <tr><td>198 Barton Street</td><td>1145</td></tr> <tr><td>210 Barton Street</td><td>1145</td></tr> <tr><td>214 Barton Street</td><td>1145</td></tr> <tr><td>232 Barton Street</td><td>1146</td></tr> <tr><td>274 Barton Street</td><td>1146</td></tr> <tr><td>276 Barton Street</td><td>1146</td></tr> <tr><td>386 Barton Street</td><td>1198</td></tr> </tbody> </table>	Property Address	Map Number	168 Barton Street	1145	178 Barton Street	1145	188 Barton Street	1145	198 Barton Street	1145	210 Barton Street	1145	214 Barton Street	1145	232 Barton Street	1146	274 Barton Street	1146	276 Barton Street	1146	386 Barton Street	1198	The previous approval of Committee of Adjustment Application SC/A-09:212 and Site Plan Application DA-09-21 established the permissions for development of the subject lands. Therefore, the property can be deleted from SE 579.
Property Address	Map Number																																														
168 Barton Street	1145																																														
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## Appendix "A1" to Report PED22046

Schedule "C" – Special Exceptions				
SE / Address	Existing Special Exception (Proposed Change)		Proposed Special Exception	Rationale
<del>Grey highlighted strikethrough text = text to be deleted</del> <b>bolded text = text to be added</b>				
	412 Barton Street	1198	412 Barton Street	1198
	520 Barton Street	1199	520 Barton Street	1199
	2800 Barton Street East	1145	2800 Barton Street East	1145
	2806 Barton Street East	1145	2806 Barton Street East	1145
	2814 Barton Street East	1145	2814 Barton Street East	1145
	2820 Barton Street East	1145	2820 Barton Street East	1145
	2824 Barton Street East	1145	2824 Barton Street East	1145
	2842 Barton Street East	1145	2842 Barton Street East	1145
	1365 Baseline Road	1259	1365 Baseline Road	1259
	1367 Baseline Road	1259	1367 Baseline Road	1259
	92 Centennial Parkway South	1194	92 Centennial Parkway South	1194
	500 Fifty Road	1259 and 1260	500 Fifty Road	1259 and 1260
	518 Fruitland Road	1100	518 Fruitland Road	1100
	110 Gordon Drummond Avenue	1503	110 Gordon Drummond Avenue	1503
	288 Grays Road	1145	288 Grays Road	1145
	294 Grays Road	1145	294 Grays Road	1145
	298 Grays Road	1145	298 Grays Road	1145
	302 Grays Road	1145	302 Grays Road	1145
	304 Grays Road	1145	304 Grays Road	1145
	305 Grays Road	1145	305 Grays Road	1145
	308 Grays Road	1145	308 Grays Road	1145
	309 Grays Road	1145	309 Grays Road	1145
	312 Grays Road	1145	312 Grays Road	1145
	316 Grays Road	1145	316 Grays Road	1145
	80 Green Mountain Road	1405	80 Green Mountain Road	1405
	364 Highway 8	1251	364 Highway 8	1251

## Appendix "A1" to Report PED22046

Schedule "C" – Special Exceptions				
SE / Address	Existing Special Exception (Proposed Change)		Proposed Special Exception	Rationale
Grey highlighted strikethrough text = text to be deleted <b>bolded text</b> = text to be added				
	410 Highway 8	1252	410 Highway 8	1252
	411 Highway 8	1252	411 Highway 8	1252
	418 Highway 8	1252	418 Highway 8	1252
	419 Highway 8	1252	419 Highway 8	1252
	420 Highway 8	1252	420 Highway 8	1252
	421 Highway 8	1252	421 Highway 8	1252
	423 Highway 8	1252	423 Highway 8	1252
	424 Highway 8	1252	424 Highway 8	1252
	426 Highway 8	1252	426 Highway 8	1252
	427 Highway 8	1252	427 Highway 8	1252
	430 Highway 8	1252	430 Highway 8	1252
	432 Highway 8	1252	432 Highway 8	1252
	436 Highway 8	1252	436 Highway 8	1252
	438 Highway 8	1252	438 Highway 8	1252
	440 Highway 8	1252	440 Highway 8	1252
	446 Highway 8	1252	446 Highway 8	1252
	448, 450 Highway 8	1252	448, 450 Highway 8	1252
	452 Highway 8	1252	452 Highway 8	1252
	454 Highway 8	1252 and 1305	454 Highway 8	1252 and 1305
	466 Highway 8	1252 and 1305	466 Highway 8	1252 and 1305
	483 Highway 8	1252	483 Highway 8	1252
	171 Margaret Avenue	1252	171 Margaret Avenue	1252
	173 Margaret Avenue	1252	173 Margaret Avenue	1252
	520 Highway 8	1305	520 Highway 8	1305
	521 Highway 8	1252 and 1305	521 Highway 8	1252 and 1305
	538 Highway 8	1305	538 Highway 8	1305
	542, 548 Highway 8	1305 and 1306	542, 548 Highway 8	1305 and 1306
	570 Highway 8	1306	570 Highway 8	1306
	604 Highway 8	1306	604 Highway 8	1306

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<b>Schedule "C" – Special Exceptions</b>																																																													
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SE 633 75 Centennial Parkway North (Eastgate Square),	Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142, 1143, and 1194 of Schedule "A" – Zoning Maps, and described as 75 Centennial Parkway North (Eastgate Square), shown as	Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142, 1143, and 1194 of Schedule "A" – Zoning Maps, and described as 75 Centennial Parkway North (Eastgate Square), shown as	Incorrect Special Figure # is referenced in the Special Exception.																																																										

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
Hamilton	<p><del>Figure 11</del> <b>Figure 18</b> of Schedule “F” – Special Figures, the following special provisions shall also apply:</p> <p>a) The lands described as 75 Centennial Parkway North (Eastgate Square), as shown as <del>Figure 11</del> <b>Figure 18</b> of Schedule “F” – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.</p> <p>c) For the purposes of Special Exception No. 633, the following provisions shall apply to Area A as shown on <del>Figure 11</del> <b>Figure 18</b> of Schedule “F” – Special Figures:</p> <p>d) For the purposes of Special Exception No. 633, the following provisions shall apply to Area B as shown on <del>Figure 11</del> <b>Figure 18</b> of Schedule “F” – Special Figures:</p>	<p>Figure 18 of Schedule “F” – Special Figures, the following special provisions shall also apply:</p> <p>a) The lands described as 75 Centennial Parkway North (Eastgate Square), as shown as Figure 18 of Schedule “F” – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.</p> <p>c) For the purposes of Special Exception No. 633, the following provisions shall apply to Area A as shown on Figure 18 of Schedule “F” – Special Figures:</p> <p>d) For the purposes of Special Exception No. 633, the following provisions shall apply to Area B as shown on Figure 18 of Schedule “F” – Special Figures:</p>	
SE 637  670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton	<p>Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 and 1193 of Schedule “A” – Zoning Maps, and described as 670, 674, 686, 692, 700 and 706 Queenston Road, shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule “F” – Special</p>	<p>Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 and 1193 of Schedule “A” – Zoning Maps, and described as 670, 674, 686, 692, 700 and 706 Queenston Road, shown as <del>Figure 12</del></p>	<p>Incorrect Special Figure # is referenced in the Special Exception.</p> <p><b>Note:</b> Only the clauses that are to be amended are</p>

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>Figures, the following special provisions shall also apply:</p> <p>a) For the purposes of Special Exception No. 637, the following special regulations shall apply to Areas A and B, as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figure:</p> <p>A) The lands described as 670, 674, 686, 692, 700 and 706 Queenston Road, as shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.</p> <p>b) For the purposes of Special Exception No. 637, the following special regulations shall apply to Area A as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p> <p>c) For the purposes of Special Exception No. 637, the following special provisions shall apply to Area B as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p>	<p>Figure 19 of Schedule "F" – Special Figures, the following special provisions shall also apply:</p> <p>a) For the purposes of Special Exception No. 637, the following special regulations shall apply to Areas A and B, as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figure:</p> <p>A) The lands described as 670, 674, 686, 692, 700 and 706 Queenston Road, as shown as <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.</p> <p>b) For the purposes of Special Exception No. 637, the following special regulations shall apply to Area A as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p> <p>c) For the purposes of Special Exception No. 637, the following special provisions shall apply to Area B as shown on <del>Figure 12</del> <b>Figure 19</b> of Schedule "F" – Special Figures:</p>	<p>included in this table. The entire Special Exception has not been transcribed.</p>

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
SE 649  Northwest corner of Wilson Street West and Mason Drive, Ancaster	Within the lands zoned District Commercial (C6) Zone, identified on Maps 1433 and 1482 of Schedule “A” – Zoning Maps and described as the northwest corner of Wilson Street West and Mason Drive, the following special provisions shall apply:  a) In addition to the definition of Retail in Section 3: Definitions, the following definition shall also apply:  Supermarket    A store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.  b) Notwithstanding Subsection 10.6.1, only the following uses shall be permitted:	Within the lands zoned District Commercial (C6) Zone, identified on Maps 1433 and 1482 of Schedule “A” – Zoning Maps and described as the northwest corner of Wilson Street West and Mason Drive, the following special provisions shall apply:  a) In addition to the definition of Retail in Section 3: Definitions, the following definition shall also apply:  Supermarket    A store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.  b) Notwithstanding Subsection 10.6.1, only the following uses shall be permitted:	Updated to reflect the change in terminology from “Motor Vehicle Sales and Service Establishment” to “Motor Vehicle Dealership”, which is a defined term.

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<ul style="list-style-type: none"> <li>i) Art Gallery</li> <li>ii) Auctioneer Establishment</li> <li>iii) Building and Lumber Supply Establishment, within a wholly enclosed building</li> <li>iv) Catering Service</li> <li>v) Cold Storage Locker Establishment</li> <li>vi) Commercial Entertainment, within a wholly enclosed building</li> <li>vii) Commercial Parking Facility</li> <li>viii) Commercial Recreation, within a wholly enclosed building</li> <li>ix) Community Garden</li> <li>x) Craftsperson Shop</li> <li>xi) Day Nursery</li> <li>xii) Educational Establishment</li> <li>xiii) Financial Establishment</li> <li>xiv) Funeral Home</li> <li>xv) Laboratory</li> <li>xvi) Library</li> <li>xvii) Major Recreation Vehicle Sales and Service Establishment</li> <li>xxiii) Manufacturing, limited to a Printing and / or Publishing Establishment</li> <li>xix) Medical Clinic</li> <li>xx) Motor Vehicle <b>Dealership Sales and Service Establishment</b></li> </ul>	<ul style="list-style-type: none"> <li>i) Art Gallery</li> <li>ii) Auctioneer Establishment</li> <li>iii) Building and Lumber Supply Establishment, within a wholly enclosed building</li> <li>iv) Catering Service</li> <li>v) Cold Storage Locker Establishment</li> <li>vi) Commercial Entertainment, within a wholly enclosed building</li> <li>vii) Commercial Parking Facility</li> <li>viii) Commercial Recreation, within a wholly enclosed building</li> <li>ix) Community Garden</li> <li>x) Craftsperson Shop</li> <li>xi) Day Nursery</li> <li>xii) Educational Establishment</li> <li>xiii) Financial Establishment</li> <li>xiv) Funeral Home</li> <li>xv) Laboratory</li> <li>xvi) Library</li> <li>xvii) Major Recreation Vehicle Sales and Service Establishment</li> <li>xxiii) Manufacturing, limited to a Printing and / or Publishing Establishment</li> <li>xix) Medical Clinic</li> <li>xx) Motor Vehicle Dealership</li> <li>xxi) Museum</li> </ul>	

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<ul style="list-style-type: none"> <li>xxi) Museum</li> <li>xxii) Office</li> <li>xxiii) Personal Services</li> <li>xxiv) Post Office</li> <li>xxv) Private Club or Lodge</li> <li>xxvi) Recreational Vehicle Sales and Service Establishment</li> <li>xxvii) Repair Service</li> <li>xxviii) Restaurant</li> <li>xxix) Retail, not including a Supermarket</li> <li>xxx) Transportation Depot</li> <li>xxxi) Urban Farm</li> <li>xxxii) Urban Farmer's Market</li> </ul> <p>c) Notwithstanding Subsection 10.6.1.1 i) 1. B., a two-storey building containing office uses on both the first and second floor is also permitted.</p> <p>d) In addition to Subsection 10.6.2, the following uses shall also be prohibited, even as an accessory use:</p> <ul style="list-style-type: none"> <li>i) Body Rub Parlour</li> <li>ii) Department Store</li> <li>iii) Dwelling Unit</li> <li>iv) Open Storage</li> <li>v) Supermarket</li> </ul>	<ul style="list-style-type: none"> <li>xxii) Office</li> <li>xxiii) Personal Services</li> <li>xxiv) Post Office</li> <li>xxv) Private Club or Lodge</li> <li>xxvi) Recreational Vehicle Sales and Service Establishment</li> <li>xxvii) Repair Service</li> <li>xxviii) Restaurant</li> <li>xxix) Retail, not including a Supermarket</li> <li>xxx) Transportation Depot</li> <li>xxxi) Urban Farm</li> <li>xxxii) Urban Farmer's Market</li> </ul> <p>c) Notwithstanding Subsection 10.6.1.1 i) 1. B., a two-storey building containing office uses on both the first and second floor is also permitted.</p> <p>d) In addition to Subsection 10.6.2, the following uses shall also be prohibited, even as an accessory use:</p> <ul style="list-style-type: none"> <li>i) Body Rub Parlour</li> <li>ii) Department Store</li> <li>iii) Dwelling Unit</li> <li>iv) Open Storage</li> <li>v) Supermarket</li> </ul>	

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>e) Notwithstanding Subsection 10.6.3e) and f), the maximum Gross Floor Area for all uses shall be 10,000 square metres, and shall not apply to Motor Vehicle Sales and Service Establishment and Major Recreational Vehicle Sales, Service, and Rental Establishment.</p>	<p>e) Notwithstanding Subsection 10.6.3e) and f), the maximum Gross Floor Area for all uses shall be 10,000 square metres, and shall not apply to Motor Vehicle Sales and Service Establishment and Major Recreational Vehicle Sales, Service, and Rental Establishment.</p>	
<p>SE 674  3100, 3110, 3120, 3140 RR 56, Block 131 of Registered Plan of Subdivision 62M-1062, Glanbrook</p>	<p>d) In addition to Subsection 5.1 d) i) and 5.6 c), and notwithstanding Subsections 5.1 a) v), 5.2 b) and f), and 5.6 c) i. and iv., the following regulations shall apply:</p> <p><b>i) The minimum parking space size shall be 3.0 metres in width and 5.8 metres in length.</b></p> <p>ii) The minimum barrier-free parking space size shall be 4.4 metres in width and 5.8 metres in length, except where two (2) barrier-free parking spaces are located together, a minimum 3.5 metres in width shall be permitted for each space.</p> <p>iii) Minimum Parking Requirements</p> <p>i. Residential Uses</p>	<p>d) In addition to Subsection 5.1 d) i) and 5.6 c), and notwithstanding Subsections 5.1 a) v), 5.2 b) and f), and 5.6 c) i. and iv., the following regulations shall apply:</p> <p>i) The minimum parking space size shall be 3.0 metres in width and 5.8 metres in length.</p> <p>ii) The minimum barrier-free parking space size shall be 4.4 metres in width and 5.8 metres in length, except where two (2) barrier-free parking spaces are located together, a minimum 3.5 metres in width shall be permitted for each space</p> <p>iii) Minimum Parking Requirements</p>	<p>Technical corrections. To:</p> <ul style="list-style-type: none"> <li>• Add Clause d) i) which was omitted in error;</li> <li>• Update a definition; and,</li> <li>• Correct the numbering.</li> </ul>

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>Dwelling Units and 1 space per unit  <del>Dwelling Units in Conjunction</del> 0.5 visitor spaces per unit  <del>with a Commercial Use</del>  <b>Dwelling Unit, Mixed Use</b></p> <p><del>iv. ii. Residential Uses</del> <b>Commercial Uses</b></p> <p>All Commercial Uses 1 for each 30 square metres of Gross Floor Area which accommodates such use</p> <p>iv) Minimum Loading Space Requirements: 1 space</p> <p>e) Notwithstanding Subsection 4.6 a), d), e), and f), the following regulations apply:</p> <p>i) Sills, belt courses, cornices, eaves and gutters, chimneys, bay windows, and</p>	<p><b>i. Residential Uses</b>  Dwelling Units 1 space per unit  Dwelling Unit, Mixed Use 0.5 visitor spaces per unit</p> <p><b>ii. Commercial Uses</b>  All Commercial Uses 1 for each 30 square metres of Gross Floor Area which accommodates such use</p> <p>iv) Minimum Loading Space Requirements: 1 space</p> <p>e) Notwithstanding Subsection 4.6 a), d), e), and f), the following regulations apply:</p> <p>i) Sills, belt courses, cornices, eaves and gutters, chimneys, bay windows, and pilasters may project into any required yard a maximum 3.0 metres; and,</p>	



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<b>Schedule "C" – Special Exceptions</b>				
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>		<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>				
	ii) Building Height	The maximum building height shall be 11 metres.	ii) Building Height	The maximum building height shall be 11 metres.
	iii) Built Form for New Development	The first storey shall have a minimum height of 3.5 metres and a maximum height of 4.5 metres.	iii) Built Form for New Development	The first storey shall have a minimum height of 3.5 metres and a maximum height of 4.5 metres.
	iv) Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 6.0 metre wide Planting Strip shall be provided and maintained.	iv) Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 6.0 metre wide Planting Strip shall be provided and maintained.
	v) Visual Barrier	A Visual Barrier shall also be required where a	v) Visual Barrier	A Visual Barrier shall also be required where a loading space abuts any Residential or

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	loading space abuts any Residential or Institutional Zone or a residential or institutional use.	Institutional Zone or a residential or institutional use.	
SE 701  71 Rebecca Street, Hamilton	<p>Within the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone identified on Map 953 of Schedule A - Zoning Maps and described as 71 Rebecca Street the following special regulations apply:</p> <p><b>a f)</b> Notwithstanding Sections 5.2 b), 6.0 c) i) ii) and iii) 2, and 6.1.3 e), the following special provisions shall also apply:</p> <p><b>b g) REGULATIONS</b></p> <p>a) Stepback from the Building Base Façade Height      i) A minimum 3.0 metre stepback shall be required from the building base façade height of 11 metres along Rebecca Street.</p>	<p>Within the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone identified on Map 953 of Schedule A - Zoning Maps and described as 71 Rebecca Street the following special regulations apply:</p> <p>a) Notwithstanding Sections 5.2 b), 6.0 c) i) ii) and iii) 2, and 6.1.3 e), the following special provisions shall also apply:</p> <p>b) REGULATIONS</p> <p>a) Stepback from the Building Base Façade Height      i) A minimum 3.0 metre stepback shall be required from the building base façade height of 11 metres along Rebecca Street.</p>	Technical corrections to numbering and addition of clause omitted in error.

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<b>Schedule "C" – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
	<p><del>ba)</del> Stepback for the portion of the Building exceeding 22.0 metres, at the southern point of the perpendicular portion of the rear lot line.</p> <p><del>cb)</del> Maximum Lot Coverage</p> <p><del>de)</del> Parking</p>	<p><b>i)</b> 1.0 metres</p> <p><b>b)</b> Stepback for the portion of the Building exceeding 22.0 metres, at the southern point of the perpendicular portion of the rear lot line.</p> <p><b>c)</b> Maximum Lot Coverage      100%</p> <p><b>d)</b> Parking      <b>i)</b> Parking stall sizes shall be in accordance with the following:</p> <p><b>i.</b> 62 parking stalls at 2.8 m x 5.8 m;  <b>ii.</b> 93 parking stalls at 2.6 m x 5.8 m;  <b>iii.</b> 36 parking stalls at 2.8 m x 5.5 m;</p>	

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
	<p>iv. 13 parking stalls at 2.8 m x 5.5 m;  <b>v. 3 barrier-free parking stalls at 4.6 m x 5.8 m;</b>  vi. 3 barrier-free parking stalls at 4.6 m x 5.5 m; and,  <b>vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m.</b></p>	<p>iv. 13 parking stalls at 2.8 m x 5.5 m;  v. 3 barrier-free parking stalls at 4.6 m x 5.8 m;  vi. 3 barrier-free parking stalls at 4.6 m x 5.5 m; and,  vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m.</p>	
SE 734 118 Hatt Street, Dundas	Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule “ <del>A20</del> ” – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:	Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule “A” – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:	While Schedule “A20” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 735 1289 Upper James Street, Hamilton	Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1290 of Schedule “ <del>A8</del> ” – Zoning Maps, and described as 1289 Upper	Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1290 of Schedule “A” – Zoning Maps, and described as 1289 Upper	While Schedule “A8” refers to the schedule number in the amending by-law, the special exception should refer to

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	James Street, Hamilton, the following special provisions shall apply:	James Street, Hamilton, the following special provisions shall apply:	Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 737  1092 Gore Road, Flamborough	Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule “A22” – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:	Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule “A” – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:	While Schedule “A22” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 741  354 King Street West, Hamilton	<p>Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 and 951 of Schedule “A” to Zoning By-law No. 05-200 and described as <del>351 King Street West</del> <b>354 King Street West</b>, the following special provisions shall apply:</p> <p>c) Notwithstanding Section 11.1.3. d) ii) and iii), the following special provisions shall apply: i) Building Height b) In addition to a) above, maximum building height shall be in accordance with <del>Figure 24</del> <b>Figure 26</b> of Schedule F – Special Figures of Zoning By-law No. 05-200.</p>	<p>Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 and 951 of Schedule “A” to Zoning By-law No. 05-200 and described as 354 King Street West, the following special provisions shall apply</p> <p>c) Notwithstanding Section 11.1.3. d) ii) and iii), the following special provisions shall apply: i) Building Height b) In addition to a) above, maximum building height shall be in accordance with Figure 26 of Schedule F – Special Figures of Zoning By-law No. 05-200.</p>	<p>Subject property incorrectly identified as 351 King Street West when it should be 354 King Street West.</p> <p>Correct the Figure # as the special figure has been renumbered in Schedule “F” – Special Figures.</p>

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<del>Grey highlighted strikethrough text = text to be deleted</del> <b>bolded text = text to be added</b>			
SE 747 60 Arbour Road and 1375 Stone Church Road East (in part), Hamilton	Within the lands zoned Prestige Business Park (M3) Zone, identified on Maps 1451 and 1452 of Schedule “ <del>A6</del> ” – Zoning Maps, and described as 60 Arbour Road and 1375 Stone Church Road East (in part) the following special provisions shall also apply:	Within the lands zoned Prestige Business Park (M3) Zone, identified on Maps 1451 and 1452 of Schedule “A” – Zoning Maps, and described as 60 Arbour Road and 1375 Stone Church Road East (in part) the following special provisions shall also apply:	While Schedule “A6” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 748 1603 Rymal Road East, Hamilton	Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1548 of Schedule “ <del>A5</del> ” – Zoning Maps, and described as 1603 Rymal Road East the following special provisions shall also apply:	Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1548 of Schedule “A” – Zoning Maps, and described as 1603 Rymal Road East the following special provisions shall also apply:	While Schedule “A5” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 749 141 King Street East, Hamilton	Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1249 of Schedule “ <del>A4</del> ” – Zoning Maps, and described as 141 King Street East, the following special provisions shall also apply:	Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1249 of Schedule “A” – Zoning Maps, and described as 141 King Street East, the following special provisions shall also apply:	While Schedule “A4” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 750 144 Wilson Street East, Hamilton	Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1228 of Schedule “ <del>A18</del> ” – Zoning Maps, described as 144 Wilson Street East, the following special provisions shall also apply:	Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1228 of Schedule “A” – Zoning Maps, described as 144 Wilson Street East, the following special provisions shall also apply:	While Schedule “A18” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
SE 751 78 Highway No. 8, Flamborough	Within the lands zoned Settlement Commercial (S2) Zone, identified on Map 107 of Schedule “A19” – Zoning Maps, described as 78 Highway No. 8, the following special provisions shall also apply:	Within the lands zoned Settlement Commercial (S2) Zone, identified on Map 107 of Schedule “A” – Zoning Maps, described as 78 Highway No. 8, the following special provisions shall also apply:	While Schedule “A19” refers to the schedule number in the amending by-law, the special exception should refer to Schedule “A” – Zoning Maps of Zoning By-law No. 05-200.
SE 775 (new) 112 King Street West, Dundas	<p><b>775 Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone, identified on Map No. 860 of Schedule “A” – Zoning Maps, and described as 112 King Street West, the following special provision shall apply:</b></p> <p><b>a) Notwithstanding Section 5.6 c) iv), a minimum of five (5) parking spaces shall be provided.</b></p>	<p>775 Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone, identified on Map No. 860 of Schedule “A” – Zoning Maps, and described as 112 King Street West, the following special provision shall apply:</p> <p>a) Notwithstanding Section 5.6 c) iv), a minimum of five (5) parking spaces shall be provided.</p>	<p>To recognize the reduced parking requirements for commercial purposes granted by the Committee of Adjustment for Application DN/A-15:180.</p> <p>The variance was to Dundas Zoning By-law No. 3581-86 whereas the property is now subject to Zoning By-law No. 05-200. A medical clinic is proposed which was a permitted use under the former Dundas Zoning By-law and is a use permitted in the existing zoning on the property.</p>

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<b>Schedule “C” – Special Exceptions</b>			
<b>SE / Address</b>	<b>Existing Special Exception (Proposed Change)</b>	<b>Proposed Special Exception</b>	<b>Rationale</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
SE 776 (new)  389 / 391 / 427 Limeridge Road East, Hamilton	<b>776</b> Within the lands zoned <b>Neighbourhood Institutional (I1, 776) Zone, identified on Map Nos. 1291 and 1292 of Schedule “A” – Zoning Maps, and described as 389 / 391 / 427 Limeridge Road East, the following special provision shall apply:</b>  <b>a) In addition to Section 8.1.1, a Cemetery shall also be permitted and shall be subject to Section 7.4.2.</b>	776 Within the lands zoned Neighbourhood Institutional (I1, 776) Zone, identified on Map Nos. 1291 and 1292 of Schedule “A” – Zoning Maps, and described as 389 / 391 / 427 Limeridge Road East, the following special provision shall apply:  a) In addition to Section 8.1.1, a Cemetery shall also be permitted and shall be subject to Section 7.4.2.	The majority of the lands are to be added to Zoning By-law No. 05-200, with a small portion rezoned from C5 to I1.  The Special Exception will recognize the existing use – cemetery.
SE 778 (new)  1609 and 1611 Brock Road, Flamborough	<b>778</b> Within the lands zoned <b>Settlement Residential (S1, 778) Zone, identified on Map Nos. 25 and 35 of Schedule “A” – Zoning Maps, and described as 1609 &amp; 1611 Brock Road, the following special provision shall apply:</b>  <b>a) Notwithstanding Section 12.3.3 a), the Minimum Lot Area shall be 0.17 hectares.</b>	778 Within the lands zoned Settlement Residential (S1, 778) Zone, identified on Map Nos. 25 and 35 of Schedule “A” – Zoning Maps, and described as 1609 & 1611 Brock Road, the following special provision shall apply:  a) Notwithstanding Section 12.3.3 a), the Minimum Lot Area shall be 0.17 hectares.	Special Exception 778 recognizes a reduced lot area for a portion of the property, to implement the decision of the Committee of Adjustment for severance application FL/B-22:02. The portion of the property subject to SE 778 represent the lands to be retained.

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<b>Schedule “D” – Holding Provisions</b>			
<b>Special Figure #</b>	<b>Proposed Change</b>	<b>Proposed Holding Provision</b>	<b>Rationale</b>
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added	
H94 Pier 8, 65 Guise Street, Hamilton	That notwithstanding Section 14 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Waterfront – Multiple Residential (WF1, <del>H94</del> ) <b>Zone, and Waterfront – Multiple Residential (WF1, 483, <del>H94</del>) Zone, and Waterfront – Mixed Use (WF2, <del>H94</del>) Zone, and Waterfront – Prime Retail Streets (WF3, <del>H94</del>) Zone, and Waterfront – Prime Retail Streets (WF3, 484, <del>H94</del>) Zone, and Community Institutional (I2, 486, <del>H94</del>) Zone</b> on Map 827 of Schedule “A” – Zoning Maps, described as Pier 8, 65 Guise Street, no development shall be permitted until such time as:	That notwithstanding Section 14 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Waterfront – Multiple Residential (WF1) Zone, Waterfront – Multiple Residential (WF1, 483) Zone, Waterfront – Mixed Use (WF2) Zone, Waterfront – Prime Retail Streets (WF3) Zone, -Waterfront – Prime Retail Streets (WF3, 484) Zone, and Community Institutional (I2, 486) Zone on Map 827 of Schedule “A” – Zoning Maps, described as Pier 8, 65 Guise Street, no development shall be permitted until such time as:	Technical corrections to properly identify the zones and to remove the holding number from the preamble.
H105 71 Rebecca Street, Hamilton	<b>Notwithstanding Section 6.1 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps, described as 71 Rebecca Street, no development shall be permitted until:</b>  <b>i) The Owner enters into a conditional</b>	Notwithstanding Section 6.1 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps, described as 71 Rebecca Street, no development shall be permitted until:  i) The Owner enters into a conditional building permit agreement with respect to completing	Through PED18195, By-law No. 18-293 introduced H105. H105 was updated through By-law No. 20-030 but was incorrectly added to Schedule “D” as H701.  This change corrects this error by deleting H701 and deleting and replacing H105.

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<b>Schedule “D” – Holding Provisions</b>			
<b>Special Figure #</b>	<b>Proposed Change</b>	<b>Proposed Holding Provision</b>	<b>Rationale</b>
Grey highlighted strikethrough text = text to be deleted		<b>bolded text</b> = text to be added	
	<p><b>building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.</b></p>	<p>a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.</p>	
H701 71 Rebecca Street, Hamilton	<p><del>Notwithstanding Section 6.1 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps, described as 71 Rebecca Street, no development shall be permitted until:</del></p> <p><del>i) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition</del></p>		<p>Through PED18195, By-law No. 18-293 introduced H105. H105 was updated through By-law No. 20-030 but was incorrectly added to Schedule “D” as H701. Therefore, H701 is being deleted.</p>

**Appendix “A1” to Report PED22046**  
**Page 55 of 58**

<b>Schedule “D” – Holding Provisions</b>			
<b>Special Figure #</b>	<b>Proposed Change</b>	<b>Proposed Holding Provision</b>	<b>Rationale</b>
	Grey highlighted strikethrough text = text to be deleted	<b>bolded text</b> = text to be added	
	<p><del>or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.</del></p>		
H125 (new)  65 Oak Avenue, Flamborough	<p><b>Notwithstanding Section 12.3 of this By-law, within a portion of the lands zoned Settlement Residential (S1) Zone on Map No. RU106 of Schedule “A” – Zoning Maps, and described as 65 Oak Avenue, no development shall be permitted until such time as:</b></p> <p><b>1. The owner submits a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also</b></p>	<p>Notwithstanding Section 12.3 of this By-law, within a portion of the lands zoned Settlement Residential (S1) Zone on Map No. RU106 of Schedule “A” – Zoning Maps, and described as 65 Oak Avenue, no development shall be permitted until such time as:</p> <p>1. The owner submits a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.</p>	<p>The portion of the property zoned the Settlement Residential (R2) Zone in Flamborough Zoning By-law No. 95-145-Z is to be added to Zoning By-law No. 05-200 and zoned Settlement Residential (S1).</p> <p>A holding provision is being applied to the undeveloped portion of the property to recognize the conditions of approved severance Application FL/B-17:69, which must be fulfilled prior to development on the portion of the property that is to be severed.</p>

Schedule "D" – Holding Provisions			
Special Figure #	Proposed Change	Proposed Holding Provision	Rationale
	<del>Grey highlighted strikethrough text = text to be deleted</del>	<b>bolded text = text to be added</b>	
	<p>submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.</p> <p>2. That the proponent shall carry out an archaeological assessment of the portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport. Should deeply buried</p>	<p>2. That the proponent shall carry out an archaeological assessment of the portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport. Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the</p>	

Schedule "D" – Holding Provisions			
Special Figure #	Proposed Change	Proposed Holding Provision	Rationale
	<p><del>Grey highlighted strikethrough text = text to be deleted</del></p> <p><b>archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).</b></p> <p><b>3. The Applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division - Plan Examination Section).</b></p>	<p><b>Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).</b></p> <p><b>3. The Applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division - Plan Examination Section).</b></p>	<p><b>bolded text = text to be added</b></p>

Schedule "F" – Special Figures			
Special Figure #	Proposed Change	Proposed Special Figure	Rationale
<p>Grey highlighted strikethrough text = text to be deleted      <b>bolded text</b> = text to be added</p>			
Figure 10	<del>Figure 10</del> <b>Figure 25</b> : Lime Ridge Mall	Figure 25: Lime Ridge Mall	There are two Special Figure 10's in Schedule "F". Renumber Figure 10: Lime Ridge Mall, to Figure 25.
Figure 24	<del>Figure 24</del> <b>Figure 26</b> : Maximum Building Height for 354 King Street West	Figure 26: Maximum Building Height for 354 King Street West	There are two Special Figure 24's in Schedule "F". Renumber Figure 24: Maximum Building Height for 354 King Street West, to Figure 26.

## Appendix "A2" to Report PED22046

## Page 1 of 3

Address	Map # / Schedule in By-law	Existing Zoning	Proposed Zoning in Zoning By-law 05-200	OPA Required	Rationale
<b>Ward 7</b>					
171 Mohawk Road East	1184	"C" District  Neighbourhood Commercial (C2) Zone	Neighbourhood Commercial (C2) Zone	No	The entire property should be subject to the same zone and associated permissions. At present, the rear, landlocked portion of the property is zoned "C" District which is not functional, nor does it reflect the intended use of the property.
389, 391, 427 Limeridge Road East	1291 1292	"AA" District  Mixed Use Medium Density (C5) Zone	Neighbourhood Institutional (I1, 776) Zone	No	Most of the subject lands are zoned "AA" District, which will be added to Zoning By-law No. 05-200. The remainder will be rezoned from C5 to I1, consistent with Urban Hamilton Official Plan Schedule E-1: Urban Land Use Designations.  The Special Exception will recognize the existing use – cemetery.
<b>Ward 10</b>					
Green Millan Shore Estates (Frances Avenue, Southshore Crescent, Lakefront Drive, Waterview Drive, Lakewalk Drive)	1052	Open Space (P4) Zone  Conservation / Hazard Lands (P5) Zone	Open Space (P4) Zone  Conservation / Hazard Lands (P5) Zone	No	The zone boundaries were drawn as per Schedule "A" of By-law No. 10-028 when the area was redeveloped (Green Millan Shore Estates Plan of Subdivision). When lots were created, they did not align with the zone boundaries.  The purpose of the amendment is to align the P4 and P5 zone boundaries with property boundaries as intended.
<b>Ward 11</b>					
821 – 825 North Service Road	1150	Community Commercial (C3, 579) Zone	Community Commercial (C3) Zone	No	The property is to be removed from Special Exception 579. The previous approval of Committee of Adjustment Application SC/A-09:212 and Site Plan Application DA-09-21 established the permissions for development of the subject lands.

## Appendix "A2" to Report PED22046

## Page 2 of 3

Address	Map # / Schedule in By-law	Existing Zoning	Proposed Zoning in Zoning By-law 05-200	OPA Required	Rationale
333 McNeilly Road	1256	Prestige Business Park (M3) Zone	Prestige Business Park (M3, 375) Zone	No	The property is within the McNeilly residential enclave. The Employment Land Review Report, completed as part of the Municipal Comprehensive Review, recommended this property be rezoned to Prestige Business Park (M3, 375) to permit the legally established residential use.
<b>Ward 12</b>					
1295 Cormorant Road	1483 1530	General Business Park (M2, 451, 678) Zone	General Business Park (M2, 678, 767) Zone	No	Schedule "C" Special Exceptions contained two separate special exceptions which were both numbered SE 451.  SE 451 as it applies to 1295 Cormorant Road has been renumbered to SE 767.
<b>Ward 13</b>					
112 King Street West	860	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone	Mixed Use Medium Density – Pedestrian Focus (C5a, 570, 775) Zone	No	Introducing a Special Exception to recognize the reduced parking requirements for commercial purposes granted by the Committee of Adjustment for Application DN/A-15:180.
<b>Ward 14</b>					
19 McDonald Street	RU79	Conservation / Hazard Land – Rural (P7) Zone	Settlement Residential (S1) Zone	No	The zone boundary has been revised to remove the manicured portion of the lot from the P7 zone.

## Appendix "A2" to Report PED22046

Page 3 of 3

Address	Map # / Schedule in By-law	Existing Zoning	Proposed Zoning in Zoning By-law 05-200	OPA Required	Rationale
65 Oak Avenue	RU106	Settlement Residential (R2) Zone, Exception 19  Settlement Residential (R2) Zone, Exception 24  Conservation Management (CM) Zone	Settlement Residential (S1) Zone  Settlement Residential (S1, H125) Zone  Conservation Management (CM) Zone (Flamborough Zoning By-law No. 95-145-Z)	No	<p>The portion of the property zoned the Settlement Residential (R2) Zone in Flamborough Zoning By-law No. 95-145-Z is to be added to Zoning By-law No. 05-200 and zoned Settlement Residential (S1) now that the subwatershed study is complete as it applies to the subject lands.</p> <p>Existing Special Exceptions 19 and 24 do not need to be carried forward as the regulations are no longer relevant.</p> <p>Holding Provision 125 will be introduced for the vacant portion of the property which is to be developed once severed. No development is to occur on this portion of the property until the conditions of severance are completed as per Committee of Adjustment Decision for FL/B-17:69.</p>
1609 and 1611 Brock Road	RU 25 and 35	Settlement Residential (S1) Zone  Rural (A2) Zone  Conservation/ Hazard Land – Rural (P8) Zone	Settlement Residential (S1) Zone  Settlement Residential (S1, 778) Zone  Rural (A2) Zone  Conservation/ Hazard Land – Rural (P8) Zone	No	<p>The portion of the property zoned the Settlement Residential (S1) Zone is to be rezoned to the Settlement Residential (S1, 778) Zone. Special Exception 778 recognizes a reduced lot area for this portion of the property, to implement the decision of the Committee of Adjustment for severance Application FL/B-22:02. This portion of the property is the lands to be retained.</p>

**Appendix “B” to Report PED22046**

**Page 1 of 4**

**Authority:** Item  
Report: (PED22046)  
CM:  
Ward: 12

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 87-57 Respecting  
Modifications to the Existing Residential “ER” Zone  
in the former Town of Ancaster Zoning By-law**

**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** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April, 2022, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

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

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 87-57 (Ancaster) as follows:

1. That Section 10: EXISTING RESIDENTIAL “ER” ZONE, Table 10.3.5 – Side Yard Setback, of Zoning By-law No. 87-57 (Ancaster), as amended, is further

**Appendix “B” to Report PED22046****Page 2 of 4**

**To Amend Zoning By-law No. 87-57 Respecting  
Modifications to the Existing Residential “ER” Zone  
in the former Town of Ancaster Zoning By-law**

amended by introducing a clause (2) and adding said clause to the Table 10.3.5 regulations as follows:

**Table 10.3.5 – Side Yard Setback**

<b>Regulation</b>	
Lots with a frontage less than or equal to 23 metres	2.0 metres for an interior side yard (1) (2)
	6.0 metres for a flankage yard (1) (2)
Lots with a frontage greater than 23 metres	10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1) (2)
	6.0 metres for a flankage yard (1) (2)
(1) A minimum of one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	
(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).	

2. That Section 10: EXISTING RESIDENTIAL “ER” ZONE, Table 10.3.6 – Rear Yard Setback, of Zoning By-law No. 87-57 (Ancaster), as amended, is further amended by introducing a clause (2) and adding said clause to the Table 10.3.6 regulations as follows:

**Table 10.3.6 – Rear Yard Setback**

<b>Regulation</b>	
Lots with a depth less than or equal to 40 metres	25 percent of the lot depth and no less than 7.5 metres (1) (2)
Lots with a depth greater than 40 metres and less than or equal to 45 metres	30 percent (1) (2)
Lots with a depth greater than 45 metres and less than or equal to 50 metres	35 percent (1) (2)

## Appendix "B" to Report PED22046

Page 3 of 4

**To Amend Zoning By-law No. 87-57 Respecting  
Modifications to the Existing Residential "ER" Zone  
in the former Town of Ancaster Zoning By-law**

<b>Regulation</b>	
Lots with a depth greater than 50 metres	40 percent (1) (2)
(1) A minimum of one metre within the rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	
(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).	

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

**PASSED** this \_\_\_\_\_, 2022

\_\_\_\_\_  
Fred Eisenberger  
Mayor

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

CI 22-C

**Appendix “B” to Report PED22046**

**Page 4 of 4**

**To Amend Zoning By-law No. 87-57 Respecting  
Modifications to the Existing Residential “ER” Zone  
in the former Town of Ancaster Zoning By-law**

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

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Planning Committee	Report No.: PED22046	Date: 04/05/2022
Ward: City-wide		(MM/DD/YYYY)

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

## Summary of Proposed Changes to Town of Ancaster Zoning By-law No. 87-57

Section 10 – Existing Residential																							
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale																				
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text</b> = text to be added																					
Table 10.3.5 – Side Yard Setback	<p>Table 10.3.5 – Side Yard Setback</p> <table border="1"> <thead> <tr> <th colspan="2">Regulation</th> </tr> </thead> <tbody> <tr> <td>Lots with a frontage less than or equal to 23 metres</td> <td> <p>2.0 metres for an interior side yard (1) <b>(2)</b></p> <p>6.0 metres for a flankage yard (1) <b>(2)</b></p> </td> </tr> <tr> <td>Lots with a frontage greater than 23 metres</td> <td> <p>10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1) <b>(2)</b></p> <p>6.0 metres for a flankage yard (1) <b>(2)</b></p> </td> </tr> <tr> <td colspan="2">(1) A minimum of one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.</td> </tr> <tr> <td colspan="2"><b>(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).</b></td> </tr> </tbody> </table>	Regulation		Lots with a frontage less than or equal to 23 metres	<p>2.0 metres for an interior side yard (1) <b>(2)</b></p> <p>6.0 metres for a flankage yard (1) <b>(2)</b></p>	Lots with a frontage greater than 23 metres	<p>10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1) <b>(2)</b></p> <p>6.0 metres for a flankage yard (1) <b>(2)</b></p>	(1) A minimum of one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.		<b>(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).</b>		<p>Table 10.3.5 – Side Yard Setback</p> <table border="1"> <thead> <tr> <th colspan="2">Regulation</th> </tr> </thead> <tbody> <tr> <td>Lots with a frontage less than or equal to 23 metres</td> <td> <p>2.0 metres for an interior side yard (1) (2)</p> <p>6.0 metres for a flankage yard (1) (2)</p> </td> </tr> <tr> <td>Lots with a frontage greater than 23 metres</td> <td> <p>10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1) (2)</p> <p>6.0 metres for a flankage yard (1) (2)</p> </td> </tr> <tr> <td colspan="2">(1) A minimum of one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.</td> </tr> <tr> <td colspan="2">(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).</td> </tr> </tbody> </table>	Regulation		Lots with a frontage less than or equal to 23 metres	<p>2.0 metres for an interior side yard (1) (2)</p> <p>6.0 metres for a flankage yard (1) (2)</p>	Lots with a frontage greater than 23 metres	<p>10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1) (2)</p> <p>6.0 metres for a flankage yard (1) (2)</p>	(1) A minimum of one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.		(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).		The amendment will permit a fence or gate to traverse a swale (one metre unobstructed area). However, the functionality of the swale should not be compromised as a result.
Regulation																							
Lots with a frontage less than or equal to 23 metres	<p>2.0 metres for an interior side yard (1) <b>(2)</b></p> <p>6.0 metres for a flankage yard (1) <b>(2)</b></p>																						
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**Appendix “B1” to Report PED22046**  
**Page 2 of 3**

<b>Section 10 – Existing Residential</b>					
<b>Section</b>	<b>Proposed Change</b>		<b>Proposed Revised Zone Regulation</b>		<b>Rationale</b>
<del>Grey highlighted strikethrough text = text to be deleted</del>			<b>bolded text</b> = text to be added		
Rear Yard Setback	<b>Regulation</b>		<b>Regulation</b>		(one metre unobstructed area). However, the functionality of the swale should not be compromised as a result.
	Lots with a depth less than or equal to 40 metres	25 percent of the lot depth and no less than 7.5 metres (1) <b>(2)</b>	Lots with a depth less than or equal to 40 metres	25 percent of the lot depth and no less than 7.5 metres (1) (2)	
	Lots with a depth greater than 40 metres and less than or equal to 45 metres	30 percent (1) <b>(2)</b>	Lots with a depth greater than 40 metres and less than or equal to 45 metres	30 percent (1) (2)	
	Lots with a depth greater than 45 metres and less than or equal to 50 metres	35 percent (1) <b>(2)</b>	Lots with a depth greater than 45 metres and less than or equal to 50 metres	35 percent (1) (2)	
	Lots with a depth greater than 50 metres	40 percent (1) <b>(2)</b>	Lots with a depth greater than 50 metres	40 percent (1) (2)	
(1) A minimum of one metre within the rear yard shall be unobstructed and shall not		(1) A minimum of one metre within the rear yard shall be unobstructed and shall not			

**Appendix “B1” to Report PED22046**  
**Page 3 of 3**

<b>Section 10 – Existing Residential</b>			
<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>	<b>Rationale</b>
<del>Grey highlighted strikethrough text = text to be deleted</del>		<b>bolded text</b> = text to be added	
	<p>contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.</p> <p><b>(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).</b></p>	<p>contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.</p> <p>(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).</p>	

**Appendix “C” to Report PED22046  
Page 1 of 4**

**To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands located at  
105 Braeheid Avenue, Flamborough**

**Authority:** Item  
Report: 22- (PED22046)  
CM:  
Ward: 15

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands  
located at 105 Braeheid Avenue, Flamborough**

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

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

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

**AND WHEREAS** Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5<sup>th</sup> of November 1990 and approved by the Ontario Municipal Board on the 21<sup>st</sup> of December, 1991;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April, 2022, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

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

**Appendix "C" to Report PED22046  
Page 2 of 4**

**To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands located at  
105 Braeheid Avenue, Flamborough**

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

1. That Schedule "A-30", appended to and forming part of By-law No. 90-145-Z (Flamborough), as amended, is further amended by rezoning from the Urban Residential (Single Detached) "R1-25(H)" Zone, Holding, to the Urban Residential (Single Detached) "R1-25" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "B-1"
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_, \_\_\_\_\_, **2022**

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Fred Eisenberger  
Mayor

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A. Holland  
Clerk

CI 22 - C

To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands located at  
105 Braeheid Avenue, Flamborough



This is Schedule "B-1" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk
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<h2>Schedule "B-1"</h2> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 90-145-Z</p>	<p><b>Subject Property</b> 105 Braeheid Avenue, Flamborough (Ward 15)</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1-25(H)" Zone, Holding, to the Urban Residential (Single Detached) "R1-25" Zone</p>
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Scale: N.T.S.	File Name/Number: 105 Braeheid Av
Date: December 21, 2021	Planner/Technician: AF/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**Appendix "C" to Report PED22046**  
**Page 4 of 4**

**To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands located at  
105 Braeheid Avenue, Flamborough**

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

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

Committee: Planning Committee

Report No.: PED22046 Date: 04/05/2022

Ward(s) or City Wide: City wide

(MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: ext. 4771

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

## Appendix "C1" to Report PED22046

Page 1 of 1

Address	Map #/ Schedule in By-law	Existing Zoning	Proposed Zoning	OPA required	Rationale
<b>Ward 15</b>					
105 Braeheid Avenue	A-30	R1-25 (H)	R1-25	No	The purpose of the holding provision was to ensure that sanitary sewers were available to service the newly created lot prior to development (105 Braeheid Avenue). A house has long since been constructed at this address so the holding provision can be removed.

**Appendix “D” to Report PED22046  
Page 1 of 2**

**Authority:** Item \_\_\_\_\_, Planning Committee  
Report PED22046  
CM:  
Ward: 7

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 22-\_\_\_\_\_**

**To Amend Zoning By-law No. 6593, as Amended by By-law No. 21-249  
Respecting Lands Located at 311 and 313 Stone Church Road East**

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_ of Report 22\_\_\_\_ of the Planning Committee at its meeting held on the 5<sup>th</sup> day of April, 2022, which recommended that Zoning By-law No. 6593, be amended as hereinafter provided;

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

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

1. That Section 3 of By-law No. 21-249 is amended by adding the following special requirements as k) and l):

**Appendix “D” to Report PED22046**

**Page 2 of 2**

- k) Notwithstanding Subsection 10E (7) (a) (i), a lot area not less than 33,500 square metres; and,
  - l) Notwithstanding Subsections 18A. (10), for the purpose of a Townhouse Dwelling and Maisonette Dwelling, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces for the same single-family dwelling unit.
2. That this By-law shall not come into force and effect until such time as By-law No. 21-149 is in full force and effect;
  3. In all other respects, By-law No. 21-249 is hereby confirmed, unchanged; and,
  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 and ENACTED** this \_\_\_ day of \_\_\_\_\_, 2022.

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Fred Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 22-C

**Appendix “D1” to Report PED22046**  
**Page 1 of 5**

**Summary of Proposed Changes to former City of Hamilton Zoning By-law No. 6593**

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<del>Grey highlighted strikethrough text</del>	<del>text to be deleted</del>	<b>bolded text</b> = text to be added	
Section 19B, Schedule S-1811	<p>[Explanation] Modify Section 3 of By-law No. 21-249 (S-1811) by adding special requirements k) and l):</p> <p>3. That the “RT-20” (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:</p> <p>a) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:</p> <p>“Swale” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route, as shown on the drainage plan for the lot approved by the Director, Growth Management Division;</p> <p>b) Notwithstanding any other provision of this By-law, no building or</p>	<p>[Explanation] Modify Section 3 of By-law No. 21-249 (S-1811) by adding special requirements k) and l):</p> <p>3. That the “RT-20” (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:</p> <p>k) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:</p> <p>“Swale” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route, as shown on the drainage plan for the lot approved by the Director, Growth Management Division;</p> <p>l) Notwithstanding any other provision of this By-law, no building</p>	<p>To implement site specific technical variances required for site plan approval (DA-21-012).</p> <p>Special requirement k) was not included at the Zoning By-law Amendment application stage due to a clerical error.</p> <p>Special requirement l) was not included at the Zoning By-law Amendment application stage as this modification was thought to have not been required.</p>

**Appendix “D1” to Report PED22046**  
**Page 2 of 5**

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
	<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>bolded text = text to be added</b></p>	
	<p>structure shall be located within a swale;</p> <p>c) Notwithstanding Subsection 10E (3), no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;</p> <p>d) Notwithstanding Subsection 10E (4):</p> <p>i) A yard of a depth of not less than 3.0 metres from the north property line;</p> <p>ii) A yard of a depth of not less than 3.0 metres from the south property line;</p> <p>iii) A yard of a depth of not less than 7.0 metres from the east property line;</p> <p>iv) A yard of a depth of not less than 7.0 metres from the southeast property line; and,</p> <p>v) A yard of a depth of not less than 7.0 metres from the west property line;</p> <p>e) Notwithstanding Subsection 10E (5), the distance between two end walls shall not be less than 3.0 metres;</p>	<p>or structure shall be located within a swale;</p> <p>m) Notwithstanding Subsection 10E (3), no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;</p> <p>n) Notwithstanding Subsection 10E (4):</p> <p>i) A yard of a depth of not less than 3.0 metres from the north property line;</p> <p>ii) A yard of a depth of not less than 3.0 metres from the south property line;</p> <p>iii) A yard of a depth of not less than 7.0 metres from the east property line;</p> <p>iv) A yard of a depth of not less than 7.0 metres from the southeast property line; and,</p> <p>v) A yard of a depth of not less than 7.0 metres from the west property line;</p> <p>o) Notwithstanding Subsection 10E (5), the distance between two end</p>	

**Appendix “D1” to Report PED22046**  
**Page 3 of 5**

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p><del>Grey highlighted strikethrough text</del> = text to be deleted      <b>bolded text</b> = text to be added</p>			
	<p>f) Subsections 10E (8) and (9) shall not apply to a Maisonette Dwelling;</p> <p>g) Notwithstanding Subsection 10E (10), there shall be provided and maintained on the same lot an amount not less than 28% of the area of the lot on which buildings or structures are situated, as landscaped area;</p> <p>h) Notwithstanding subsection d) above, and in addition to Subsection 9(3)(iii), where a swale is located within a yard provided for in subsection d) above, the setback shall be deemed to be the distance which is the greater of:</p> <p>i) Such setback as provided in subsection d) above; or,</p> <p>ii) The measurement calculated by adding 0.6 metres to the width of the swale within such setback;</p> <p>i) Notwithstanding Subsections 18A. (1) (a) &amp; (b), the parking ratio required for townhouse dwelling with garage parking space enclosed or</p>	<p>walls shall not be less than 3.0 metres;</p> <p>p) Subsections 10E (8) and (9) shall not apply to a Maisonette Dwelling;</p> <p>q) Notwithstanding Subsection 10E (10), there shall be provided and maintained on the same lot an amount not less than 28% of the area of the lot on which buildings or structures are situated, as landscaped area;</p> <p>r) Notwithstanding subsection d) above, and in addition to Subsection 9(3)(iii), where a swale is located within a yard provided for in subsection d) above, the setback shall be deemed to be the distance which is the greater of:</p> <p>i) Such setback as provided in subsection d) above; or,</p> <p>ii) The measurement calculated by adding 0.6 metres to the width of the swale within such setback;</p>	

**Appendix “D1” to Report PED22046**  
**Page 4 of 5**

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<del>Grey highlighted strikethrough text</del>		<b>bolded text</b>	
	<p>attached to each dwelling unit or Townhouse Dwelling and Maisonette Dwelling shall be at least 1.25 spaces per unit and the minimum visitor parking shall be at least 0.25 spaces per unit; and,</p> <p>j) Notwithstanding Subsections 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.8 metres long;</p> <p><b>k) Notwithstanding Subsection 10E (7) (a) (i), a lot area not less than 33,500 square metres; and,</b></p> <p><b>l) Notwithstanding Subsections 18A. (10), for the purpose of a Townhouse Dwelling and Maisonette Dwelling, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces for the same single-family dwelling unit.</b></p>	<p>s) Notwithstanding Subsections 18A. (1) (a) &amp; (b), the parking ratio required for townhouse dwelling with garage parking space enclosed or attached to each dwelling unit or Townhouse Dwelling and Maisonette Dwelling shall be at least 1.25 spaces per unit and the minimum visitor parking shall be at least 0.25 spaces per unit; and,</p> <p>t) Notwithstanding Subsections 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.8 metres long;</p> <p>k) Notwithstanding Subsection 10E (7) (a) (i), a lot area not less than 33,500 square metres; and,</p> <p>l) Notwithstanding Subsections 18A. (10), for the purpose of a Townhouse Dwelling and Maisonette Dwelling, only the accessibility to one of the required parking spaces may be obstructed by any other required</p>	

**Appendix “D1” to Report PED22046  
Page 5 of 5**

<b>Section</b>	<b>Proposed Change</b>	<b>Proposed Revised Zone Regulation</b>	<b>Rationale</b>
<del>Grey highlighted strikethrough text</del>	= text to be deleted	<b>bolded text</b> = text to be added	
		parking spaces for the same single-family dwelling unit.	

**Appendix “E” to Report PED22046**  
**Page 1 of 4**

**Authority:** Item  
 Report: (PED22046)  
 CM:  
 Ward: 10

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) respecting lands known as Green Millan Shore Estates (Frances Avenue, Southshore Crescent, Lakefront Drive, Waterview Drive, Lakewalk Drive), Stoney Creek**

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

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April, 2022, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

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

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 3692-92 (Stoney Creek) as follows:

1. That Map No. 1 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by a change in zoning from the Residential “R6-5” Zone to the Multiple Residential “RM3-40” Zone and the Multiple Residential “RM3-41” Zone, a change in zoning from the Multiple Residential “RM3-40” Zone to the Residential “R6-5” Zone, and from the Multiple Residential “RM3-41” Zone to the Multiple Residential “RM3-40” Zone for the lands known as Green Millan Shore Estates, attached as Schedule “B-2” to this By-law.

**Appendix “D” to Report PED22046**

**Page 2 of 4**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) respecting lands identified as Green Millan Shore Estates (Frances Avenue, Southshore Crescent, Lakefront Drive, Waterview Drive, Lakewalk Drive), Stoney Creek**

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

**PASSED** this \_\_\_\_\_ , 2022

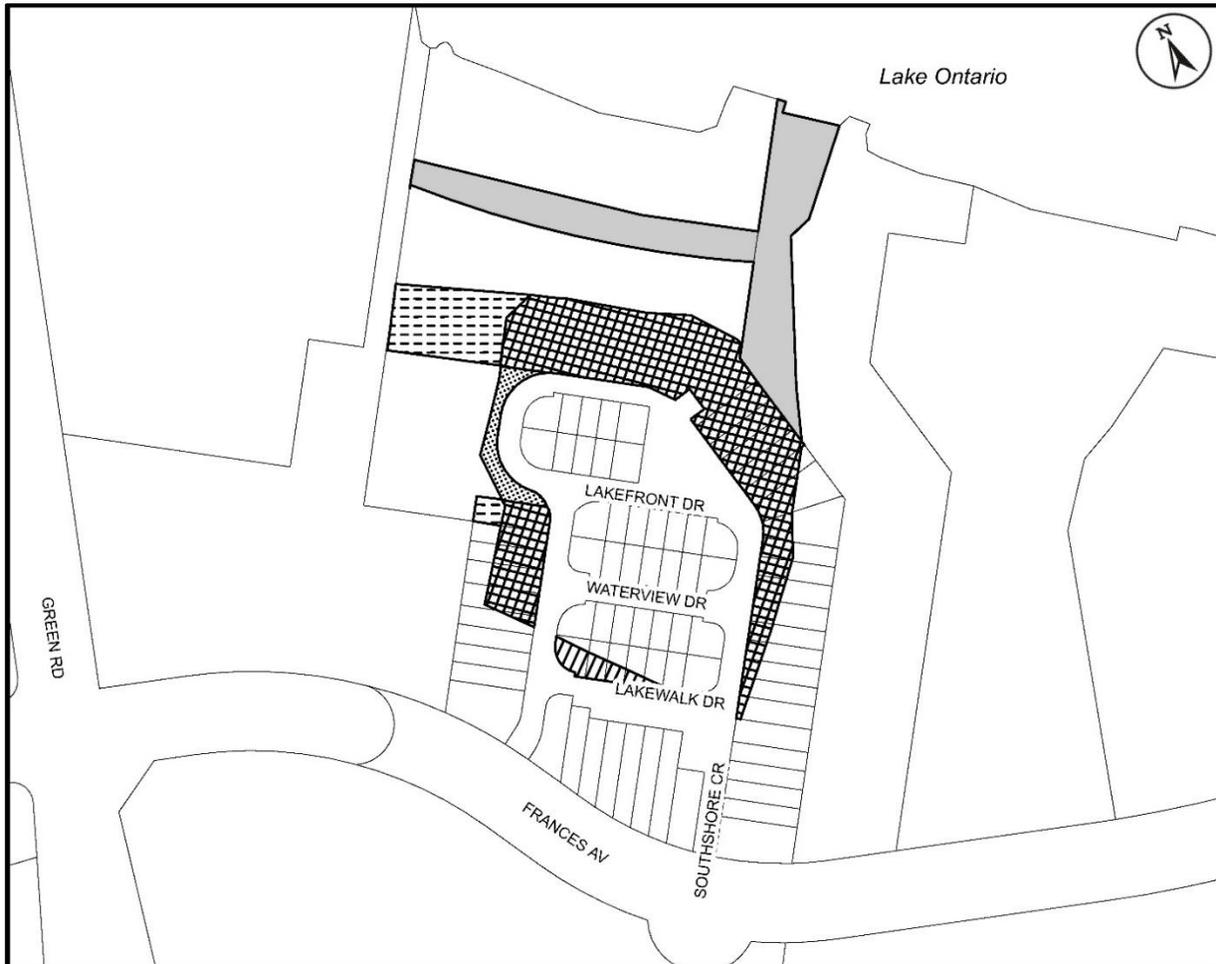
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F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

CI 22-C



This is Schedule "B-2" to By-law No. 22-  
 Passed the ..... day of ....., 2022

-----  
 Mayor  
 -----  
 Clerk

**Schedule "B-2"**  
**Map forming Part of**  
**By-law No. 22-\_\_\_\_\_**  
**to Amend By-law No. 3692-92**

- Subject Property**  
 Green Millan Shore Estates
-  Change in zoning from the Multiple Residential "RM3-40" Zone to the Residential "R6-5" Zone
  -  Change in zoning from the Residential "R6-5" Zone to the Multiple Residential "RM3-40" Zone
  -  Change in zoning from the Multiple Residential "RM3-41" Zone to the Multiple Residential "RM3-40" Zone
  -  Change in zoning from the Residential "R6-5" Zone to the Multiple Residential "RM3-41" Zone
  -  Refer to Zoning By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-08-079	 Hamilton
Date: January 7, 2022	Planner/Technician: AF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) respecting lands identified as  
Green Millan Shore Estates (Frances Avenue, Southshore Crescent,  
Lakewalk Drive, Waterview Drive, Lakewalk Drive), Stoney Creek**

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

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

Committee: Planning Committee      Report No.: PED22046      Date: 04/05/2022

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

Prepared by: Alana Fulford

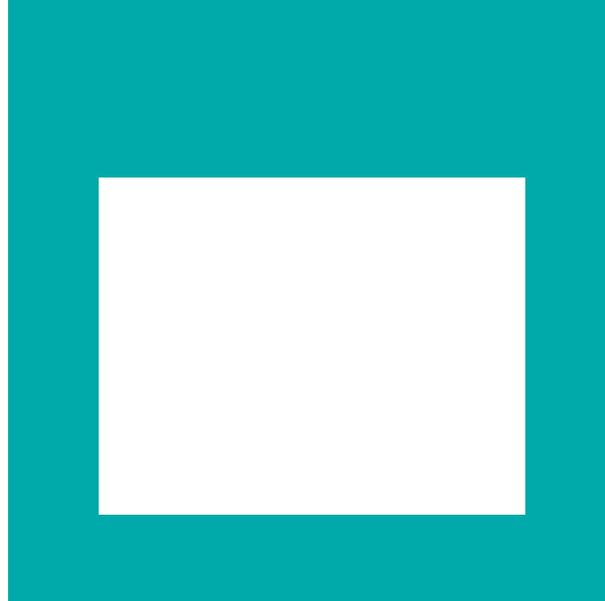
Phone No: ext. 4771

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

## Appendix "E1" to Report PED22046

Page 1 of 1

Address	Map #/ Schedule in By-law	Existing Zoning	Proposed Zoning	OPA required	Rationale
<b>Ward 10</b>					
Green Millan Shore Estates (Frances Avenue, Southshore Crescent, Lakefront Drive, Waterview Drive, Lakewalk Drive)	Map 1	R6-5 RM3-40 RM3-41	R6-5 RM3-40 RM3-41	No	<p>The zone boundaries were drawn as per Schedule "A" of By-law No. 10-027 when the area was redeveloped (Green Millan Shore Estates Plan of Subdivision). When lots were created, they did not align with the zone boundaries.</p> <p>The amendment adjusts the zone boundaries to align with the lot fabric.</p>



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

April 5, 2022

## PED22046

Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92.

Presented by: Alana Fulford

# Background

- The Zoning By-laws are “**living documents**”; they need to be monitored and amended on an on-going basis.
- Staff continuously identify general text and mapping amendments to provide clarity and consistency throughout **Zoning By-law No. 05-200**.
- Updates are provided to the **former Community Zoning By-laws** where text or mapping errors have a more immediate impact.

# Updates to Zoning By-law No. 05-200

## General

- **Administration** – modify and update regulation for Legal Non-conforming Uses and Transitional Provisions;
- **Definitions** – modify existing definition for Agricultural Brewery/Cidery/Winery (replaced by Agricultural Alcohol Production Facility), and associated definitions, as well as Major Recreation Vehicle Sales and Service Establishment, Motor Vehicle Service Station, and Planting Strip;
- **General Provisions** – minor modifications to update terminology and provide additional clarity;
- **Parking** – technical corrections to the C5, C5a, and TOC Zones;
- **Industrial Zones, CMU Zones, Rural Zones** – technical changes to correct or update terminology.

# Updates to Zoning By-law No. 05-200

## Revised Special Exceptions

- Mainly consists of updates to terminology, correcting Special Figure references, and other errors and omissions e.g. duplicate SE #s, incorrect Schedule “A” references;
- Amendment to add a use, consistent with SE under former Zoning By-law (**45 Goderich Road, Hamilton**);
- Remove a property from a SE as the development permissions were established through previous Committee of Adjustment approval (**821 North Service Road, Stoney Creek**).

# Updates to Zoning By-law No. 05-200

## New Special Exceptions

- **112 King Street West, Dundas:** to recognize the reduced parking requirements for commercial purposes granted by Committee of Adjustment;
- **389, 391, 427 Limeridge Road East, Hamilton:** add the lands to Zoning By-law No. 05-200 as Neighbourhood Institutional (I1) Zone and recognize the existing cemetery;
- **1609 and 1611 Brock Road, Flamborough:** to recognize a reduced lot area for a portion of the property, to implement the decision on a Severance application of by the Committee of Adjustment.

# Updates to Zoning By-law No. 05-200

## Holding Provisions and Special Figures

- Technical corrections to existing Holding Provisions, corrections to Special Figure #s;
- New Holding Provision for **65 Oak Avenue, Flamborough**. The holding provision is being applied to the undeveloped portion of the property to recognize the conditions of the approved severance.

# Updates to Zoning By-law No. 05-200

## Mapping Changes

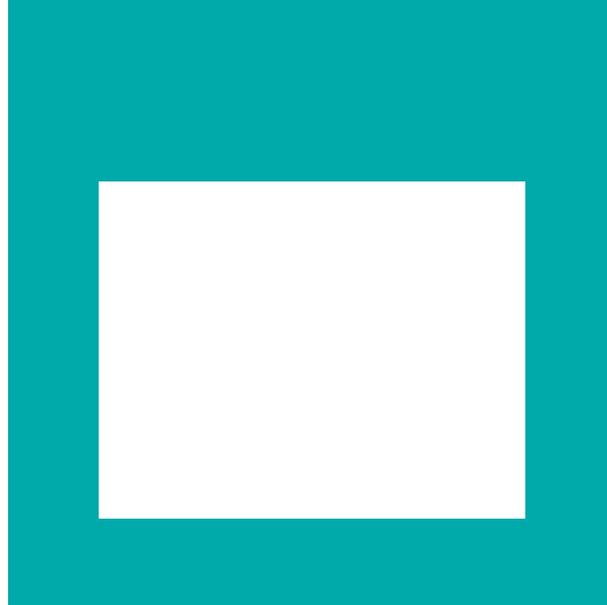
- **Add lands to 05-200:** 389, 391, 427 Limeridge Road East, Hamilton, 65 Oak Avenue, Flamborough;
- **Rezone:** permit legally established residential use (333 McNeilly Road, Stoney Creek);
- **Zone boundary corrections / adjustments:** Green Millan Shore Estates (Stoney Creek), 10 McDonald Street, Flamborough, 171 Mohawk Road East, Hamilton.

# Updates to Former Community Zoning By-laws

- **Ancaster:**
  - “ER” Zone: permit a fence or gate to traverse the required one metre unobstructed area in the side and rear yard.
- **Flamborough:**
  - To remove a Holding Provision on one property that was previously satisfied.
- **Former City of Hamilton:**
  - To implement site specific technical variances required for site plan approval (311 & 313 Stone Church Road East)
- **Stoney Creek:**
  - Zone boundary corrections (Green Millan Shore Estates)

# Consultation

- Staff from various departments provided input on the proposed amendments to the Zoning By-laws
- Notice of Public Meeting posted in The Hamilton Spectator on March 15, 2022
- Notice of Public Meeting sent to property owners affected by mapping changes.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Delia McPhail (905) 546-2424 Ext. 6663
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **City Initiative CI-22-B – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan**, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Area Plans of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22047, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22047, be adopted by Council;
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

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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: Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) - Page 2 of 6**

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**EXECUTIVE SUMMARY**

The purpose of the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) housekeeping amendments is to undertake policy and map changes required to maintain policy intent and ensure clear implementation of the plans.

Housekeeping Amendments form part of the ongoing maintenance of the City's Official Plans and are periodically undertaken to ensure the Plans are clear, accurate, and policy implementation is clear.

The application of the UHOP and RHOP policies and mapping through the development review process has identified areas where revisions to the existing policies are required to provide clarity of intent. Changes are also proposed where policy and mapping are in conflict and/or are inconsistent, which can cause implementation issues. In addition, changes are required to fix grammatical and numbering errors.

**Alternatives for Consideration – See Page 5**

**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 Official Plan Amendments to the Urban and Rural Hamilton Official Plans. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

**HISTORICAL BACKGROUND**

The application of the City's Official Plans through the development review process and in the preparation of secondary plans has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020, as amended) and the Greenbelt Plan, (2017). The *Planning Act* requires that all municipal land use decisions affecting

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) - Page 3 of 6**

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planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan.

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 (formerly the Local Planning Appeal Tribunal) approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

Although there are no direct policies within the Provincial plans respecting Housekeeping Amendments, the proposed amendments are meant to correct errors and clarify policies that implement the Provincial policy framework, and as such, the proposed amendments are consistent with Section 3 of the *Planning Act*, consistent with the PPS, and conform to the Growth Plan and the Greenbelt Plan.

Based on the foregoing, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2020);
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020, as amended); and,
- Conform to the Greenbelt Plan (2017).

**Urban Hamilton and Rural Hamilton Official Plans**

The policies of UHOP Volume 1, Chapter F – Implementation provide direction for updating the Plan, as follows:

**“Official Plan Amendments**

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) To update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five year review or other appropriate time through a City initiative; or,
- b) To update and streamline administration or municipal planning policies.

F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) The impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) - Page 4 of 6**

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- b) The impact of the proposed change on the City's communities, environment and economy and the effective administration of the public service."

Pursuant to Policy F.1.1.4, staff are initiating a UHOP amendment to update municipal planning policies. The proposed changes meet the criteria set out in F.1.1.5 as they are minor in nature and improve policy interpretation.

The policies of the RHOP mirror the policies of the UHOP that speak to the City undertaking official plan amendments to update municipal planning policies (RHOP Volume 1, Chapter F – Implementation, Policy F.1.1.3).

### **RELEVANT CONSULTATION**

Consultation has been undertaken with staff in the Development Planning and the Sustainable Communities Sections of the Planning Division to discuss any interpretation/implementation related issues with the policies of the Official Plans.

Staff also consulted with the Development Industry Liaison Group (DILG) on March 14, 2022.

Notice of these amendments has been posted in the Hamilton Spectator on March 15, 2022.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The purpose of these amendments is to clarify the intent of the policies in the Plans by:

- Adding new definitions to provide better direction for implementation of the plans;
- Reinstating a policy that had been previously deleted in error;
- Adding a new site specific policy to provide flexibility for future parkland uses on a landlocked parcel;
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording; and,
- Creating consistency between policies and schedules and/or maps and correcting mapping errors.

Within the UHOP, the term Rural Hamilton is introduced as a reference to lands subject to the policies of the RHOP. Within the RHOP, proposed amendments include the introduction of a new definition of agricultural alcohol production facility, which provides clarity to include all types of alcohol production, including distillation as a production method for gin, whisky and other similar products that are not made in a brewery, cidery or winery. A small-scale agricultural alcohol production facility replaces the terms

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) - Page 5 of 6**

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winery, brewery and cidery as an on-farm secondary use to the primary agricultural use of lands within the Rural Area.

Clarification is also made to prohibit the establishment of secondary dwelling units (internal to the principal dwelling) within the Rural Settlement Areas of Carlisle, Greensville, Freelton and Lynden, due to servicing constraints, since the policy as currently written only restricts detached secondary dwelling units, which are already prohibited throughout Rural Hamilton.

Appendices “C”, “C1”, “D”, and “D1” attached to Report PED20201 identify the above-mentioned issues, amongst others, that require correction, and rationale for the proposed amendments.

The effect of these amendments is that the UHOP and RHOP will be aligned with Provincial legislation, current, accurate, and policy implementation will be more straightforward.

The intent, purpose and effect of the policies and designations are not changed by these technical and administrative amendments.

A separate report (PED22046) will implement the proposed changes to the Rural Hamilton Official Plan that permit agricultural alcohol production facilities within the Rural Area through modifications to Hamilton Zoning By-law No. 05-200.

## **ALTERNATIVES FOR CONSIDERATION**

Planning Committee could choose to add, delete, or amend any or all of the proposed mapping and text changes.

Should Planning Committee decide to not approve the staff recommendation, the UHOP and RHOP will have policy interpretation issues and will not be up to date with Provincial legislation.

## **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.

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) - Page 6 of 6**

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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" - Draft Urban Hamilton Official Plan Amendment No. XX
- Appendix "B" - Draft Rural Hamilton Official Plan Amendment No. XX
- Appendix "C" - Proposed Text Amendments – UHOP All Volumes
- Appendix "C1" - Proposed Schedules, Map and Appendix Amendments – UHOP All Volumes
- Appendix "D" - Proposed Text Amendments – RHOP All Volumes
- Appendix "D1" - Proposed Schedule, Map and Appendix Amendments – RHOP All Volumes

## DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

### Volume 1

Appendix "A"	Chapter C – City Wide Systems and Designations
Appendix "B"	Chapter E – Urban Systems and Designations
Appendix "C"	Chapter G – Glossary
Appendix "D"	Schedule B – Natural Heritage System
Appendix "E"	Schedule B-2 – Detailed Natural Heritage Feature – Significant Woodlands
Appendix "F"	Schedule E-1 – Urban Land Use Designations

### Volume 2

Appendix "G"	Chapter B – Secondary Plans
Appendix "H"	Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan
Appendix "I"	Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages
Appendix "J"	Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan
Appendix "K"	Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan

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

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- Clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar);
- Remove duplicate and/or redundant wording and add a new definition; and,

- Correct policy and mapping errors.

## **2.0 Location:**

The lands affected by this Amendment are located within the Urban Area of the City of Hamilton.

## **3.0 Basis:**

The basis for permitting this Amendment is:

- The Amendment reflects existing land uses and approvals and will more accurately guide future development; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

## **4.0 Actual Changes:**

### **4.1 Volume 1 – Parent Plan**

#### ***Text***

#### **4.1.1 Chapter C – City Wide Systems and Designations**

- a. That Policies C.5.3.1 and C.5.3.3 of Volume 1: Chapter C – City Wide Systems and Designations be amended, as outlined in Appendix "A", attached to this Amendment:

#### **4.1.2 Chapter E – Urban Systems and Designations**

- a. That Policy E.2.7.2 of Volume 1: Chapter E – Urban Designations be amended, as outlined in Appendix "B", attached to this Amendment:

#### **4.1.3 Chapter G – Glossary**

- a. That Volume 1: Chapter G – Glossary be amended by adding one definition as outlined in Appendix "C", attached to this Amendment.

#### 4.1.4 Schedules

- a. That Volume 1: Schedule B – Natural Heritage System be amended, as shown on Appendix "D", attached to this Amendment.
- b. That Volume 1: Schedule B-2 – Detailed Natural Heritage Feature – Significant Woodlands be amended, as shown on Appendix "E", attached to this Amendment.
- c. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended, as shown on Appendix "F", attached to this Amendment.

## 4.2 Volume 2 – Secondary Plans

### ***Text***

#### 4.2.1 Chapter B –Secondary Plans

- a. That Volume 2: Chapter B – Secondary Plans be amended to revise, add or delete policies, as outlined in Appendix "G", attached to this Amendment:
  - B.2.8.6.1
  - B.5.1.13.5
  - B.6.2.17.10
  - B.16.2.17.7
  - B.5.4.11.X
  - B.7.6.9.21
  - B.8.4
  - B.8.17.8
  - B.8.17.10

### ***Maps***

#### 4.2.2 Maps

- a. That Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan be amended, as shown on Appendix "H", attached to this Amendment.
- b. That Volume 2: Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages be amended, as shown on Appendix "I", attached to this Amendment.
- c. That Volume 2: Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan be amended, as shown on Appendix "J", attached to this Amendment.

- d. That Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan be amended, as shown on Appendix "J", attached to this Amendment.

**5.0 Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_, 2022.

**The  
City of Hamilton**

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

\_\_\_\_\_  
A. Holland  
CITY CLERK

Appendix “A” – Volume 1, Chapter C – City Wide Systems and Designations

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p>C.5.3.1 The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of <i>urban area</i> boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted by this Plan into lands <del>detailed in the Rural Hamilton Official Plan</del> <b>within Rural Hamilton</b> unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.</p>	<p>C.5.3.1 The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of <i>urban area</i> boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted by this Plan into lands within <i>Rural Hamilton</i> unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.</p>
<p>C.5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties <del>in the Rural Hamilton Official Plan</del> <b>within Rural Hamilton.</b></p>	<p>C.5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties within <i>Rural Hamilton</i>.</p>

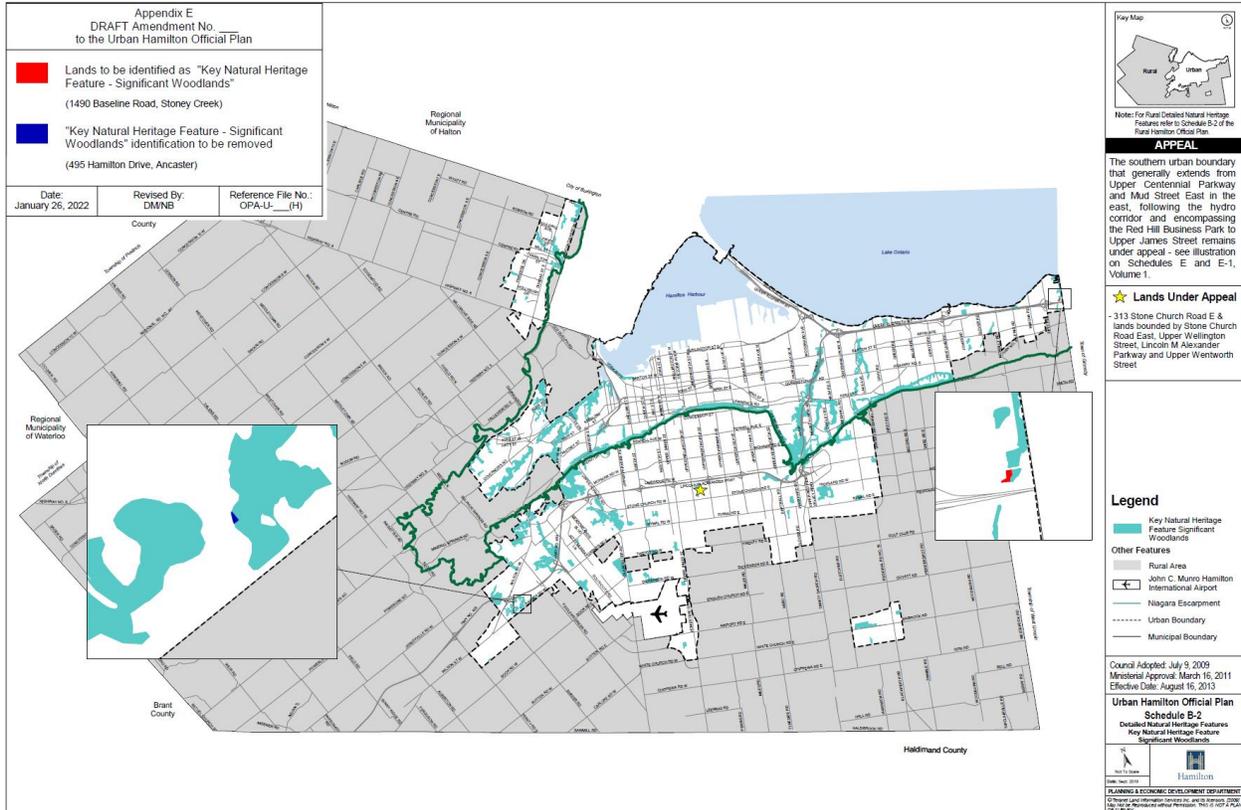
Appendix “B” – Volume 1, Chapter E – Urban Systems and Designations

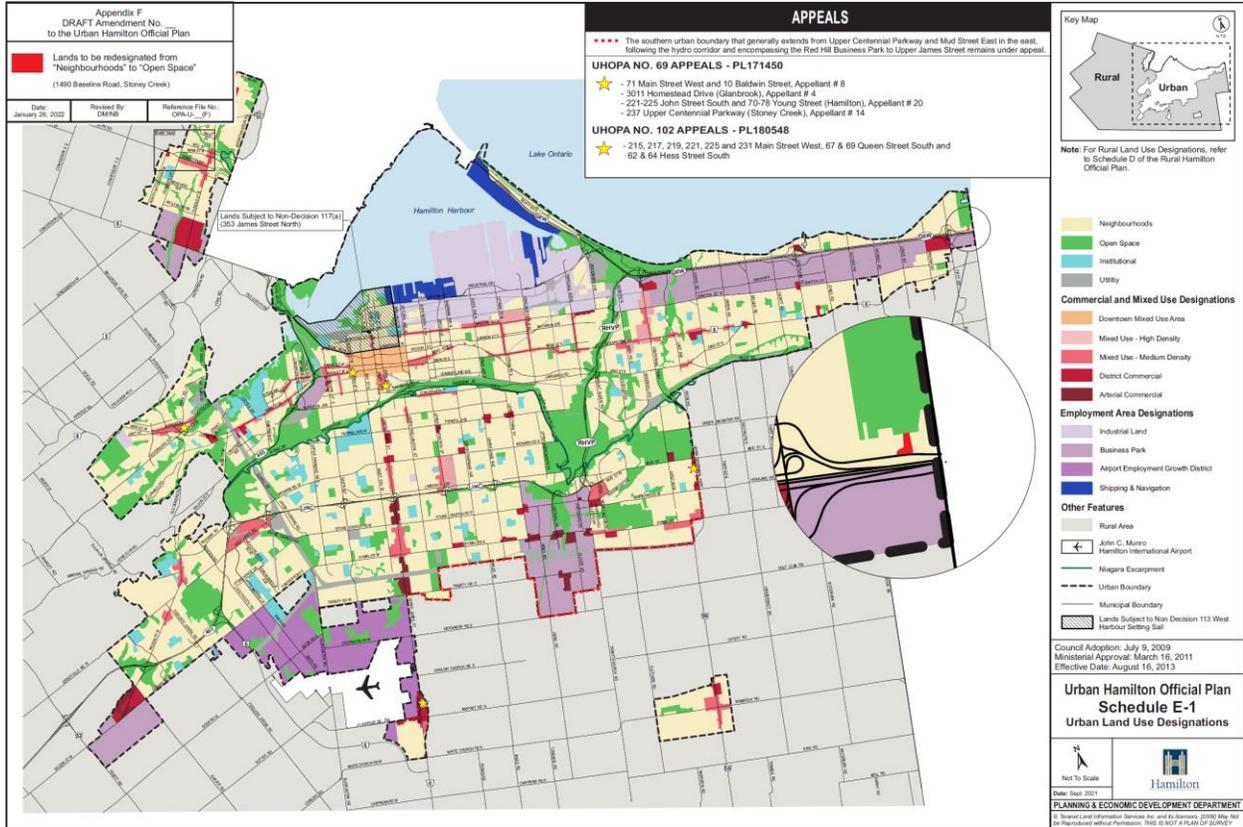
<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p>E.2.7.2 <i>Employment Areas</i> shall provide employment through a broad range of uses, including traditional industrial uses, research and <i>development</i> uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. <b>Major retail</b> uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.</p>	<p>E.2.7.2 <i>Employment Areas</i> shall provide employment through a broad range of uses, including traditional industrial uses, research and <i>development</i> uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. <i>Major retail</i> uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.</p>

Appendix “C” – Volume 1, Chapter G – Glossary

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
Grey highlighted strikethrough text = text to be deleted	<b>Bolded text</b> = text to be added
<b>Rural Hamilton: means the area within the municipal boundary of the City of Hamilton but outside of the urban boundary.</b>	Rural Hamilton: means the area within the municipal boundary of the City of Hamilton but outside of the urban boundary.





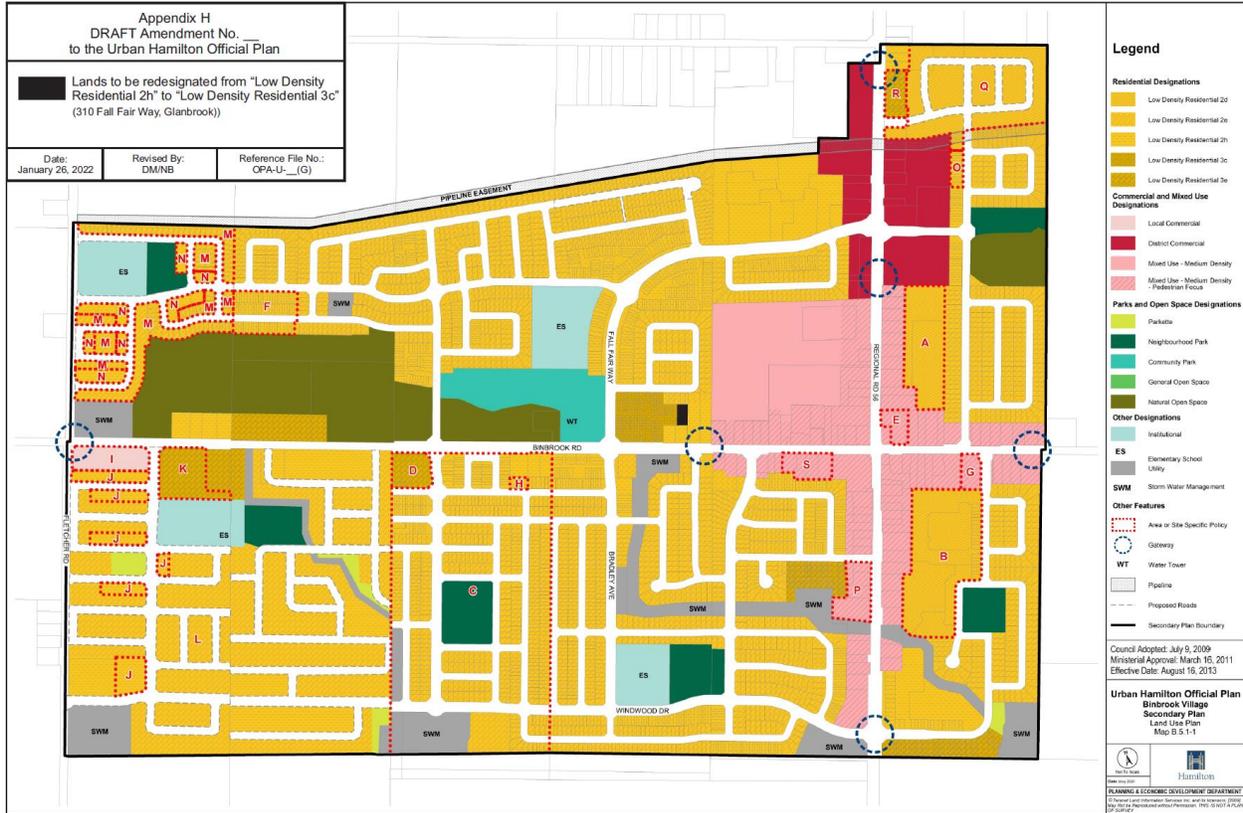


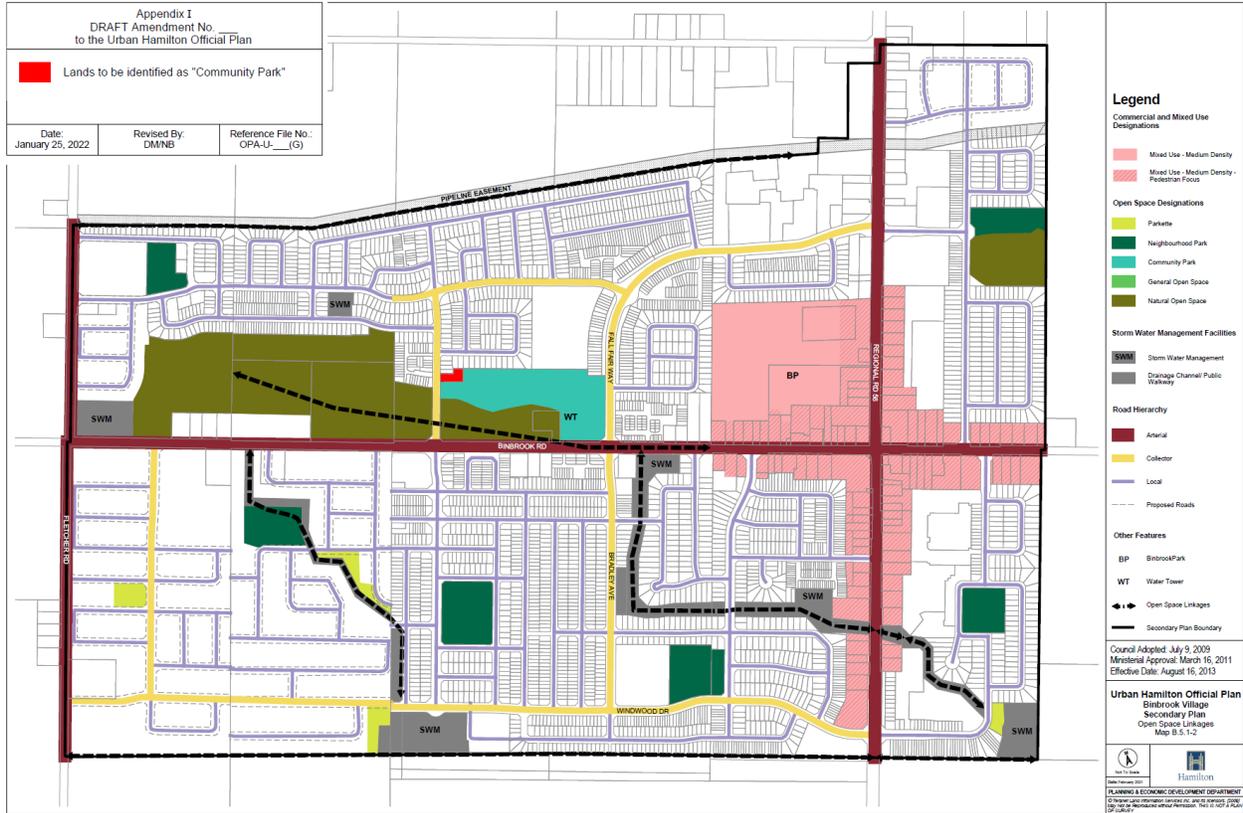
Appendix “G” – Volume 2, Chapter B – Secondary Plans

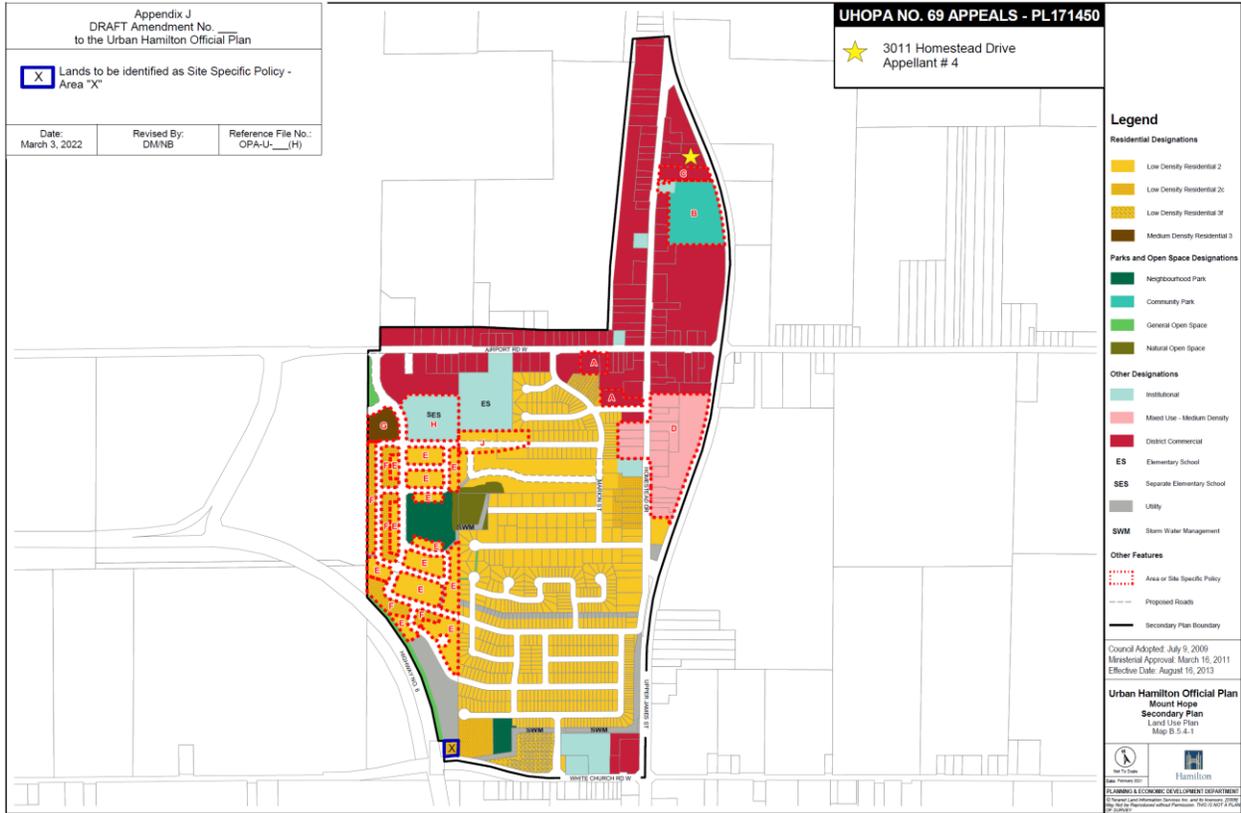
<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p>B.2.8.6.1 In addition to Section E.2.3.3 – Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:  d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and <del>western</del> <b>eastern</b> portion of the Gateway Residential area, as shown on Appendix A – Character Areas and Heritage Features.</p>	<p>B.2.8.6.1 In addition to Section E.2.3.3 – Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:  d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and eastern portion of the Gateway Residential area, as shown on Appendix A – Character Areas and Heritage Features.</p>
<p>Site Specific Policy – Area E (OPA 1)  B.5.1.13.5 Notwithstanding Sections E.4.3.4 d) and E.4.6.6 a) of Volume 1 and Section B.5.1.5.1 i), as it applies to drive-through uses <del>in pedestrian focus areas</del> <b>on pedestrian focus streets</b>, for lands located at 2660-2668 Binbrook Road East and 2651 Regional Road 56, a maximum of one drive-through facility accessory to a restaurant shall be permitted subject to the following: : ...</p>	<p>Site Specific Policy – Area E (OPA 1)  B.5.1.13.5 Notwithstanding Sections E.4.3.4 d) and E.4.6.6 a) of Volume 1 and Section B.5.1.5.1 i), as it applies to drive-through uses on <i>pedestrian focus streets</i>, for lands located at 2660-2668 Binbrook Road East and 2651 Regional Road 56, a maximum of one drive-through facility accessory to a restaurant shall be permitted subject to the following: : ...</p>
<p><b>Area Specific Policy – Area X</b>  <b>5.4.11.X In addition to Section B.5.4.2.2 b) of Volume 2, for the lands located at 9255 Airport Road West (Block 94, Registered Plan No. 62M-1269), designated Low Density Residential 2c and identified as Site Specific Policy – Area X, public parkland, open space or other passive recreation uses shall be permitted.</b></p>	<p>Area Specific Policy – Area X  5.4.11.X In addition to Section B.5.4.2.2 b) of Volume 2, for the lands located at 9255 Airport Road West (Block 94, Registered Plan No. 62M-1269), designated Low Density Residential 2c and identified as Site Specific Policy – Area X, public parkland, open space or other <i>passive recreation uses</i> shall be permitted.</p>
<p>Site Specific Policy – Area H  B.6.2.17.109 In addition to Section E.3.6 – High Density Residential of Volume 1, Section B.6.2.5.5 – High Density Residential Designation of Volume 2, and Section B.6.2.10 – Parks and Open Space Designations of Volume 2, for lands located at 925 Main Street West and 150 Longwood Road South, designated “High Density Residential 1” and “Open Space”, and identified as Site Specific Policy – Area H, the following policies shall apply: ...</p>	<p>Site Specific Policy – Area H  B.6.2.17.9 In addition to Section E.3.6 – High Density Residential of Volume 1, Section B.6.2.5.5 – High Density Residential Designation of Volume 2, and Section B.6.2.10 – Parks and Open Space Designations of Volume 2, for lands located at 925 Main Street West and 150 Longwood Road South, designated “High Density Residential 1” and “Open Space”, and identified as Site Specific Policy – Area H, the following policies shall apply: ...</p>
<p>Site Specific Policy – Area K  <del>B.6.2.17.712 Notwithstanding Policy B.6.2.7.2 e) and h) ii) for</del> <b>The following policies shall apply to the lands designated Mixed Use – Medium Density,</b> located at 1630 Main Street West and 69 Sanders</p>	<p>Site Specific Policy – Area K  B.6.2.17.12 The following policies shall apply to the lands located at 1630 Main Street West and 69 Sanders Boulevard, designated Mixed Use – Medium Density and identified as Site Specific Policy – Area J</p>

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text = text to be added</b></p>
<p>Boulevard, <b>designated Mixed Use – Medium Density</b> and identified as Site Specific Policy – Area J on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan:</p> <p>a) <b>Notwithstanding Policy B.6.2.7.2 e),</b> the maximum residential density shall be 585 units per gross hectare; and,</p> <p>b) <b>Notwithstanding Policy B.6.2.7.2 h) ii),</b> the maximum height of any multiple dwelling shall be <del>limited to</del> nine storeys.</p>	<p>on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan:</p> <p>a) Notwithstanding Policy B.6.2.7.2 e), the maximum residential density shall be 585 units per gross hectare; and,</p> <p>b) Notwithstanding Policy B.6.2.7.2 h) ii), the maximum height of any multiple dwelling shall be nine storeys.</p>
<p>Area Specific Policy – Area E</p> <p>B.7.6.9.21 The following policy shall apply to lands known as 1050 Paramount Drive and identified as Area Specific Policy <b>Area “E”</b> on Map B.7.6-1 – West Mountain (Heritage Green) Land Use Plan:</p> <p>a) Notwithstanding the gross floor area criteria of Policy E.3.8.6 <b>of Volume 1</b> and Policy B.7.6.3.2 b) of Volume <del>1</del> <b>2</b>, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum combined gross floor areas of any grouping of local commercial uses shall be 2,000square metres.</p>	<p>Area Specific Policy – Area E</p> <p>B.7.6.9.21 The following policy shall apply to lands known as 1050 Paramount Drive and identified as Area Specific Policy Area “E” on Map B.7.6-1 – West Mountain (Heritage Green) Land Use Plan:</p> <p>a) Notwithstanding the gross floor area criteria of Policy E.3.8.6 of Volume 1 and Policy B.7.6.3.2 b) of Volume 2, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum combined gross floor areas of any grouping of local commercial uses shall be 2,000square metres.</p>
<p>B.8.4 Employment Area Policies</p> <p>...The Employment Supportive Centres are intended to serve as <del>small-scale</del> <b>small scale</b> focal points serving the amenity needs of the Airport Employment Growth District’s employees within a reasonable distance of their place of work.</p>	<p>B.8.4 Employment Area Policies</p> <p>...The Employment Supportive Centres are intended to serve as small scale focal points serving the amenity needs of the Airport Employment Growth District’s employees within a reasonable distance of their place of work.</p>
<p>Site Specific Policy – Area H</p> <p>8.17.8 In addition to the permitted uses in Policy B.8.4.5.1b) – Airport Prestige Business and B.8.4.5.3 – Employment Supportive Centre, for lands located at the southwest corner of Highway 6 and Garner Road, designated Airport Prestige Business and the lands located at the intersection of Garner Road East and Highway 6 identified as an Employment Supportive Centre, and identified on Map B.8-1 – Airport Employment Growth District Land Use Plan as Site Specific Policy – Area H,</p> <p>c) <del>Notwithstanding Policy B.8.4.5.5, a retail store shall not exceed 500 square metres</del> <b>the gross floor area for any individual retail store shall not exceed 500 square metres.</b></p>	<p>Site Specific Policy – Area H</p> <p>8.17.8 In addition to the permitted uses in Policy B.8.4.5.1b) – Airport Prestige Business and B.8.4.5.3 – Employment Supportive Centre, for lands located at the southwest corner of Highway 6 and Garner Road, designated Airport Prestige Business and the lands located at the intersection of Garner Road East and Highway 6 identified as an Employment Supportive Centre, and identified on Map B.8-1 – Airport Employment Growth District Land Use Plan as Site Specific Policy – Area H,</p> <p>c) the gross floor area for any individual retail store shall not exceed 500 square metres.</p>

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p>Site Specific Policy – Area J            B.8.17.10 In addition to Policy B.8.4.5.1, <b>for</b> the lands <b>located at 2012 Upper James Street (to be changed to 2060 Upper James Street)</b>, designated Airport Prestige Business, <del>located at 2012 Upper James Street (to be changed to 2060 Upper James Street)</del> and identified <b>as Site Specific Policy – Area J</b> on Airport Employment Growth District Secondary Plan – Land Use Plan, Map B.8-1, a Place of Worship shall also be permitted <del>on the portion of lands designated Airport Prestige Business.</del></p>	<p>Site Specific Policy – Area J            B.8.17.10 In addition to Policy B.8.4.5.1, for the lands located at 2012 Upper James Street (to be changed to 2060 Upper James Street), designated Airport Prestige Business and identified as Site Specific Policy – Area J on Airport Employment Growth District Secondary Plan – Land Use Plan, Map B.8-1, a Place of Worship shall also be permitted.</p>









## DRAFT Rural Hamilton Official Plan Amendment No. X

The following text, together with:

### Volume 1

Appendix "A"	Chapter D – Rural Systems, Designations and Resources
Appendix "B"	Chapter G – Glossary
Appendix "C"	Schedule B – Natural Heritage System
Appendix "D"	Schedule B-2 - Detailed Natural Heritage Features Key Natural Heritage Feature Significant Woodlands

### Volume 2

Appendix "E"	Chapter A – Rural Settlement Area Plans
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attached hereto, constitutes Official Plan Amendment No. X to the Rural Hamilton Official Plan.

#### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- Reinststate and revise policies and add a new definition; and,
- Correct policy and mapping errors.

#### 2.0 Location:

The lands affected by this Amendment are located within the City of Hamilton Rural Area.

#### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment reflect existing land uses and approvals to more accurately guide future development; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Greenbelt Plan, 2017.

#### 4.0 Actual Changes:

#### **4.1 Volume 1 – Parent Plan**

##### ***Text***

##### **4.1.1 Chapter C – City Wide Systems and Designations**

- a. That Policies D.2.1.3 and D.2.1.3.1 f) of Volume 1: Chapter D – City Wide Systems and Designations be revised, as outlined in Appendix "A", attached to this Amendment:

##### **4.1.2 Chapter G – Glossary**

- a. That Volume 1: Chapter G – Glossary be amended by adding one definition, as outlined in Appendix "B", attached to this Amendment.

##### ***Maps and Appendices***

##### **4.1.3 Schedules**

- a. That Volume 1: Schedule B – Natural Heritage System be amended, as shown on Appendix "C", attached to this Amendment.
- b. That Volume 1: Schedule B-2 – Detailed Natural Heritage Features Key Natural Heritage Feature Significant Woodlands be amended, as shown on Appendix "D", attached to this Amendment.

#### **4.2 Volume 2 – Secondary Plans and Rural Settlement Areas**

##### ***Text***

##### **4.2.1 Chapter A – Rural Settlement Area Plans**

- a. That Volume 2: Chapter A – Rural Settlement Area Plans be amended to reinstate and revise policies, as outlined in Appendix "E", attached to this Amendment:
  - A.1.3.2 (Reinstate policy)
  - A.1.3.3
  - A.3.13.3.1

**5.0 Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_ passed on the \_\_\_\_\_<sup>th</sup> of \_\_\_\_\_, 2022.

**The  
City of Hamilton**

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

\_\_\_\_\_  
A. Holland  
CITY CLERK

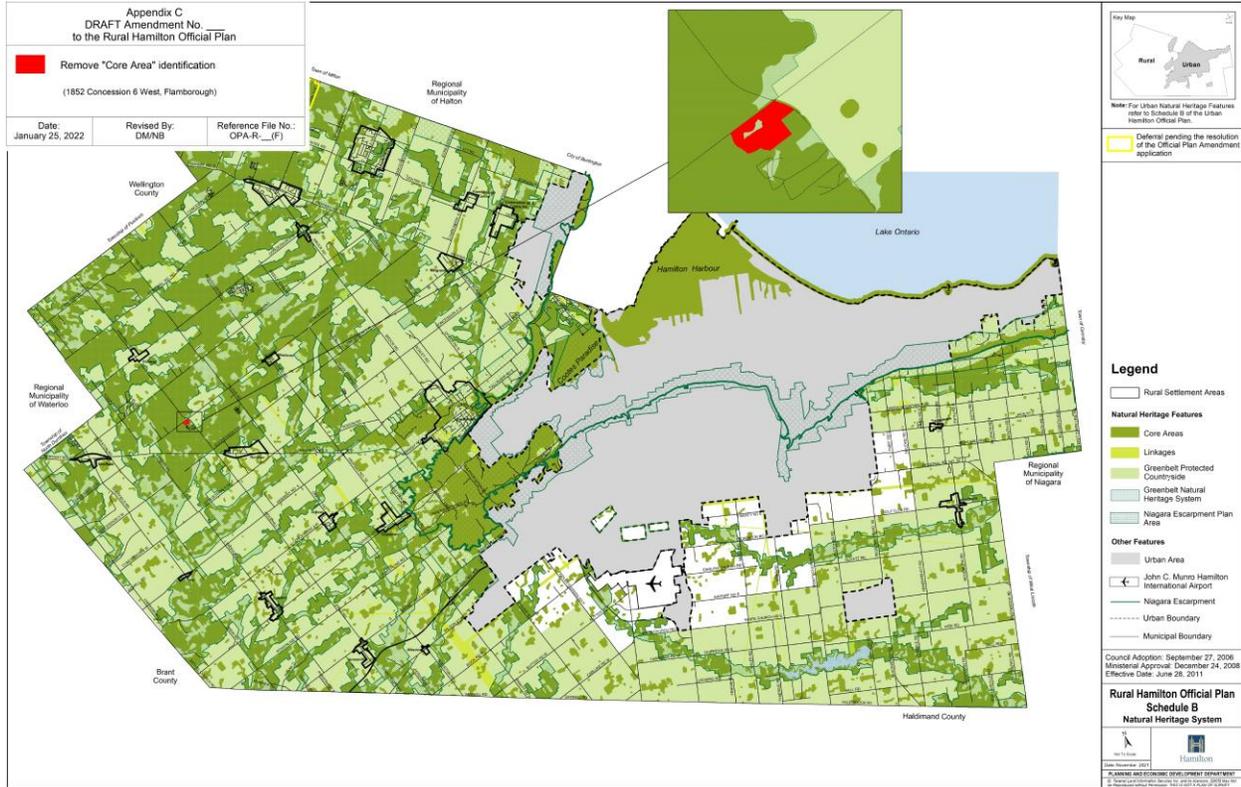
Appendix “A” – Volume 1, Chapter D – Rural Systems, Designations and Resources

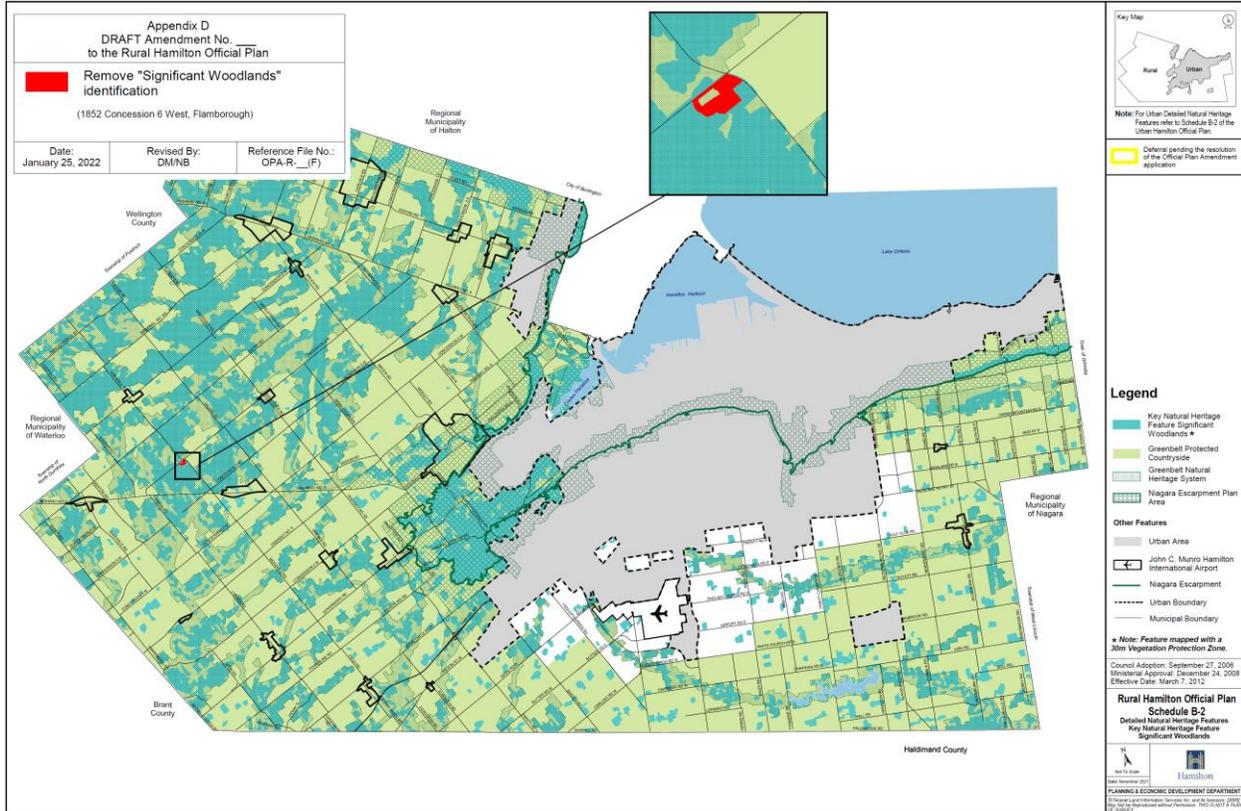
<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p>D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy, limited <i>secondary uses</i> are permitted. On-farm <i>secondary uses</i> are secondary to the primary <i>agricultural use</i> and are limited to agri-tourism uses, <i>farm vacation homes</i>, <i>home industries</i>, kennels, <del>and</del> <i>small scale</i> retailing of agricultural products, <b>and an agricultural alcohol production facility</b>. On-farm <i>secondary uses</i> shall be permitted provided the following conditions are met in all cases:</p>	<p>D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy, limited <i>secondary uses</i> are permitted. On-farm <i>secondary uses</i> are secondary to the primary <i>agricultural use</i> and are limited to agri-tourism uses, <i>farm vacation homes</i>, <i>home industries</i>, kennels, <i>small scale</i> retailing of agricultural products, and an <i>agricultural alcohol production facility</i>. On-farm <i>secondary uses</i> shall be permitted provided the following conditions are met in all cases</p>
<p>D.2.1.3.1 In addition to the above policies, on-farm <i>secondary uses</i> shall be subject to the following conditions:</p> <p>f) A <del>small scale winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> may be permitted secondary to a permitted agricultural use in the Agriculture designation in accordance with the Zoning By-law and provided the following conditions are met:</p> <p>i) A <del>small scale winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> shall only be permitted as an accessory use to an agricultural use on lots 4 hectares (10 acres) or greater;</p> <p>ii) Site Plan approval shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matters;</p> <p>iii) A minimum of 2 hectares (5 acres) of the agricultural use parcel shall be used for the production of grapes, fruits, <b>hops</b> or other produce directly associated with on-site beer, cider, <del>or wine</del> <b>or spirit</b> production;</p> <p>iv) A <del>small scale winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> shall be located where access is provided by an appropriate road capable of accommodating the traffic generated. A transportation impact study may be required;</p> <p>v) The maximum building area devoted to an <del>winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> is restricted to 500 square metres of gross floor area not including the basement or cellar;</p> <p>vi) The display, retail sale and/or tasting of wine, beer, <del>or</del> cider, <b>spirits and related products</b> produced on the farm parcel and accessory retail sale may be permitted, as provided for by the Zoning By-law; and</p> <p>vii) Restaurants, banquet halls, hotels, motels, hostels, schools, residences, and conference</p>	<p>D.2.1.3.1 In addition to the above policies, on-farm <i>secondary uses</i> shall be subject to the following conditions:</p> <p>f) A <i>small scale agricultural alcohol production facility</i> may be permitted secondary to a permitted agricultural use in the Agriculture designation in accordance with the Zoning By-law and provided the following conditions are met:</p> <p>i) A <i>small scale agricultural alcohol production facility</i> shall only be permitted as an accessory use to an agricultural use on lots 4 hectares (10 acres) or greater;</p> <p>ii) Site Plan approval shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matters;</p> <p>iii) A minimum of 2 hectares (5 acres) of the agricultural use parcel shall be used for the production of grapes, fruits, hops or other produce directly associated with on-site beer, cider, wine or spirit production;</p> <p>iv) A <i>small scale agricultural alcohol production facility</i> shall be located where access is provided by an appropriate road capable of accommodating the traffic generated. A transportation impact study may be required;</p> <p>v) The maximum building area devoted to an <i>agricultural alcohol production facility</i> is restricted to 500 square metres of gross floor area not including the basement or cellar;</p> <p>vi) The display, retail sale and/or tasting of wine, beer, cider, spirits and related products produced on the farm parcel and accessory retail sale may be permitted, as provided for by the Zoning By-law; and</p> <p>viii) Restaurants, banquet halls, hotels, motels, hostels, schools, residences, and conference facilities shall not be permitted.</p>

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<del>Grey highlighted strikethrough text</del> = text to be deleted	<b>Bolded text</b> = text to be added
facilities shall not be permitted.	

Appendix “B” – Volume 1, Chapter G – Glossary

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text</del> = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p><b>Agricultural Alcohol Production Facility: means a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beer, wine, cider and / or spirits. Agricultural Alcohol Production Facility uses may include the crushing, fermentation, distillation, production, bottling, aging, storage and accessory sale of beers, ciders, wines, spirits and related products, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.</b></p>	<p>Agricultural Alcohol Production Facility: means a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beer, wine, cider and / or spirits. Agricultural Alcohol Production Facility uses may include the crushing, fermentation, distillation, production, bottling, aging, storage and accessory sale of beers, ciders, wines, spirits and related products, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.</p>





Appendix “E” – Volume 2, Chapter A – Rural Settlement Area Plans

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p>Reinstate Policy A.1.3.2 in its entirety.  <b>A.1.3.2 Garden suites may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met:</b>  <b>a) The water and sewage disposal services available on the site are designed and have the capacity to sustain the uses;</b>  <b>b) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and</b>  <b>c) The owner enters into an agreement and posts financial securities with the municipality to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law.</b></p>	<p>A.1.3.2 <i>Garden suites</i> may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met:  a) The water and sewage disposal services available on the site are designed and have the capacity to sustain the uses;  b) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and  c) The owner enters into an agreement and posts financial securities with the municipality to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law.</p>
<p>A.1.3.3 Notwithstanding Policies C.3.1.2 d) and C.3.1.4 c) of Volume 1, a <i>garden suite</i> or a <i>secondary dwelling unit</i> <del>–detached</del> shall not be permitted in the Rural Settlement Areas of Carlisle, Greensville, Freelon and Lynden until such time as the City:  a) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address these uses; and,  b) has developed and implemented appropriate policies and regulations for these uses.</p>	<p>A.1.3.3 Notwithstanding Policies C.3.1.2 d) and C.3.1.4 c) of Volume 1, a <i>garden suite</i> or a <i>secondary dwelling unit</i> shall not be permitted in the Rural Settlement Areas of Carlisle, Greensville, Freelon and Lynden until such time as the City:  a) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address these uses; and,  b) has developed and implemented appropriate policies and regulations for these uses.</p>
<p>A.3.13.3.1 Map 16 establishes the land use pattern of future <i>development</i> and redevelopment. There are <del>three</del> <b>five</b> land use categories: Settlement Residential, Settlement Commercial, <b>Settlement Institutional, Neighbourhood Park</b> and Natural Open Space (Hazard Lands).</p>	<p>A.3.13.3.1 Map 16 establishes the land use pattern of future <i>development</i> and redevelopment. There are five land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Neighbourhood Park and Natural Open Space (Hazard Lands).</p>

## Proposed Text Amendments – UHOP All Volumes 1 & 2

Grey highlighted strikethrough text = text to be deleted

**Bolded text** = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
<b>Volume 1, Chapter C – City Wide Systems and Designations</b>			
C.5.3.1	<p>C.5.3.1 The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of <i>urban area</i> boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted by this Plan into lands <del>detailed in the Rural Hamilton Official Plan</del> <b>within Rural Hamilton</b> unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.</p>	<p>C.5.3.1 The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of <i>urban area</i> boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted by this Plan into lands within <i>Rural Hamilton</i> unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.</p>	<p>Change to newly defined term “Rural Hamilton” for clarity.</p>
C.5.3.3	<p>C.5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties <del>in the Rural Hamilton Official Plan</del> <b>within Rural Hamilton.</b></p>	<p>C.5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties within <i>Rural Hamilton</i>.</p>	<p>Change to newly defined term “Rural Hamilton” for clarity.</p>

## Proposed Text Amendments – UHOP All Volumes 1 & 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
<b>Volume 1: Chapter E – Urban Systems and Designations</b>			
E.2.7.2	E.2.7.2 <i>Employment Areas</i> shall provide employment through a broad range of uses, including traditional industrial uses, research and <i>development</i> uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. <b>Major retail</b> uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.	E.2.7.2 <i>Employment Areas</i> shall provide employment through a broad range of uses, including traditional industrial uses, research and <i>development</i> uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. <i>Major retail</i> uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.	Italicize defined term “Major Retail”.
<b>Volume 1: Chapter G – Glossary</b>			
Rural Hamilton (New Definition)	<b>Rural Hamilton: means the area within the municipal boundary of the City of Hamilton but outside of the urban boundary.</b>	Rural Hamilton: means the area within the municipal boundary of the City of Hamilton but outside of the urban boundary.	Definition already exists within Rural Hamilton Official Plan. Applying same definition within the Urban Hamilton Official Plan.
<b>Volume 2, Chapter C – Urban Site Specific Policies</b>			
B.2.8.6.1 Ancaster Wilson Street Secondary Plan	B.2.8.6.1 In addition to Section E.2.3.3 – Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features: d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be	B.2.8.6.1 In addition to Section E.2.3.3 – Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features: d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be	Incorrect reference. The portion of the Gateway Residential area that is adjacent to the Uptown Core is the eastern portion, which is where larger scale development and redevelopment is encouraged to occur.

## Proposed Text Amendments – UHOP All Volumes 1 & 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
	directed towards the Uptown Core and <del>western</del> <b>eastern</b> portion of the Gateway Residential area, as shown on Appendix A – Character Areas and Heritage Features.	directed towards the Uptown Core and eastern portion of the Gateway Residential area, as shown on Appendix A – Character Areas and Heritage Features.	
B.5.1.13.5  Binbrook Village Secondary Plan	Site Specific Policy – Area E B.5.1.13.5 Notwithstanding Sections E.4.3.4 d) and E.4.6.6 a) of Volume 1 and Section B.5.1.5.1 i), as it applies to drive-through uses <del>in pedestrian focus areas</del> <b>on pedestrian focus streets</b> , for lands located at 2660-2668 Binbrook Road East and 2651 Regional Road 56, <b>identified as Site Specific Policy – Area E on Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan</b> , a maximum of one drive-through facility accessory to a restaurant shall be permitted subject to the following: : ...	Site Specific Policy – Area E B.5.1.13.5 Notwithstanding Sections E.4.3.4 d) and E.4.6.6 a) of Volume 1 and Section B.5.1.5.1 i), as it applies to drive-through uses on <i>pedestrian focus streets</i> , for lands located at 2660-2668 Binbrook Road East and 2651 Regional Road 56, identified as Site Specific Policy – Area E on Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan, a maximum of one drive-through facility accessory to a restaurant shall be permitted subject to the following: : ...	To correct typographic error and to reflect new terminology recently brought into the UHOP with the Commercial and Mixed Use Zones Implementation (OPA No. 69).
B.5.4.11.X (New Policy)	<b>Area Specific Policy – Area X</b> <b>5.4.11.X In addition to Section B.5.4.2.2 b) of Volume 2, for the lands located at 9255 Airport Road West (Block 94, Registered Plan No. 62M-1269), designated Low Density Residential 2c and identified as Site Specific Policy – Area X, public parkland, open space or other passive recreation uses shall be permitted.</b>	Area Specific Policy – Area X 5.4.11.X In addition to Section B.5.4.2.2 b) of Volume 2, for the lands located at 9255 Airport Road West (Block 94, Registered Plan No. 62M-1269), designated Low Density Residential 2c and identified as Site Specific Policy – Area X, public parkland, open space or other <i>passive recreation uses</i> shall be permitted.	The subject lands are landlocked with no public access.  Permitting public parkland, open space or other passive recreation uses on the lands will allow additional uses of the lands that may be used for the benefit of the public should the lands be dedicated to the City.
B.6.2.17.10	Site Specific Policy – Area H B.6.2.17.10 <del>9</del> In addition to Section E.3.6 – High Density Residential of	Site Specific Policy – Area H B.6.2.17.9 In addition to Section E.3.6 – High Density Residential of Volume 1,	Numbering error.

## Proposed Text Amendments – UHOP All Volumes 1 & 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Ainslie Wood Westdale Secondary Plan	Volume 1, Section B.6.2.5.5 – High Density Residential Designation of Volume 2, and Section B.6.2.10 – Parks and Open Space Designations of Volume 2, for lands located at 925 Main Street West and 150 Longwood Road South, designated “High Density Residential 1” and “Open Space”, and identified as Site Specific Policy – Area H, the following policies shall apply: ...	Section B.6.2.5.5 – High Density Residential Designation of Volume 2, and Section B.6.2.10 – Parks and Open Space Designations of Volume 2, for lands located at 925 Main Street West and 150 Longwood Road South, designated “High Density Residential 1” and “Open Space”, and identified as Site Specific Policy – Area H, the following policies shall apply: ...	
B.16.2.17.7 Ainslie Wood Westdale Secondary Plan	Site Specific Policy – Area K <del>B.16.2.17.712 Notwithstanding Policy B.6.2.7.2 e) and h) ii) for</del> <b>The following policies shall apply to</b> the lands designated <del>Mixed Use – Medium Density</del> , located at 1630 Main Street West and 69 Sanders Boulevard, <b>designated Mixed Use – Medium Density</b> and identified as Site Specific Policy – Area J on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan: a) <b>Notwithstanding Policy B.6.2.7.2 e)</b> , the maximum residential density shall be 585 units per gross hectare; and, b) <b>Notwithstanding Policy B.6.2.7.2 h) ii)</b> , the maximum height of any multiple dwelling shall be <del>limited to</del> nine storeys.	Site Specific Policy – Area K B.6.2.17.12 The following policies shall apply to the lands located at 1630 Main Street West and 69 Sanders Boulevard, designated Mixed Use – Medium Density and identified as Site Specific Policy – Area J on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan: a) Notwithstanding Policy B.6.2.7.2 e), the maximum residential density shall be 585 units per gross hectare; and, b) Notwithstanding Policy B.6.2.7.2 h) ii), the maximum height of any multiple dwelling shall be nine storeys.	Numbering and formatting errors.
B.7.6.9.21 West Mountain (Heritage Green)	Area Specific Policy – Area E B.7.6.9.21 The following policy shall apply to lands known as 1050 Paramount Drive and identified as Area Specific Policy – <b>Area “E”</b> on Map B.7.6-	Area Specific Policy – Area E B.7.6.9.21 The following policy shall apply to lands known as 1050 Paramount Drive and identified as Area Specific Policy – Area “E” on Map B.7.6-	Revise policy to clarify that Volume 1 refers only to Policy E.3.8.6 and that Policy B.7.2.3.2 b) is found within Volume 2.

## Proposed Text Amendments – UHOP All Volumes 1 & 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Secondary Plan	<p>1 – West Mountain (Heritage Green) Land Use Plan:</p> <p>a) Notwithstanding the gross floor area criteria of Policy E.3.8.6 of <b>Volume 1</b> and Policy B.7.6.3.2 b) of <del>Volume 1</del>, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum combined gross floor areas of any grouping of local commercial uses shall be 2,000square metres.</p>	<p>1 – West Mountain (Heritage Green) Land Use Plan:</p> <p>a) Notwithstanding the gross floor area criteria of Policy E.3.8.6 of Volume 1 and Policy B.7.6.3.2 b) of <del>Volume 1</del>, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum combined gross floor areas of any grouping of local commercial uses shall be 2,000square metres.</p>	
B.8.4  Airport Employment Growth District Secondary Plan	<p>B.8.4 Employment Area Policies ...The Employment Supportive Centres are intended to serve as <del>small scale</del> <b>small scale</b> focal points serving the amenity needs of the Airport Employment Growth District’s employees within a reasonable distance of their place of work.</p>	<p>B.8.4 Employment Area Policies ...The Employment Supportive Centres are intended to serve as small scale focal points serving the amenity needs of the Airport Employment Growth District’s employees within a reasonable distance of their place of work.</p>	<p>Remove italics from small scale. Small scale is a defined term in the Airport Employment Growth District Secondary Plan and it refers to agricultural uses, which does not apply in this reference.</p>
B.8.17.8  Airport Employment Growth District Secondary Plan	<p>Site Specific Policy – Area H  8.17.8 In addition to the permitted uses in Policy B.8.4.5.1b) – Airport Prestige Business and B.8.4.5.3 – Employment Supportive Centre, for lands located at the southwest corner of Highway 6 and Garner Road, designated Airport Prestige Business and the lands located at the intersection of Garner Road East and Highway 6 identified as an Employment Supportive Centre, and identified on Map B.8-1 – Airport Employment Growth District Land Use Plan as Site Specific Policy – Area H,</p>	<p>Site Specific Policy – Area H  8.17.8 In addition to the permitted uses in Policy B.8.4.5.1b) – Airport Prestige Business and B.8.4.5.3 – Employment Supportive Centre, for lands located at the southwest corner of Highway 6 and Garner Road, designated Airport Prestige Business and the lands located at the intersection of Garner Road East and Highway 6 identified as an Employment Supportive Centre, and identified on Map B.8-1 – Airport Employment Growth District Land Use Plan as Site Specific Policy – Area H,</p>	<p>Policy B.8.4.5.5 doesn’t apply to retail stores, as it only applies to the permitted uses in B.8.4.5.3, so the policy reference is incorrect, and no policy reference is needed.</p>

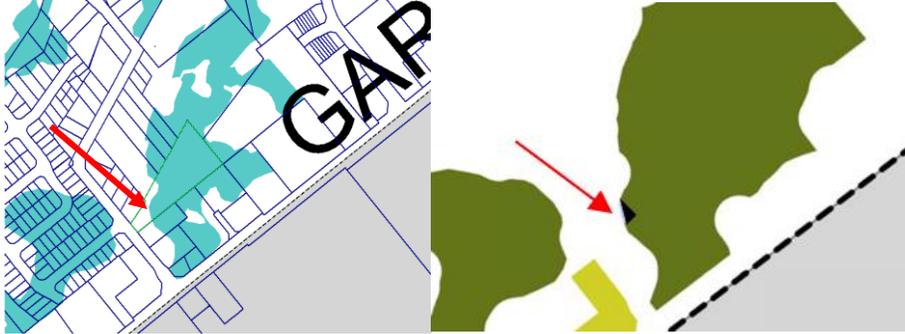
## Proposed Text Amendments – UHOP All Volumes 1 & 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
	<p>c) <del>Notwithstanding Policy B.8.4.5.5, a retail store shall not exceed 500 square metres</del> <b>the gross floor area for any individual retail store shall not exceed 500 square metres.</b></p>	<p>c) the gross floor area for any individual retail store shall not exceed 500 square metres.</p>	
<p>B.8.17.10   Airport Employment Growth District Secondary Plan</p>	<p>Site Specific Policy – Area J  B.8.17.10 In addition to Policy B.8.4.5.1, <b>for the lands located at 2012 Upper James Street (to be changed to 2060 Upper James Street)</b>, designated Airport Prestige Business, <del>located at 2012 Upper James Street (to be changed to 2060 Upper James Street)</del> and identified <b>as Site Specific Policy – Area J</b> on Airport Employment Growth District Secondary Plan – Land Use Plan, Map B.8-1, a Place of Worship shall also be permitted <del>on the portion of lands designated Airport Prestige Business.</del></p>	<p>Site Specific Policy – Area J  B.8.17.10 In addition to Policy B.8.4.5.1, for the lands located at 2012 Upper James Street (to be changed to 2060 Upper James Street), designated Airport Prestige Business and identified as Site Specific Policy – Area J on Airport Employment Growth District Secondary Plan – Land Use Plan, Map B.8-1, a Place of Worship shall also be permitted.</p>	<p>Current wording has errors in grammar and formatting, including the omission of the Site Specific Policy Area to which the policy applies.</p>

**Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes**

Schedule / Map Number	Proposed Changes	Why Change is Required
<b>Volume 1 – Parent Plan</b>		
Volume 1: Schedule B – Natural Heritage System	Refine “Core Area” and “Significant Woodlands” identifications for the lands located at 1490 Baseline Road, Stoney Creek to align with the “Natural Open Space” designation on Map B.7.3-1 Urban Lakeshore Secondary Plan – Land Use Plan (lands subject to the Conservation / Hazard Land (P5) Zone).	
Volume 1: Schedule B-2 – Detailed Natural Heritage System Features – Significant Woodlands		Lands were redesignated on Map B.7.3-1 Urban Lakeshore Secondary Plan – Land Use Plan through UHOPA No. 142 (Housekeeping Amendment), however these corresponding changes to Volume 1 map were omitted, in error.
Volume 1: Schedule E-1 – Urban Land Use Designations	Redesignate lands from “Neighbourhoods” to “Open Space” for the lands located at 1490 Baseline Road, Stoney Creek B.7.3-1 Urban Lakeshore Secondary Plan – Land Use Plan. 	

**Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes**

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1: Schedule B-2 – Detailed Natural Heritage System Features – Significant Woodland</p>	<p>Remove “Significant Woodland” identification from a portion of 495 Hamilton Drive to match Schedule B – Natural Heritage System and Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan</p> 	<p>Lands were redesignated and natural heritage features identifications were removed through UHOPA No. 142 (Housekeeping Amendment), however this corresponding change was omitted, in error.</p>
<p><b>Volume 2 – Secondary Plans &amp; Rural Settlement Areas</b></p>		
<p>Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential 2h” to “Low Density Residential 3c” for a portion of lands located at 310 Fall Fair Way, Glanbrook.</p> 	<p>Appendix W to UHOPA No. 142 (Housekeeping Amendment) did not redesignate the full extent of the lands that have been developed for townhouses – as identified in Appendix “C3” to Report No. PED20201. Lands have been developed for block townhouses, in keeping with the “Low Density Residential 3c” designation.</p>

Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 2: Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages</p>	<p>Lands located south and east of 56 Royal Winter Drive to be identified as "Community Park".</p> 	<p>Although the redesignation of the lands on Map B.5.1-1 occurred through UHOPA No. 142 (Housekeeping), staff inadvertently omitted the omission of the corresponding change on Map B.5.1-2 in error.</p>



**Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes**

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan</p>	<p>Redesignate pedestrian pathway at Beamis Avenue to Hepburn Crescent from "Low Density Residential 1a" to "General Open Space" and redesignate 48 Hepburn Crescent from "General Open Space" to "Low Density Residential 1a".</p> 	<p>Mapping error. Change will reflect existing land uses.</p>

**Proposed Text Amendments – RHOP Volumes 1 & 2**

Grey highlighted strikethrough text = text to be deleted

**Bolded text** = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
<b>Volume 1, Chapter D – Rural Systems, Designations and Resources</b>			
D.2.1.3	D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy, limited <i>secondary uses</i> are permitted. On-farm <i>secondary uses</i> are secondary to the primary <i>agricultural use</i> and are limited to agri-tourism uses, <i>farm vacation homes, home industries, kennels, and</i> <del>small scale</del> retailing of agricultural products, <b>and an agricultural alcohol production facility</b> . On-farm <i>secondary uses</i> shall be permitted provided the following conditions are met in all cases:	D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy, limited <i>secondary uses</i> are permitted. On-farm <i>secondary uses</i> are secondary to the primary <i>agricultural use</i> and are limited to agri-tourism uses, <i>farm vacation homes, home industries, kennels, small scale</i> retailing of agricultural products, and an <i>agricultural alcohol production facility</i> . On-farm <i>secondary uses</i> shall be permitted provided the following conditions are met in all cases	Adds the use of Agricultural Alcohol Production Facility to the list of permitted on-farm secondary uses. The use was previously referred to as a ‘small scale winery, brewery or cidery’ which had been permitted as an on-farm secondary use, but had been inadvertently omitted from the list.
D.2.1.3.1 f)	D.2.1.3.1 In addition to the above policies, on-farm <i>secondary uses</i> shall be subject to the following conditions: f) A <del>small scale winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> may be permitted secondary to a permitted agricultural use in the Agriculture designation in accordance with the Zoning By-law and provided the following conditions are met: i) A <del>small scale winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> shall only be permitted as an accessory use to an agricultural use on lots 4 hectares (10 acres) or greater; ii) Site Plan approval shall be required to address appropriate setbacks,	D.2.1.3.1 In addition to the above policies, on-farm <i>secondary uses</i> shall be subject to the following conditions: f) A <i>small scale agricultural alcohol production facility</i> may be permitted secondary to a permitted agricultural use in the Agriculture designation in accordance with the Zoning By-law and provided the following conditions are met: i) A <i>small scale agricultural alcohol production facility</i> shall only be permitted as an accessory use to an agricultural use on lots 4 hectares (10 acres) or greater; ii) Site Plan approval shall be required to address appropriate setbacks, building	Provides clarity to include all types of alcohol production such as brewery, cidery, winery, and distillation.  Amendment also adds “distillation” as a permitted production method for the production of gin, whisky, or other similar products that are not made in a brewery, cidery, or winery.

**Proposed Text Amendments – RHOP Volumes 1 & 2**

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
	<p>building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matters;</p> <p>iii) A minimum of 2 hectares (5 acres) of the agricultural use parcel shall be used for the production of grapes, fruits, <b>hops</b> or other produce directly associated with on-site beer, cider, <del>or wine</del> <b>or spirit</b> production;</p> <p>iv) A <del>small scale winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> shall be located where access is provided by an appropriate road capable of accommodating the traffic generated. A transportation impact study may be required;</p> <p>v) The maximum building area devoted to <del>an winery, brewery, or cidery</del> <b>agricultural alcohol production facility</b> is restricted to 500 square metres of gross floor area not including the basement or cellar;</p> <p>vi) The display, retail sale and/or tasting of wine, beer, <del>or</del> <b>cider, spirits and related products</b> produced on the farm parcel and accessory retail sale may be permitted, as provided for by the Zoning By-law; and</p> <p>vii) Restaurants, banquet halls, hotels, motels, hostels, schools, residences, and conference facilities shall not be permitted.</p>	<p>size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matters;</p> <p>iii) A minimum of 2 hectares (5 acres) of the agricultural use parcel shall be used for the production of grapes, fruits, hops or other produce directly associated with on-site beer, cider, wine or spirit production;</p> <p>iv) A <i>small scale agricultural alcohol production facility</i> shall be located where access is provided by an appropriate road capable of accommodating the traffic generated. A transportation impact study may be required;</p> <p>v) The maximum building area devoted to an <i>agricultural alcohol production facility</i> is restricted to 500 square metres of gross floor area not including the basement or cellar;</p> <p>vi) The display, retail sale and/or tasting of wine, beer, cider, spirits and related products produced on the farm parcel and accessory retail sale may be permitted, as provided for by the Zoning By-law; and</p> <p>vii) Restaurants, banquet halls, hotels, motels, hostels, schools, residences, and conference facilities shall not be permitted.</p>	

**Proposed Text Amendments – RHOP Volumes 1 & 2**

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
<b>Volume 1, Chapter G – Glossary</b>			
Agricultural Alcohol Production Facility (New Definition)	<b>Agricultural Alcohol Production Facility: means a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beer, wine, cider and / or spirits. Agricultural Alcohol Production Facility uses may include the crushing, fermentation, distillation, production, bottling, aging, storage and accessory sale of beers, ciders, wines, spirits and related products, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.</b>	Agricultural Alcohol Production Facility: means a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beer, wine, cider and / or spirits. Agricultural Alcohol Production Facility uses may include the crushing, fermentation, distillation, production, bottling, aging, storage and accessory sale of beers, ciders, wines, spirits and related products, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.	New definition to provide clarity to include all types of alcohol production such as brewery, cidery, winery, and distillation.  Amendment also adds “distillation” as a permitted production method for the production of gin, whisky, or other similar products that are not made in a brewery, cidery, or winery.
<b>Volume 2, Chapter A – Rural Settlement Areas</b>			
A.1.3.2 (Reinstate Policy)	Reinstate Policy A.1.3.2 in its entirety. <b>A.1.3.2 Garden suites may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met: a) The water and sewage disposal services available on the site are</b>	A.1.3.2 <i>Garden suites</i> may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met: a) The water and sewage disposal services available on the site are designed and have the capacity to sustain the uses;	Rural Hamilton Official Plan Housekeeping Amendment No. 26 deleted the policy under the premise that Volume 1 already permitted the use within Policy C.3.1.4, which was incorrect. Policy is being reinstated in its entirety.

**Proposed Text Amendments – RHOP Volumes 1 & 2**

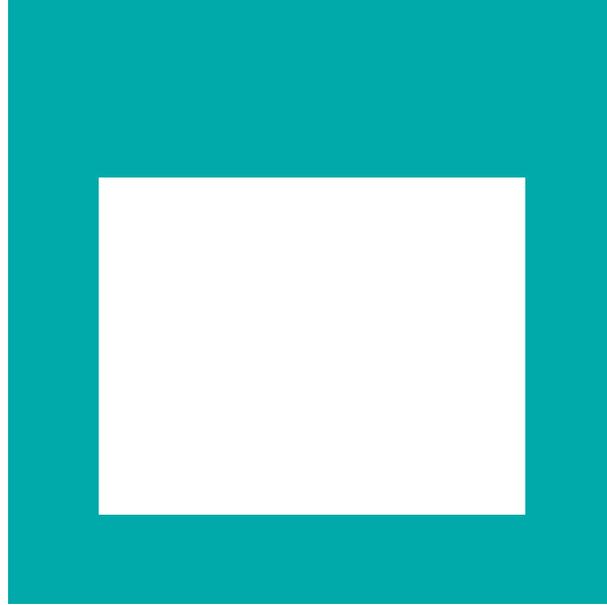
Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
	<p><b>designed and have the capacity to sustain the uses;</b>  <b>b) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and</b>  <b>c) The owner enters into an agreement and posts financial securities with the municipality to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law.</b></p>	<p>b) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and  c) The owner enters into an agreement and posts financial securities with the municipality to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law.</p>	<p>“Garden Suite” a defined term in the <i>Planning Act</i>. A “garden Suite” is a separate and distinct use from a detached Secondary Dwelling Unit based on the temporary nature of a “Garden Suite” and method of construction.</p>
A.1.3.3	<p>A.1.3.3 Notwithstanding Policies C.3.1.2 d) and C.3.1.4 c) of Volume 1, a <i>garden suite</i> or a <i>secondary dwelling unit – detached</i> shall not be permitted in the Rural Settlement Areas of Carlisle, Greensville, Freelton and Lynden until such time as the City:  a) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address these uses; and,  b) has developed and implemented appropriate policies and regulations for these uses. (OPA 26) (OPA 30)</p>	<p>A.1.3.3 Notwithstanding Policies C.3.1.2 d) and C.3.1.4 c) of Volume 1, a <i>garden suite</i> or a <i>secondary dwelling unit</i> shall not be permitted in the Rural Settlement Areas of Carlisle, Greensville, Freelton and Lynden until such time as the City:  a) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address these uses; and,  b) has developed and implemented appropriate policies and regulations for these uses. (OPA 26) (OPA 30)</p>	<p>The intent of Policy A.1.3.3 is to prohibit the establishment of <i>secondary dwelling units</i> (internal to the principal dwelling) within the RSAs of Carlisle, Greensville, Freelton and Lynden. The policy as written had been restricting <i>secondary dwelling units – detached</i>, which are already prohibited throughout Rural Hamilton.</p>

**Proposed Text Amendments – RHOP Volumes 1 & 2**

<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New Policy</b>	<b>Why Change is Required</b>
A.3.13.3.1	A.3.13.3.1 Map 16 establishes the land use pattern of future <i>development</i> and redevelopment. There are <del>three</del> <b>five</b> land use categories: Settlement Residential, Settlement Commercial, <b>Settlement Institutional, Neighbourhood Park</b> and Natural Open Space (Hazard Lands).	A.3.13.3.1 Map 16 establishes the land use pattern of future <i>development</i> and redevelopment. There are five land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Neighbourhood Park and Natural Open Space (Hazard Lands).	Previous Housekeeping OPA No. 26 redesignated lands from “Settlement Residential” to “Settlement Institutional”, but reference to the new designation within this policy was omitted in error. Additional omission was the Neighbourhood Park designation, which was added to Map 16, as part of OPA No. 9 (Rural Zoning), but not to the text.

**Proposed Schedule, Map, and Appendix Amendments – RHOP All Volumes**

Schedule / Map Number	Proposed Changes	Why Change is Required
Volume 1		
<p>Schedule B – Natural Heritage System</p> <p>Schedule B-2 – Detailed Natural Heritage Features – Significant Woodlands</p>	<p>Remove "Core Area" and "Significant Woodland" identifications from a portion of the lands located at 1852 Concession 6 West, Flamborough that are within the Rural (A2) Zone. Features identifications to remain on the subject lands that are within the Conservation / Hazard land – Rural (P7) Zone.</p>  <p>The figure consists of three maps. The top map is an aerial photograph showing a parcel outlined in yellow. The parcel is labeled 'A2' and is situated near 'Concession 6 West'. Surrounding areas are labeled with other zoning codes: 'P6' to the north and west, 'P7' to the south, 'P4 Exception 126' to the south, and 'A1' to the east. The bottom-left map is a zoomed-in view of the parcel's boundary, showing a yellow outline on a green background with a grid pattern. The bottom-right map is another zoomed-in view, showing the parcel's boundary on a blue background with a grid pattern.</p>	<p>To appropriately recognize the limits of the environmental features on the subject lands and align with the existing zoning on the subject lands.</p>



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

April 5, 2022

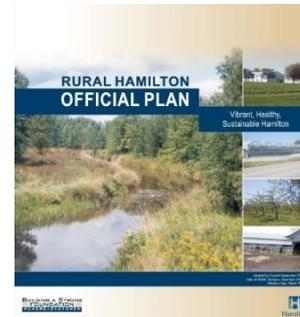
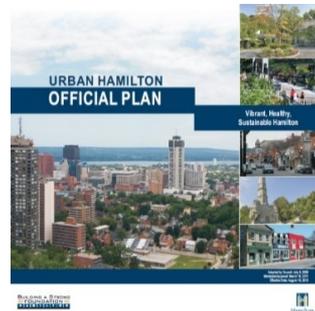
# **PED22047 – (Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan)**

Proposed modifications and updates to the Urban and Rural Hamilton Official Plans

Presented by: Delia McPhail

## Background

- Updates and modifications to the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) are required to ensure clear policy implementation, and to ensure that the Plans remain accurate and current.
- Housekeeping and updates are periodically undertaken, and form part of the ongoing maintenance of the Plans.



# Scope of Changes

## General UHOP and RHOP Amendments

- Adding new definitions to provide better direction for implementation of the plans;
- Reinstating a policy that had been previously deleted in error;
- Adding a new site specific policy to provide flexibility for future parkland uses on a landlocked parcel;
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording; and,
- Creating consistency between policies and schedules and/or maps and correcting mapping errors.

# Examples of Proposed Changes

## Clarifying / correcting policy intent by adding a definition

“D.2.1.3.1 In addition to the above policies, on-farm *secondary uses* shall be subject to the following conditions:

- f) *A small scale winery, brewery, or cidery* **agricultural alcohol production facility** may be permitted secondary to a permitted agricultural use in the Agriculture designation in accordance with the Zoning By-law and provided the following conditions are met: ...”

# Examples of Proposed Changes

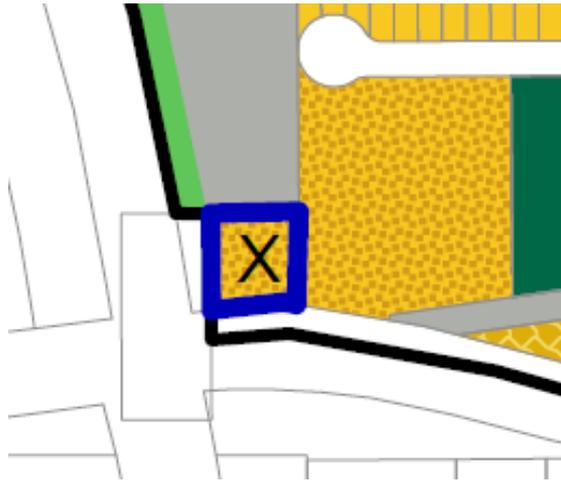
## Reinstating a policy that had been previously deleted in error

- “A.1.3.2 *Garden suites* may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met:
- a) The water and sewage disposal services available on the site are designed and have the capacity to sustain the uses;
  - b) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and
  - c) The owner enters into an agreement and posts financial securities with the municipality to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law.”

# Examples of Proposed Changes

## Establishment of new site specific policy to provide flexibility for parkland uses on landlocked parcel

 Lands to be identified as Site Specific Policy - Area "X"



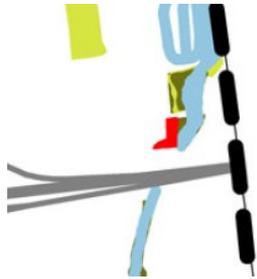
### 9255 Airport Road West, Glanbrook (Block 94, Registered Plan No. 62M-1269)



# Examples of Proposed Changes

## Updating mapping to reflect existing natural heritage features

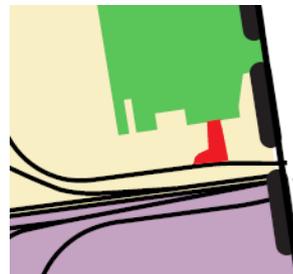
 Lands to be identified as "Core Area"



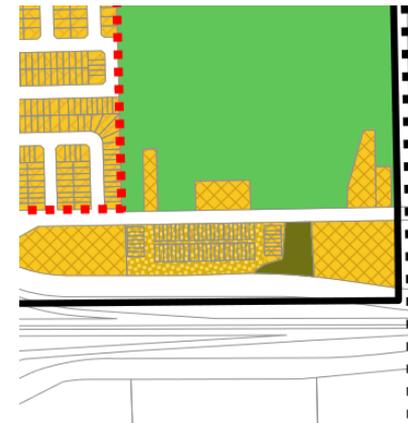
 Lands to be identified as "Key Natural Heritage Feature - Significant Woodlands"



 Lands to be redesignated from "Neighbourhoods" to "Open Space"



### 1490 Baseline Road, Stoney Creek



# Examples of Proposed Changes

## Updating mapping to reflect existing conditions and built form

 Remove "Core Area" identification



 Remove "Significant Woodlands" identification

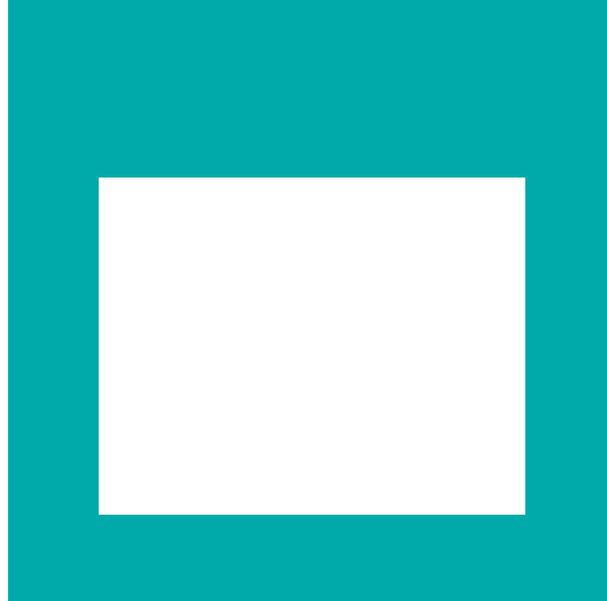


### 1852 Concession 6 West, Flamborough



## Consultation

- Staff from the Planning Division provided input on proposed amendments to the Official Plans;
- Consultation with Development Industry Liaison Group (DILG) on March 14, 2022; and,
- Notice of Public Meeting posted in Community Newspapers and The Hamilton Spectator on March 15, 2022.



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Mayor and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That approval be given to **City Initiative CI 22-D to amend City of Hamilton Zoning By-law No. 05-200** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;

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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: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 2 of 16**

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- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
- (b) That approval be given to **City Initiative CI 22-D to amend Town of Ancaster Zoning By-law No. 87-57** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “B” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (c) That approval be given to **City Initiative CI 22-D to amend Town of Dundas Zoning By-law No. 3581-86** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (d) That approval be given to **City Initiative CI 22-D to amend Town of Flamborough Zoning By-law No. 90-145-Z** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 3 of 16**

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- (i) That the Draft By-law, attached as Appendix “D” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (e) That approval be given to **City Initiative CI 22-D to amend Town of Glanbrook Zoning By-law No. 464** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “E” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (f) That approval be given to **City Initiative CI 22-D to amend former City of Hamilton Zoning By-law No. 6593** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “F” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 4 of 16**

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- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (g) That approval be given to **City Initiative CI 22-D to amend City of Stoney Creek Zoning By-law No. 3692-92** to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “G” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (h) Subject to the approval of City Initiative CI 22-D, that Licensing and Bylaw Services staff be directed to report back to Planning Committee to amend Licencing By-law No. 07-170 by adding a condition stating business licence holders may not permit noise from commercial entertainment or commercial recreation on Outdoor Commercial Patios

## **EXECUTIVE SUMMARY**

In 2016, at the direction of Council, staff reported on how other major cities address outdoor entertainment on restaurant/bar patios, including live or recorded music and dance facilities, and on possible alternatives for permitting such outdoor entertainment. Subsequently, in 2017 through Report PED16155(a), staff recommended temporarily removing the restriction on outdoor entertainment for a series of pilot project areas located in different geographic urban areas and eighteen rural areas within the City for a twenty-four month period. Staff further recommended amending Noise Control By-law No.11-285 (Noise By-law) by introducing an exemption permit to regulate the noise emanating from live entertainment or recorded music on Outdoor Commercial Patios (OCPs) and establishing conditions for granting an exemption.

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 5 of 16**

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In April 2017, amendments were approved to the Noise By-law. In May of 2017, Council approved Temporary Use By-laws to allow commercial entertainment/recreation on OCPs for the following eight urban pilot project areas and specific locations in the rural area:

1. Downtown Hamilton;
2. Hess Village;
3. West Harbour area;
4. Downtown Dundas;
5. James Street North;
6. James Street South/Augusta Street;
7. Upper James Street (Stone Church to Rymal Road); and,
8. Some properties (predominantly golf courses) within the Rural Area.

These By-laws were appealed to the Ontario Land Tribunal by the Harbour West Neighbours (HWN). The appeals were withdrawn in June 2018 on the condition the West Harbour area be removed from the pilot project.

In May 2019, Council approved Temporary Use By-laws which extended the temporary use permissions for the now seven pilot project areas to May 1, 2022 (Temporary Uses 3, 4, and 5 of Zoning By-law No. 05-200).

Finally, in August 2020, Council approved a Temporary Use By-law to Zoning By-law No. 05-200 to permit commercial entertainment/recreation on OCPs within the following zones if located in the Downtown Secondary Plan area:

- Downtown Central Business District (D1) Zone;
- Downtown Prime Retail Streets (D2) Zone;
- Downtown Mixed Use (D3) Zone;
- Community Park (P2) Zone; and,
- City Wide (P3) Zone.

These temporary use permissions were subsequently extended twice before expiring on December 31, 2021 (Temporary Use 7 of Zoning By-law No. 05-200).

The pilot project, which through extensions has been in place for almost four years (from the date when the appeals were withdrawn), has provided staff the opportunity to

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 6 of 16**

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determine if nuisances caused by OCPs are better regulated and dealt with by Noise Control By-law No.11-285, or rather, through Zoning By-law regulations.

Staff were directed to report back to Council at the pilot project's conclusion, with a recommended action. The temporary use permissions for the original seven pilot project areas expires on May 1, 2022. Having evaluated the results of the pilot project, staff are recommending that the pilot project be implemented on a permanent basis in Zoning By-law No. 05-200 and the Zoning By-laws of the former Communities, this recommendation removes the prohibition of commercial entertainment and recreation on OCPs and employs the Noise By-law as the preferred method to regulate noise.

**Alternatives for Consideration – See Page 16**

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

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

#### **HISTORICAL BACKGROUND**

The City's Zoning By-laws define an Outdoor Commercial Patio as:

“Shall mean any outdoor area used in conjunction with any establishment licensed under the *Liquor Licence Act*, where meals or refreshments are served to the public for consumption on the premises.”

The City's Zoning By-laws prohibit outdoor music on OCPs with the intent being to ensure entertainment is managed to protect neighbouring sensitive land uses from noise and other impacts.

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 7 of 16**

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## **1.0 PED16155 - July 2016**

In 2015, Council directed staff to investigate and report to the Planning Committee on how other major cities address outdoor entertainment on restaurant / bar patios and on possible alternatives for permitting such outdoor entertainment.

As detailed in Report PED16155, staff surveyed and consulted with municipalities across Southern Ontario, as well as a number of municipalities farther afield. Consultation also extended to the public, stakeholders and other Divisions within the City. Comments were received via emails, surveys (including resident surveys), and public meetings. The City also consulted with an external acoustical engineer to provide technical expertise on noise limits and measures.

The key findings of the 2015 / early 2016 consultation was:

- The majority of the jurisdictions had zoning provision(s) to distance / separate commercial outdoor patios from residential zones (i.e. XX m from a residential area); and may have identified or indirectly regulated noise in its zoning provisions;
- Three of the fifteen municipalities surveyed had comparable zoning provisions that prohibited outdoor entertainment on commercial patios; and,
- The municipalities surveyed that allowed commercial entertainment on outdoor patios used the Noise By-law as the preferred method to enforce.

## **2.0 Zoning By-law Amendment Nos. 17-082 to 17-084 and Amendment to the Noise Control By-law (PED16155(a))**

### **2.1 Zoning By-law Amendments**

Based on the results of the consultation, in early 2017, through Report PED16155(a), staff recommended passing a Temporary Use By-law to permit entertainment on OCPs for certain areas of the City for a specific time period. The Noise By-law would be the mechanism to address noise complaints. Correspondingly, the Noise By-law was amended to introduce an OCP exemption permit (noise exemption permit – NEP) where live entertainment or recorded music could be permitted, subject to a series of conditions.

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 8 of 16**

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The temporary use permissions, combined with the amendments to the Noise By-law, would enable staff to test whether the Noise By-law was the appropriate tool to address potential noise impacts from entertainment on OCPs.

On May 10, 2017, City Council approved three Temporary Use By-laws to permit the temporary use permission for seven urban pilot project areas and specific locations in the rural area (predominately golf courses). The By-laws were established for a period of 24 months with an expiry date of May 10, 2019.

At the time these Temporary Use By-laws were approved, there were three Zoning By-laws which had to be amended:

- **By-law No. 17-082 (Zoning By-law No. 6593)** – Applied to James Street North, Augusta Street/James Street South, West Harbour and Upper James Street;
- **By-law No. 17-083 (Zoning By-law No. 05-200)** – Applied to parts of the downtown area, Hess Village and the rural area; and,
- **By-law 17-084 (Zoning By-law No. 3581-86)** – Applied to Downtown Dundas.

The amending By-laws were appealed to the Ontario Land Tribunal by the Harbour West Neighbours (HWN). On June 2, 2018, the HWN withdrew their appeals on the By-laws and the West Harbour area was removed from the pilot project.

## 2.2 Amendments to the Noise Control By-law

The Noise Control By-law was amended to implement the pilot project in conjunction with the introduction of the temporary use permissions. With the temporary permissions for commercial entertainment/recreation on OCPs, the Noise By-law is now relied upon to regulate noise from OCPs that is deemed unreasonable or likely to disturb. To facilitate a reasonable and balanced solution for patios in a mixed commercial/urban environment, amendments were made to the Noise By-law for a Noise Exemption Permit (NEP) in the event of a public concern or complaint.

OCPs outside the pilot project areas are not permitted to have outdoor entertainment/live music and are dealt with in accordance with current enforcement practices and liable to legal action for both the zoning and noise contravention.

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 9 of 16**

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City staffs' response to alleged noise violations in the designated pilot areas is complaint driven, to educate and gain voluntary compliance. Orders under the Noise By-law are available for immediate compliance to discontinue the use, and/or require the issuance of a NEP. Legal action is reserved in the event an offender is indifferent and fails to comply with City staff, disobeys an order, or knowingly re-offends.

For those business owners requiring a NEP to remedy an Order, the procedure and application requires a certified acoustic report (at the applicant's expense) with a floor plan to ensure the applicant falls within the allotted decibel readings. The Application requires public and Councillor notifications and must be posted at the site for 15 days.

The key aspects of the Outdoor Commercial Patio NEP impose the following conditions:

- The dates/times be limited from Thursday to Saturday, 11:00 a.m. – 11:00 p.m.;
- Any resulting noise be restricted to a maximum equivalent sound level (Leq) 60 dBA measured at the permit holder's property line (i.e. conversation in a restaurant, office, background music, air conditioning unit at 30 metres);
- The activity/use comply with all City By-laws and other applicable law;
- No sound equipment other than equipment approved under the permit shall be used; and,
- All sound equipment shall be placed and used in accordance with the approved Floor Plan and Certificate of Compliance from a qualified noise consultant.

The NEP Application process includes a public comment component. Guidelines are available to applicants requiring a NEP, and for the public to comment on any NEP application before the City.

When implemented, 43 identified stakeholders from the pilot project area were invited to a meeting with City staff for the business owners to gain an understanding of the:

- Business owner responsibilities and obligations under the Noise By-law;
- Purpose/application of the NEP; and,
- Role/procedure for City staff administering/enforcing this pilot project.

The results of the amendments to the Noise By-law and the introduction of the NEP process are detailed in the analysis and rationale for recommendation section of this Report.

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 10 of 16**

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### **3.0 Zoning By-law Amendment No. 17-255 (PED16100(c))**

On November 22, 2017, City Council passed By-law No. 17-255 to include two pilot project areas (Upper James Street and Downtown Dundas) within City of Hamilton Zoning By-law No. 05-200. These two areas were previously approved by Zoning By-law No. 17-082 (Schedule A-4) and Zoning By-law No. 17-084 (Dundas). This By-law had an expiry date of June 22, 2019.

### **4.0 Zoning By-law Amendment Nos. 19-103 - 19-106 (PED16155(b))**

The purpose of these amendments was to:

- Extend the temporary use permissions for the pilot projects areas for a period of 36 months, to May 1, 2022 (Temporary Use 3 and 4); and,
- Establish new Temporary Use By-law No. 19-106 for the James Street North and James Street South / Augusta Street pilot project areas (Temporary Use 5). These lands were removed from Zoning By-law No. 6593 and included in Zoning By-law No. 05-200. At the time of the passage of the new Downtown and Commercial and Mixed Use Zones, the companion Temporary Use By-laws were not passed for these lands. The temporary use permissions were permitted until May 1, 2022.

There were no additional pilot project areas permitted as a result of these by-law extensions.

### **5.0 Zoning By-law Amendment No. 20-181 (amended by By-law Nos. 20-215 and 21-143) (PED20135)**

In August 2020, through By-law No. 20-181, the same temporary use permissions - commercial entertainment/recreation on Outdoor Commercial Patios, was established for certain zones within the Downtown Secondary Plan area (Temporary Use 7). These temporary permissions expired on December 31, 2021.

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 11 of 16**

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## **6.0 Pilot Project Evaluation and Recommendations**

Through Recommendation (b) of Report PED16155(a), Council approved the following:

- “(b) Subject to the approval of City Initiative 16-C, that the Noise Control By-law No.11-285 be amended to provide for the issuance, refusal and revocation of an outdoor commercial patio exemption permit where live entertainment or recorded music is provided, on the following basis;
- (iii) That Municipal Law Enforcement (MLE) staff be directed to undertake an enforcement pilot program for the duration of the Temporary-Use By-law approved in City Initiative 16-C, to administer and enforce the Outdoor Commercial Patio exemption permits under the Noise Control By-law and monitor related activity levels; and,
  - (iv) That staff, at the conclusion of the pilot project, analyze the data and evaluate the results to determine if the actions and initiatives met the goals and objectives of the project for a final report to the Planning Committee.”

This Report responds to Council’s direction by reporting back to Planning Committee on the results of the pilot project and recommended action.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Policy**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Provincial Policy Statement 2020 is silent on outdoor commercial patios since this is a use that is accessory to permitted uses.

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

Outdoor Commercial Patios are not identified as a use in the UHOP. Under Volume 1 of the UHOP, the policy for development and redevelopment of local commercial uses (E.3.8.9 Design), in part, provides that local commercial uses be compatible with the surrounding area in terms of noise impact.

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OCPs are permitted as an accessory use to a restaurant in the Neighbourhoods (Local Commercial Uses), Commercial and Mixed Use and some Rural and Settlement Commercial Designations. The Pilot Project areas were selected based on the compatibility with the surrounding area.

Staff's recommendation to remove the prohibition of commercial entertainment and recreation on OCPs in the City's Zoning By-laws does not conflict with the policies of the Urban Hamilton Official Plan.

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

Similarly, outdoor commercial patios are not identified uses in the RHOP. However, they are located in conjunction with existing restaurants. For those areas that have been identified as pilot project sites, restaurants are permitted uses (i.e. stand-alone in a rural settlement area, golf courses, or private clubs).

Staff's recommendation to remove the prohibition of commercial entertainment and recreation on OCPs in the City's Zoning By-laws does not conflict with the policies of the Rural Hamilton Official Plan.

### **RELEVANT CONSULTATION**

- Planning and Economic Development Department, Licensing and By-law Enforcement Division and Building Division.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

There are different municipal tools that can be used to control noise and regulate land uses. The City's Noise Control By-law regulates noise and authorizes exemptions from the By-law for certain types of noise under certain conditions and may require a permit to permit exemptions from the By-law. The City's Zoning By-laws regulate land use through permissions and prohibitions of land use and associated regulations.

Prior to this pilot project, to permit commercial entertainment on OCPs, a Zoning By-law Amendment or Minor Variance application was required. This requirement applied to patios associated with businesses. Patios associated with businesses without liquor licences (and thus not defined as an Outdoor Commercial Patio), do not have

**SUBJECT: Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) - Page 13 of 16**

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restrictions on entertainment in the Zoning By-laws; any noise impact is dealt with through the Noise By-law.

Through staff's analysis of municipal approaches and extensive consultation, the pilot project was recommended and implemented. The City's Zoning By-laws were amended to establish temporary permissions for noise on OCPs, and the Noise By-law was amended to regulate this noise through an exemption permit process. With the temporary use permissions expiring on May 1, 2022, staff have assessed the results of the pilot project that has been in place since June 2018.

## **1.0 Pilot Project Analysis**

The primary means of analysis has been through data collection of:

- Application for and issuance of Noise Control By-law exemption permits; and,
- Tracking municipal by-law complaints specific to noise on OCPs.

OCPs outside the pilot project areas are not permitted outdoor entertainment/live music and are dealt with in accordance with current enforcement practices. Numerous public complaints at five locations outside the pilot area were investigated and eventually remedied using the City regulatory By-laws following the progressive enforcement process.

Inside the pilot project areas, staff review of data shows no noise complaints/investigations from OCPs. Therefore, no NEPs were required. Several business owners inquired about the NEP process but elected to introduce soft background music/videos or acoustic entertainment to avoid any public complaint. Primarily, most OCPs in the pilot project areas declined to introduce any form of outdoor entertainment.

## **2.0 Recommendations**

### **2.1 Noise Control By-law, Licencing By-law, and Administrative Penalty By-law**

The overall impacts and the effectiveness of the regulatory regime in the pilot project areas has demonstrated a reasonable and balanced solution to live entertainment on OCPs. The amendment and introduction of the NEP to the Noise By-law provided an

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immediate level of enforcement but the success can be attributed to the responsible and measured approach by the business industry.

The Alcohol and Gaming Commission of Ontario (AGCO), in granting / approving licenses, has placed controls to restrict or prohibit noise from OCPs where significant sounds are audible to the nearby community. Ontario Regulation 746/21 of the *Liquor Licence and Control Act, 2019* regulates noise where license holders may not permit noise from entertainment or from the sale and service of liquor to disturb nearby residents.

Municipal Law Enforcement staff are of the opinion that a similar condition under the City's Licensing By-law No. 07-170 can provide an additional layer of enforcement to ensure nearby residents are not to be disturbed by the activities from an OCP along with fines under the Administrative Penalty By-law (By-law No. 17-225) (APS).

The use of the APS has produced positive impacts to administer and enforce minor contraventions. Issuing APS tickets does not include the lengthy formal process for zoning contraventions found in the Provincial Offences Court. It has proven to be an important step in the Progressive Enforcement Policy enforcing the City's regulatory By-laws as a fair, effective and efficient enforcement tool to compel voluntary compliance.

In summary, it is recommended the Noise Control By-law and its Noise Exemption Permit process be the preferred method to regulate noise, alongside an amended Licencing By-law and in consort with fines under the Administrative Penalty By-law.

## **2.2 Proposed Amendments to the Zoning By-laws**

With the recommendation to rely on the Noise By-law to regulate noise from OCPs, and further reliance on the Licensing By-law and fines under the Administrative Penalty By-law, the prohibition of commercial entertainment and recreation on OCPs can be repealed city-wide.

### **2.2.1 Rural Area**

At the onset of the pilot project, certain properties within the rural area of Hamilton were included for evaluation through the pilot project. Outdoor Commercial Patios are permitted as an accessory use to a restaurant in the Settlement Commercial (S2) Zone. The Open Space (P4) Zone permits Golf Courses, which may include a restaurant as

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an accessory use. In the Rural Area, the majority of licenced establishments are located within golf courses; other licenced establishments include private clubs and restaurants. The locations selected as pilot project sites all had restaurants as a permitted use (i.e. stand-alone in a rural settlement area, golf courses or private clubs).

The rural area presents a different context given that agriculture is the primary and predominant land use. There are fewer commercial establishments that may permit an OCP and fewer areas with residential uses. Having also evaluated the rural sites over the course of this pilot project, staff are of the opinion that rural areas can be addressed in the same manner as the remainder of the City.

### 2.2.2 West Harbour Area

The three Temporary Use By-laws established in May 2017 were initially appealed in full by the Harbour West Neighbours (HWN). The appeal was subsequently withdrawn when it was agreed that the West Harbour Area would be removed from the pilot project. As the pilot project analysis indicates, the overall impacts and the effectiveness of the regulatory regime in the pilot project areas has demonstrated a reasonable and balanced solution to live entertainment on OCPs that can be applied city-wide. On this basis, it is recommended that commercial entertainment on OCPs should be subject to the same regulatory framework city-wide, which shall include establishments within the West Harbour Area.

### 2.2.3 City-Wide Recommendation

The Zoning By-law regulation currently in place in all of the City's Zoning By-laws is proposed to be removed. The following regulation will be repealed from City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the former Communities:

“Prohibition of Commercial Entertainment and Recreation:

That portion of a lot on which the outdoor patio is permitted shall not be used for commercial entertainment or commercial recreation including live or recorded music or dance facilities.”

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## **ALTERNATIVES FOR CONSIDERATION**

If the City's Zoning By-law are not amended, commercial entertainment and recreation on OCPs will continue to be prohibited across the City. The Noise Control By-law will have to be amended to remove the Noise Exemption Permit process.

## **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.

### **Culture and Diversity**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - Draft City of Hamilton Zoning By-law No. 05-200 Amendment  
 Appendix "B" - Draft Town of Ancaster Zoning By-law No. 87-57 Amendment  
 Appendix "C" - Draft Town of Dundas Zoning By-law No. 3581-86 Amendment  
 Appendix "D" - Draft Town of Flamborough Zoning By-law No. 90-145-Z Amendment  
 Appendix "E" - Draft Town of Glanbrook Zoning By-law No. 464 Amendment  
 Appendix "F" - Draft former City of Hamilton Zoning By-law No. 6593 Amendment  
 Appendix "G" - Draft City of Stoney Creek Zoning By-law No. 3692-92 Amendment

AF:sd

Appendix "A" to Report PED16155(c)

Page 1 of 2

Authority: Item  
Report 22- PED16155(c)  
CM:  
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To amend Zoning By-law No. 05-200 with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the City of Hamilton

WHEREAS Council approved Item of Report of the Planning Committee, at its meeting held on April 5, 2022;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan, Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;

NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Section 4.20 – OUTDOOR COMMERCIAL PATIOS, is amended by deleting Subsection d).
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
3. That this By-law comes into force in accordance with Section 39 of the *Planning Act*.

PASSED this \_\_\_\_\_, 2022

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

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

**Appendix "A" to Report PED16155(c)**  
**Page 2 of 2**

**To amend Zoning By-law No. 05-200 with respect to Commercial Entertainment and  
Recreation on Outdoor Commercial Patios in the City of Hamilton**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED16155(c) Date: 04/05/2022
Ward: City-wide	(MM/DD/YYYY)

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

## Appendix “B” to Report PED16155(c)

Page 1 of 3

**Authority:** Item  
Report 22- PED16155(c)  
CM:  
Ward: City Wide

**Bill No.**

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

**To Amend Zoning By-law No. 87-57 with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Ancaster**

**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** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

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

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 87-57 (Ancaster) as follows:

**To Amend Zoning By-law No. 87-57 with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Ancaster**

1. That Section 7.30 – Outdoor Commercial Patios, be amended by deleting Subsection d).
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_ , 2022

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Fred Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 22-D

**To Amend Zoning By-law No. 87-57 with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Ancaster**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED16155(c) Date: 04/05/2022
Ward: City-wide	(MM/DD/YYYY)

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

## Appendix "C" to Report PED16155(c)

Page 1 of 3

**Authority:** Item  
Report 22- PED16155(c)  
CM:  
Ward: City Wide

**Bill No.**

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

**To Amend Zoning By-law 3581-86 (Dundas) with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Dundas**

**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 area municipality known as "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in 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. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April, 2022, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided;

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

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 3581-86 (Dundas) as follows:

1. That Section 6.26 - Outdoor Commercial Patios, be amended by deleting Subsection d).
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**Appendix "C" to Report PED16155(c)**

**Page 2 of 3**

**To Amend Zoning By-law 3581-86 (Dundas) with respect to Commercial Entertainment  
and Recreation on Outdoor Commercial Patios in the former Town of Dundas**

**PASSED** this \_\_\_\_\_, 2022

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

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

CI 22-D

**Appendix "C" to Report PED16155(c)**  
**Page 3 of 3**

**To Amend Zoning By-law 3581-86 (Dundas) with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Dundas**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED16155(c) Date: 04/05/2022
Ward: City-wide	(MM/DD/YYYY)

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

**Appendix “D” to Report PED16155(c)  
Page 1 of 3**

**Authority:** Item  
Report: 22- PED16155(c)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law No. 90-145-Z with respect to Commercial Entertainment  
and Recreation on Outdoor Commercial Patios  
in the former Town of Flamborough**

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

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

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

**AND WHEREAS** Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th of November 1990 and approved by the Ontario Municipal Board on the 21<sup>st</sup> of December, 1991;

**AND WHEREAS** Council, in approving Item            of Report            of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

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

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 90-145-Z (Flamborough) as follows:

**Appendix “D” to Report PED16155(c)**  
**Page 2 of 3**

**To Amend Zoning By-law No. 90-145-Z with respect to Commercial Entertainment  
and Recreation on Outdoor Commercial Patios  
in the former Town of Flamborough**

1. That Section 5.38 – Outdoor Commercial Patios, be amended by deleting Subsection (d).
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED this \_\_\_\_\_ , 2022

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Fred Eisenberger  
Mayor

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A. Holland  
Clerk

CI 22 - D

**To Amend Zoning By-law No. 90-145-Z with respect to Commercial Entertainment and  
Recreation on Outdoor Commercial Patios  
in the former Town of Flamborough**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED16155(c) Date: 04/05/2022
Ward(s) or City Wide: City wide	(MM/DD/YYYY)

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

**Appendix “E” to Report PED16155(c)**  
**Page 1 of 3**

**Authority:** Item ,  
 Report 22- PED16155(c)  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 464 with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Glanbrook**

**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 area municipality known as "The Corporation of the Town of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

**AND WHEREAS** Council, in adopting Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April, 2022, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided; and

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan and Rural Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Section 7.43 OUTDOOR PATIO RESTAURANTS, be amended by deleting Subsection d).
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**Appendix "E" to Report PED16155(c)**

**Page 2 of 3**

**To Amend Zoning By-law No. 464 with respect to Commercial Entertainment and  
Recreation on Outdoor Commercial Patios in the former Town of Glanbrook**

**PASSED and ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2022

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F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

CI 22-D

**Appendix “E” to Report PED16155(c)**  
**Page 3 of 3**

**To Amend Zoning By-law No. 464 with respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Glanbrook**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED16155(c) Date: 04/05/2022
Ward: City-wide	(MM/DD/YYYY)

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

**Appendix “F” to Report PED16155(c)**  
**Page 1 of 3**

**Authority:** Item ,  
 Report 22- PED16155(c)  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 6593 with respect to  
 Commercial Entertainment and Recreation on Outdoor Commercial Patios  
 in the former City of Hamilton Zoning By-law**

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

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

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

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

**WHEREAS**, the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided; and

**WHEREAS**, this By-law is in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 6593 (Hamilton) as follows:

1. That Section 18. (11) Special Requirements for Outdoor Patios, is amended by deleting Subsection (d) and renumbering Subsections (e), (f), and (g) accordingly.
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**To Amend Zoning By-law No. 6593 with respect to  
Commercial Entertainment and Recreation on Outdoor Commercial Patios  
in the former City of Hamilton Zoning By-law**

**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 22-D

**Appendix "F" to Report PED16155(c)**

**Page 3 of 3**

**To Amend Zoning By-law No. 6593 with respect to  
Commercial Entertainment and Recreation on Outdoor Commercial Patios  
in the former City of Hamilton Zoning By-law**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED16155(c) Date: 04/05/2022
Ward: City-wide	(MM/DD/YYYY)

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

**Appendix “G” to Report PED16155(c)**  
**Page 1 of 3**

**Authority:** Item  
 Report: 22- PED16155(c)  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) with respect to  
 Commercial Entertainment and Recreation on Outdoor Commercial Patios  
 in the former City of Stoney Creek**

**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 area municipality known as "The Corporation of the City of Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 5<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

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

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 3692-92 (Stoney Creek) as follows:

1. That Section 8.1.7 – Outdoor Patio Restaurants, be amended by deleting Subsection (d).
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) with respect to  
Commercial Entertainment and Recreation on Outdoor Commercial Patios  
in the former City of Stoney Creek**

**PASSED** this \_\_\_\_\_, 2022

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F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

CI 22-D

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

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

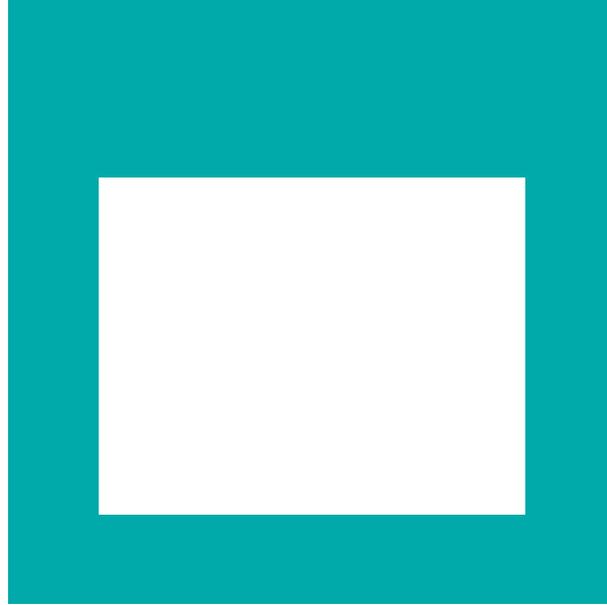
Committee: Planning Committee      Report No.: PED16155(c) Date: 04/05/2022

Ward: City-wide      (MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: ext. 4771

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



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

April 5, 2022

## PED16155(c)

Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning 1By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92

Presented by: Alana Fulford

# Background

- 2016: staff report on how other major cities address outdoor entertainment on restaurant/bar patios, including live or recorded music and dance facilities.
- Municipal Tools to Control Noise and Land Uses:
  - Noise Control By-law: regulates noise and authorizes exemptions from the By-law for certain types of noise under certain conditions.
  - Zoning By-laws: regulate land uses through permissions and prohibitions of land use and associated regulations.

# Background

- May 2017: Council approved a Temporary Use By-law to remove the restrictions on outdoor entertainment/recreation for a series of pilot project areas – urban and rural.
  - Urban Pilot Project Areas:
    1. Downtown Hamilton
    2. Hess Village
    3. West Harbour area\*
    4. Downtown Dundas
    5. James Street North
    6. James Street South/Augusta Street
    7. Upper James Street (Stone Church to Rymal Road)
- \* Removed from pilot project as a condition of appeal withdrawal

# Pilot Project

- Zoning By-law Amendments
  - Three Temporary Use By-laws were approved to permit commercial entertainment/recreation on outdoor commercial patios (OCPs) within pilot project areas for twenty-four months - to May 10, 2019.  
**(Subsequently extended until May 1, 2022)**
- Amendments to the Noise Control By-law
  - With the Noise By-law relied upon to regulate noise from OCPs, a Noise Exemption Permit (NEP) was introduced to address a public concern or complaint.

# Pilot Project

- Noise Control By-law: Noise Exemption Permit
  - An order under the Noise By-law could be remedied by discontinuing the use or apply for a Noise Exemption Permit (NEP)
  - NEP – Key Conditions:
    - Limitations on dates/times that noise can occur
    - Noise level restriction – maximum equivalent sound level of 60 dBA measured at the property line.
    - Compliance with all City By-laws
  - Application requires a certified acoustic report with a floor plan and requires public and Councillor notification.

# Pilot Project Evaluation

- When the pilot project was initiated in 2017, Recommendation (b) of the staff report stated:
  - “(iii) That Municipal Law Enforcement (MLE) staff be directed to undertake an enforcement pilot program for the duration of the Temporary-Use By-law approved in City Initiative 16-C, to administer and enforce the Outdoor Commercial Patio exemption permits under the Noise Control By-law and monitor related activity levels; and,
  - (iv) That staff, at the conclusion of the pilot project, analyze the data and evaluate the results to determine if the actions and initiatives met the goals and objectives of the project for a final report to the Planning Committee.”**

# Pilot Project Evaluation

- The primary means of analysis has been through data collection of:
  - Application for and issuance of Noise Control By-law exemption permits.
  - Tracking municipal by-law complaints specific to noise on OCPs.

# Pilot Project Results

- Inside pilot project areas, there have been no noise complaints/investigations from OCPs, therefore, no NEPs were required.
- Most OCPs in the pilot project areas declined to introduce any form of outdoor entertainment.
- The pilot project demonstrated a responsible and measured approach by business owners.

# Recommendations

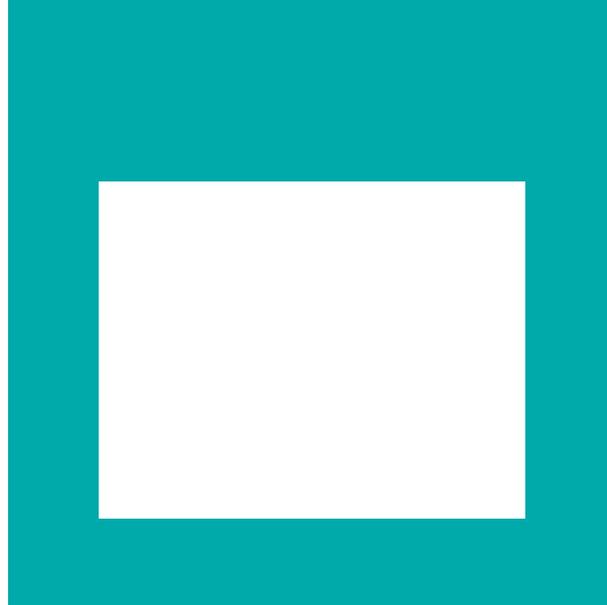
- The Noise Control By-law and its Noise Exemption Permit process is the preferred method to regulate noise.
- Subject to approval of this Report, the Licencing By-law be amended by adding a condition stating business licence holders may not permit noise from commercial entertainment/recreation on OCPs.
- This will add a layer of enforcement to ensure nearby residents aren't disturbed by activities from an OCP and will be enforced by fines under the Administrative Penalty By-law.

# Recommendations

- Proposed Amendments to the Zoning By-laws
  - Remove the prohibition of commercial and entertainment on OCPs city-wide
  - With this city-wide recommendation, there are two areas to specifically mention:
    - Rural Area
    - West Harbour Area

# Recommendations

- Rural Area:
  - The properties selected for the pilot project mainly consisted of restaurants on golf courses, or restaurants in a rural settlement area or as part of a private club.
  - Having also evaluated these rural sites, it is recommended that the rural area can be addressed in the same way as the remainder of the City.
- West Harbour Area:
  - Area removed from the pilot project
  - Pilot project analysis has demonstrated a reasonable and balanced solution to entertainment on OCPs that can be applied city-wide, including establishments within the West Harbour Area.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20- F(4)) (PED20135(c)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That approval be given to **City Initiative-20-F(4)** to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to grant relief from and provide for additional locational permissions for Outdoor Commercial Patios for the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone within the City, on the following basis:
- (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(c), be approved by City Council;
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (b) That approval be given to **City Initiative-20-F(4)** to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to provide improved operational flexibility for local businesses and institutional operations

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

**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 2 of 11**

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(specifically places of worship, hospitals, and educational establishments), by permitting the erection of temporary tents for six consecutive months for certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain institutional uses in institutional zones, and certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones within the City, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix “B” to Report PED20135(c), be approved by City Council;
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan;
- c) That staff be directed to report back, prior to the expiration of the Temporary Use By-laws attached as Appendix “A” and “B” to Report PED20135(c) or at the request of Council, to present staffs’ evaluation of these temporary permissions to determine if any modifications to the regulations for Outdoor Commercial Patios and/or temporary tents in Zoning By-law No. 05-200 is appropriate or whether some or all of the temporary permissions for Outdoor Commercial Patios and/or temporary tents should be established permanently.

## **EXECUTIVE SUMMARY**

On August 21, 2020, City Council passed a Temporary Use By-law (By-law No. 20-181, in effect until December 31, 2020), to permit Outdoor Commercial Patios (OCPs) under certain conditions, in a side or rear yard that abuts a residential zone for certain commercial zones. The Temporary Use By-law also permitted entertainment on OCPs within the downtown area.

On October 14, 2020, City Council passed two temporary use by-laws. Temporary Use By-law No. 20-215, in effect until October 31, 2021, extended the opportunities for physical distancing due to COVID beyond December 31, 2020 by extending the OCP permissions of Temporary Use By-law No. 20-181 until October 31, 2021, and added a new regulation to allow temporary OCPs to be located within required parking spaces.

The second Temporary Use By-law passed on October 14, 2020 (Temporary Use By-law No. 20-214, in effect until October 31, 2021), allowed temporary tents for restaurants and institutional uses, namely places of worship, hospitals and educational establishments, for six consecutive months under certain conditions to accommodate physical distancing, whereas Zoning By-law No. 05-200 restricts the erection of temporary tents to five consecutive days.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 3 of 11**

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On August 13, 2021, City Council passed Temporary Use By-law No. 21-143 which amended Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, and also amended Temporary Use By-law No. 20-214, by extending the temporary permissions for OCPs and temporary tents to December 31, 2021. By-law No. 21-143 also expanded the temporary tent permissions to additional commercial uses. The intent of the extension was to improve operational flexibility based on indoor and outdoor physical distancing measures resulting from COVID. The expansion of the permissions for temporary tents was specifically intended to facilitate the Province's COVID response - Roadmap to Reopen plan, implemented in June 2021.

The temporary use permissions for OCPs and temporary tents have expired. The purpose of this Report is to reinstate the temporary use permissions for both OCPs and temporary tents for a three year period. This coincides with the recent Council approval of a permanent program for temporary outdoor patios (PED22051). Additionally, staff are bringing forward Report PED16155(c), to remove the prohibition of commercial entertainment and recreation on OCPs now that the pilot project has concluded, through amendments to Zoning By-law No. 05-200 and the Zoning By-laws of the former Communities. Restoring the temporary use permissions for OCPs and temporary tents will allow staff to monitor the temporary permissions with the new outdoor patio program in place, and with the removal of the regulation prohibiting commercial entertainment/recreation on OCPs. Both reports are discussed in greater detail in the following sections of this Report.

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

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

Financial: N/A

Staffing: N/A

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-laws for up to a three year period with the ability to extend the Temporary Use By-law. The extension may not exceed three years. More than one extension may be authorized by Council by passing an extending By-law relating to the effective time period.

The Urban Hamilton Official Plan requires that notice of a Public meeting is provided 17 days prior to a Public meeting where changes to a Zoning By-law are contemplated.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 4 of 11**

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## **HISTORICAL BACKGROUND**

### **1.0 Temporary Use By-Law No. 20-181 – Outdoor Commercial Patio Locational Requirements and Outdoor Entertainment**

On August 21, 2020, City Council passed a Temporary Use By-law (By-law No. 20-181), to permit OCPs under certain conditions, in a side or rear yard that abuts a residential zone for certain commercial zones. The purpose of the Temporary Use By-law was to provide further opportunities for businesses to participate in the Outdoor Dining Districts and temporary outdoor patio program, while minimizing any potential adverse impacts on neighbourhood residential properties. The Temporary Use By-law also permitted entertainment on OCPs within the downtown area. The By-law was deemed in effect until December 31, 2020.

These temporary locational requirements applied to all the Downtown Commercial, Commercial and Mixed Use and Transit Oriented Corridor Zones in the urban area, with the exception of the Residential Character (C1) Zone and the Transit Oriented Corridor Multiple Residential (TOC3) Zone. Entertainment on the OCPs was restricted to commercial and mixed use and park/open space lands within the Downtown Secondary Plan area.

### **2.0 Temporary Use By-law Nos. 20-214 and 20-215 - Temporary Tents and an Addition to and Extension of Temporary Use Permissions for Outdoor Commercial Patios**

On October 14, 2020, City Council passed a Temporary Use By-law (By-law No. 20-215, in effect until October 31, 2021), to extend the opportunities for physical distancing due to COVID beyond December 31, 2020 by extending the OCP permissions of Temporary Use By-law No. 20-181 until October 31, 2021, and to add a new regulation to allow temporary OCPs to be located within required parking spaces.

Also on October 14, 2020, City Council passed a Temporary Use By-law (By-law No. 20-214, in effect until October 31, 2021), to allow temporary tents for restaurants and institutional uses, namely places of worship, hospitals and educational establishments, for six consecutive months under certain conditions to accommodate physical distancing, whereas Zoning By-law No. 05-200 restricts the erection of temporary tents to five consecutive days. These temporary tents are not intended for human habitation.

The temporary tent permissions applied to certain Downtown zones, all Commercial and Mixed Use Zones with the exception of the Residential Character Commercial (C1) Zone, the Transit Oriented Corridor Zones with the exception of the Multiple Residential (TOC3) Zone, and all Institutional Zones.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 5 of 11**

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These temporary amendments to Zoning By-law No. 05-200 were supported to facilitate businesses and certain institutional establishments to accommodate physical distancing measures through OCPs and temporary tents.

**3.0 Temporary Use By-law No. 21-143 - Extension of Temporary Permissions for Outdoor Commercial Patios and Addition to and Extension of Temporary Permissions for Temporary Tents**

On August 13, 2021, City Council passed a Temporary Use By-law (By-law No. 21-143, in effect until December 31, 2021), to improve operational flexibility based on indoor and outdoor physical distancing measures beyond October 31, 2021 by:

- Extending Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, and Temporary Use By-law No. 20-214, until December 31, 2021 for OCPs and temporary tents; and,
- Expanding the temporary tent permissions established through Temporary Use By-law No. 20-214 to additional commercial uses, in addition to the existing temporary use permissions for restaurants and places of worship, hospitals, and educational establishments in institutional zones. To facilitate Ontario's Roadmap to Reopen, Temporary Use By-law No. 20-214 was modified to allow temporary tents for an expanded range of uses in certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, and personal services, restaurants, and retail, and accessory commercial uses to a permitted use in certain industrial zones.

Temporary Use By-law No. 20-181, as amended by Temporary Use By-law Nos. 20-215, and 21-143, and Temporary Use By-law No. 20-214, as amended by Temporary Use By-law No. 21-143, have now expired.

**4.0 Reinstating Temporary Use Permissions for Outdoor Commercial Patios and Temporary Tents**

Recently, through Report PED22051, Council approved the creation of a permanent program to permit temporary outdoor patios on both public and private property. The already-permanent "On-Street Patio Pilot Program" and the temporary COVID-related "Outdoor Dining Districts Program" have been combined into a single, consolidated Temporary Outdoor Patio Program that is now a permanent City program.

The "On-Street Patio Pilot Program" was initiated in 2016 as a pilot project and became permanent in 2017. It allows bars, restaurants and cafes to occupy one or more on-street parking spaces in front of their businesses as a temporary "pop-up patio".

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 6 of 11**

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The “Outdoor Dining Districts Program” was approved by Council in May 2020 in response to the COVID-19 pandemic. It expands on the on-street patio program by providing for temporary patios on public property (including streets, sidewalks, boulevards and off-street parking areas) and on private property such as the parking areas of malls and strip malls.

In addition, through Report PED16155(c), staff are reporting back to Council on the results of a pilot project which in 2017, established a Temporary Use By-law to allow commercial entertainment/recreation on Outdoor Commercial Patios in seven pilot project areas. Report PED16155(c) recommends the pilot project be implemented on a permanent basis in Zoning By-law No. 05-200 and the Zoning By-laws of the former Communities. This recommendation removes the prohibition of commercial entertainment and recreation on OCPs and employs the Noise Control By-law as the preferred method to regulate noise.

As noted in Report PED22051, Planning staff have been reviewing the temporary permissions established for OCPs and temporary tents. Consequently, the temporary permissions for OCPs and temporary tents are recommended to be reinstated for a three year period. During this time, staff will evaluate whether the temporary locational permissions for OCPs is appropriate given that commercial entertainment and recreation on OCPs will be permanently permitted in the Zoning By-laws. The temporary tent permissions, which provide businesses and certain institutional uses with greater operational flexibility, will also be evaluated during this period. At the conclusion of the three year period, staff will report back to Council with recommended action for Council’s consideration.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Policy**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended and the Provincial Policy Statement 2020 are silent on Outdoor Commercial Patios and temporary tents since these uses are accessory to permitted uses.

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

Outdoor Commercial Patios and temporary tents are not identified as a use in the UHOP. Under Volume 1 of the UHOP, the policy for development and redevelopment of local commercial uses (Policy E.3.8.9), in part, provides that local commercial uses be compatible with the surrounding area in terms of noise impact.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 7 of 11**

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Section F.1.11 contains policies with respect to Temporary Use By-laws. Report PED21135(a) contains an explanation of the relevant policies.

The re-introduction of locational permissions for OCPs and the permissions for temporary tents conform to the Urban Hamilton Official Plan.

### **3.0 Zoning By-law No. 05-200**

#### **3.1 Outdoor Commercial Patios**

Zoning By-law No. 05-200 defines Outdoor Commercial Patios and contains regulations relating to capacity, location and entertainment.

The Zoning By-law provides the following definition:

“Outdoor Commercial Patio: shall mean any outdoor area used in conjunction with any establishment licensed under the *Liquor Licence Act*, where meals or refreshments are served to the public for consumption on the premises”

The regulations are below.

#### **“4.20 Outdoor Commercial Patios**

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

a) **Design Requirements**

Outdoor Commercial Patios shall be designed and used to accommodate seating of customers.

b) **Seating Capacity Requirements**

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

c) **Location Requirements:**

i) Except as provided in Subsection b) (ii) below, no outdoor patio shall be permitted on a lot where any lot line abuts a Residential Zone, Downtown D5

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 8 of 11**

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or Downtown D6 Zone or where such lot is separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway; and,

- ii) Where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway, an outdoor patio shall be permitted in the front yard.

d) Prohibition of Commercial Entertainment and Recreation:

That portion of a lot on which the outdoor patio is permitted shall not be used for commercial entertainment or commercial recreation including live or recorded music or dance facilities.”

Temporary Use By-law No. 20-181, as amended by Temporary Use By-law Nos. 20-215, and 21-143, introduced the following provisions as Temporary Use Provision 6:

- “a) That Section 4.20 c) shall not apply; and,
- b) That an Outdoor Commercial Patio be:
  - i) Setback a minimum of 5.0 metres from any residential zone;
  - ii) Not obstruct a driveway, parking aisle or fire route; and,
  - iii) May occupy required parking spaces.”

Temporary Use Provision 6 expired on December 31, 2021.

### 3.2 Temporary Uses

Zoning By-law No. 05-200 contains specific provisions for the erection of tents. Tents over 60 square metres require a Building Permit; therefore, regulations are specified in the Zoning By-law.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 9 of 11**

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**“4.18 TEMPORARY USES**

Nothing in this By-law shall prevent the use of any land or erection or use of any building for:

- d) Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions:
  - i) Shall not be in operation for more than five consecutive days;
  - ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;
  - iii) Notwithstanding b) above, minimum setbacks shall apply if abutting a Residential Zone; and,
  - iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).”

Tents that are erected for longer than five days are considered as accessory buildings. Regulations for accessory buildings vary by zone.

Temporary Use By-law No. 20-214, as amended by Temporary Use By-law No. 21-143, permitted, on a temporary basis, the following permissions for temporary tents for certain commercial uses and certain zones (Temporary Use Provision 8):

- “1. The temporary use by-law with respect to tents, shall not apply to the Residential Commercial (C1) Zone;
- 2. The temporary tent shall not be in operation for more than six consecutive months;
- 3. The temporary tent shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;
- 4. Notwithstanding Clause 3. above, the temporary tent shall be setback a minimum of 5 metres from a Residential Zone;
- 5. The temporary tent shall not occupy areas devoted to barrier free parking space(s) or loading space(s);
- 6. The temporary tent shall not be used for human habitation; and,

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) - Page 10 of 11**

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7. For the purposes of this Temporary Use by-law, a temporary tent shall not be considered as an accessory building.”

Temporary Use Provision 8 expired on December 31, 2021.

### **RELEVANT CONSULTATION**

Consultation will be ongoing with staff from Planning and Economic Development as the Temporary Use By-laws are reinstated and monitored.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

In the past number of years, there have been a series of initiatives implemented for Outdoor Commercial Patios. The first, which was the “On-Street Patio Pilot Program”, was introduced in 2016 to allow bars, restaurants and cafes to occupy one or more on-street parking spaces in front of their businesses as a temporary “pop-up patio”.

In response to COVID, the Mayor’s Task Force on Economic Recovery recommended the City consider options to support local businesses through actions that facilitate placemaking, outdoor activities, and animation of commercial streets. One such response was the “Outdoor Dining Districts” program which provided for temporary patios on:

- (a) Public property including streets, sidewalks, boulevards and off-street parking areas; and,
- (b) Private property such as the parking areas of malls and strip malls.

While the basis for establishing each program differed, their implementation created opportunities for bars, restaurants and cafes to provide outdoor dining on temporary patios. Another initiative in response to the Mayor’s Task Force on Economic Recovery was the introduction of temporary locational permissions for OCPs, initially established through Temporary Use By-law No. 20-181. The temporary locational permissions not only responded to this directive by providing flexibility in the location of OCPs, but also facilitated the Outdoor Dining Districts Program.

As detailed in PED22051, the “On-Street Patio Pilot Program” has operated successfully since 2016. As well, the business uptake for the “Outdoor Dining Districts Program” has also been very high in both 2020 and 2021, the two years the program has been in place. These programs have now been merged and made permanent.

Also ongoing during this time was the pilot project permitting commercial entertainment / recreation on OCPs in pilot project areas. This pilot project has been ongoing since

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2017. Now that the pilot project is concluding, Report PED16155(c) recommends the pilot project be implemented on a permanent basis by removing the prohibition of commercial entertainment and recreation on OCPs in the City's Zoning By-laws.

Re-introducing the now expired temporary use permissions for OCPs demonstrates continued support for local businesses by maintaining the more permissive locational criteria for OCPs, and further, provides an opportunity for staff to evaluate the merits of these temporary locational permissions now that commercial entertainment and recreation on OCPs are recommended to be made permanent in the City's Zoning By-laws.

The continuation of the temporary tent permissions also demonstrates continued support for local business and certain institutional operations by providing improved operational flexibility. Likewise, these temporary permissions will be monitored by staff to evaluate the merits of the temporary use by-law, with the findings presented when staff report back to Council at the expiration of the temporary use by-laws proposed through this report.

#### **ALTERNATIVES FOR CONSIDERATION**

Council can choose not to reinstate the Temporary Use By-laws for OCPs and / or temporary tents, in which case, the existing regulations for temporary uses and OCPs shall apply.

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

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

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

#### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Proposed Temporary Use By-law to Zoning By-law No. 05-200 for Outdoor Commercial Patios

Appendix "B" – Proposed Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents

AF:sd

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**Appendix "A" to Report PED20135(c)**  
**Page 1 of 4**

**Authority:** Item  
Report: 22- (PED20135(c))  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

**WHEREAS** By-law No. 20-181 amended the outdoor commercial patio regulations in Zoning By-law No. 05-200 to provide temporary relief from the locational requirements and to permit entertainment on outdoor commercial patios for certain commercial zones within the City of Hamilton;

**AND WHEREAS** By-law No. 20-215 amended By-law No. 20-181 to provide additional temporary relief from the locational requirements for outdoor commercial patios in certain commercial zones and to extend the period of time the by-law was in effect;

**AND WHEREAS** By-law No. 21-143 amended By-law No. 20-181, as amended by By-law Nos. 20-215, to extend the period of time the by-law was in effect;

**AND WHEREAS** the temporary use permissions expired on December 31, 2021;

**AND WHEREAS** it is appropriate to reinstate the temporary locational permissions for outdoor commercial patios to support local businesses by increasing operational flexibility;

**AND WHEREAS** Subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

**AND WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at the meeting held on April 5, 2022;

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

## Appendix "A" to Report PED20135(c)

Page 2 of 4

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule "A" – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 414-415, 444-447, 481-482, 516-517, 549-550, 580-582, 612, 680, 753, 793, 834, 859-862, 867-879, 871, 901-904, 906-913, 942-943, 946-958, 988, 990, 992-999, 1000-1001, 1038-1048, 1050-1051, 1079, 1083-1087, 1089-1092, 1097, 1100, 1124, 1126-1146, 1149-1150, 1174-1179, 1182-1188, 1190-1196, 1198-1999, 1200, 1205, 1228-1229, 1234-1242, 1245-1254, 1258-1260, 1280-1281, 1284-1285, 1287, 1289-1295, 1298-1299, 1301-1302, 1305-1306, 1311-1312, 1339-1340, 1342-1348, 1352, 1383-1384, 1386, 1388-1389, 1394-1395, 1397-1399, 1403, 1405, 1433-1436, 1443, 1445, 1447-1448, 1450, 1452-1454, 1456-1457, 1482-1483, 1494, 1497-1503, 1505-1506, 1546-1549, 1552, 1591, 1593-1597, 1635-1636, 1639-1641, 1710-1711, 1747-1749, 1785-1786, 1819, 1887, 1911-1912, 1934-1935, and 1956.
  
2. That Schedule "E" – Temporary Use of By-law No. 05-200 is amended by reinstating Temporary Use Provision 6 as follows:
  - "6. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, Mixed Use High Density (TOC4) Zone, the following provisions shall apply for the period running to March 31, 2025:
    - a) Section 4.20 c) shall not apply.
    - b) In addition to the provisions of Section 4.20 and Section 5c), an outdoor commercial patio:
      - i) shall be setback a minimum of 5.0 metres from any residential zone;
      - ii) shall not obstruct a driveway, parking aisle or fire route; and,
      - iii) may occupy required parking spaces."
  
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passage of this By-law in accordance with the *Planning Act*.

**Appendix "A" to Report PED20135(c)**  
**Page 3 of 4**

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

4. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

PASSED and ENACTED this        day of        2022.

\_\_\_\_\_  
Fred Eisenberger  
MAYOR

\_\_\_\_\_  
Andrea Holland  
CITY CLERK

CI 20-F(4)

**Appendix "A" to Report PED20135(c)**  
**Page 4 of 4**

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED20135(c) Date: 04/05/2022
Ward(s) or City Wide: City wide	(MM/DD/YYYY)

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

**Appendix “B” to Report PED20135(c)**  
**Page 1 of 4**

**Authority:** Item  
 Report: 22- (PED20135(c))  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To amend Zoning By-law No. 05-200 with respect to a  
 Temporary Use By-law for Temporary Tents**

**WHEREAS** By-law No. 20-214 amended the temporary tent regulations in Zoning By-law No. 05-200 to allow temporary tents for restaurants and certain institutional uses in certain commercial and institutional zones within the City of Hamilton to be erected for longer periods of time to accommodate physical distancing requirements as a result of COVID;

**AND WHEREAS** By-law No. 21-143 amended By-law No. 20-214 to allow temporary tents to be erected for longer periods of time for an expanded range of uses in certain commercial zones, uses permitted in the Community Park (P2) Zone, the City Wide (P3) Zone, and certain commercial uses and accessory commercial uses permitted in certain industrial zones, to facilitate the Province’s Roadmap to Reopen, and further, extended the period of time the by-law was in effect;

**AND WHEREAS** the temporary use permissions expired on December 31, 2021;

**AND WHEREAS** it is appropriate to reinstate the temporary tent regulations that permit temporary tents for certain uses and in certain zones to be erected for longer periods of time to improve operational flexibility for businesses and institutional uses;

**AND WHEREAS** Subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

**AND WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at the meeting held on April 5, 2022;

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

**Appendix “B” to Report PED20135(c)**  
**Page 2 of 4**

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 102, 118, 124, 142-143, 148, 172-173, 199-200, 310, 340, 380-381, 411, 413, 414-415, 444-448, 476, 480-482, 515-517, 523, 548-550, 580-582, 611-613, 642, 658-659, 680, 739, 749-753, 776, 789- 793, 817, 819-821,823-825, 827-833, 834, 859-862, 863-879, 871, 901-905, 906-920, 942-943, 945-959, 960-962, 988-990, 991-999, 1000-1006, 1013, 1022, 1033, 1035-1049, 1050-1051, 1059, 1068, 1079, 1080-1088, 1089-1096, 1097-1099, 1100, 1124, 1126-1150, 1159, 1174-1180, 1181-1189, 1190-1999, 1200-1204, 1205, 1213, 1228-1229, 1230-1244, 1245-1257, 1258-1260, 1279-1281, 1284-1285, 1287-1296, 1298-1299, 1301-1306, 1309-1313, 1332-1334, 1336-1338, 1339-1341, 1342-1349, 1352, 1364-1365, 1383-1393, 1394-1396, 1397-1401, 1403-1405, 1433-1439, 1440-1443, 1445-1449, 1450-1455, 1456-1457, 1481-1495, 1496-1504, 1505-1506, 1525, 1528-1531, 1535-1542, 1545-1552, 1570, 1573-1574, 1580-1581, 1584-1585, 1590-1597, 1627-1629, 1634-1637, 1639-1641, 1671, 1676-1678, 1710-1711, 1717, 1747-1749, 1785-1786, 1819, 1883-1885, 1887, 1908-1912, 1932-1935, and 1956.
  
2. That Schedule “E” – Temporary Use of By-law No. 05-200 is amended by reinstating, with modifications, Temporary Use Provision 8 as follows:
  - “8. That notwithstanding Section 3, 4.18 d), and 5.1 c) the following provisions shall apply to temporary tents for uses permitted in the Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone, City Wide (P3) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Mixed Use High Density – Pedestrian Focus (TOC4) Zone, for places of worship, hospitals, and educational establishments in the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone, and personal services, restaurants, and retail, and accessory commercial uses to a permitted use in the Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, General Industrial (M5) Zone, Light Industrial (M6) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business

**Appendix “B” to Report PED20135(c)**  
**Page 3 of 4**

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

(M11) Zone, Shipping and Navigation (Port Lands) (M13) Zone, Shipping and Navigation (East Port) (M14) Zone, for the period running to March 31, 2025:

- a) The temporary use by-law with respect to tents, shall not apply to the Residential Commercial (C1) Zone;
  - b) The temporary tent shall not be in operation for more than six consecutive months;
  - c) The temporary tent shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;
  - d) Notwithstanding Clause 3 above, the temporary tent shall be setback a minimum of 5 metres from a Residential Zone;
  - e) The temporary tent shall not occupy areas devoted to barrier-free parking space(s) or loading space(s);
  - f) The temporary tent shall not be used for human habitation; and,
  - g) For the purposes of this Temporary Use by-law, a temporary tent shall not be considered as an accessory building.”
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passage of this By-law in accordance with the *Planning Act*.
  4. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

PASSED and ENACTED this        day of        2022.

\_\_\_\_\_  
Fred Eisenberger  
MAYOR

\_\_\_\_\_  
Andrea Holland  
CITY CLERK

CI 20-F(4)

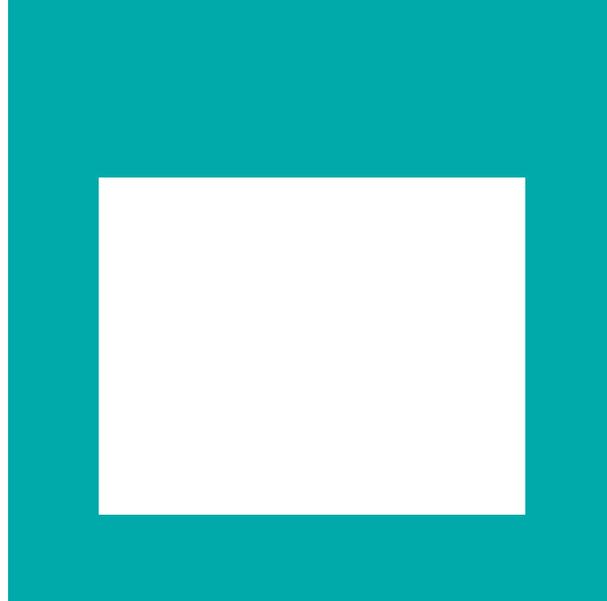
**Appendix "B" to Report PED20135(c)**  
**Page 4 of 4**

**To amend Zoning By-law No. 05-200 with respect to a  
Temporary Use By-law for Outdoor Commercial Patios**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED20135(c) Date: 04/05/2022
Ward(s) or City Wide: City wide	(MM/DD/YYYY)

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



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

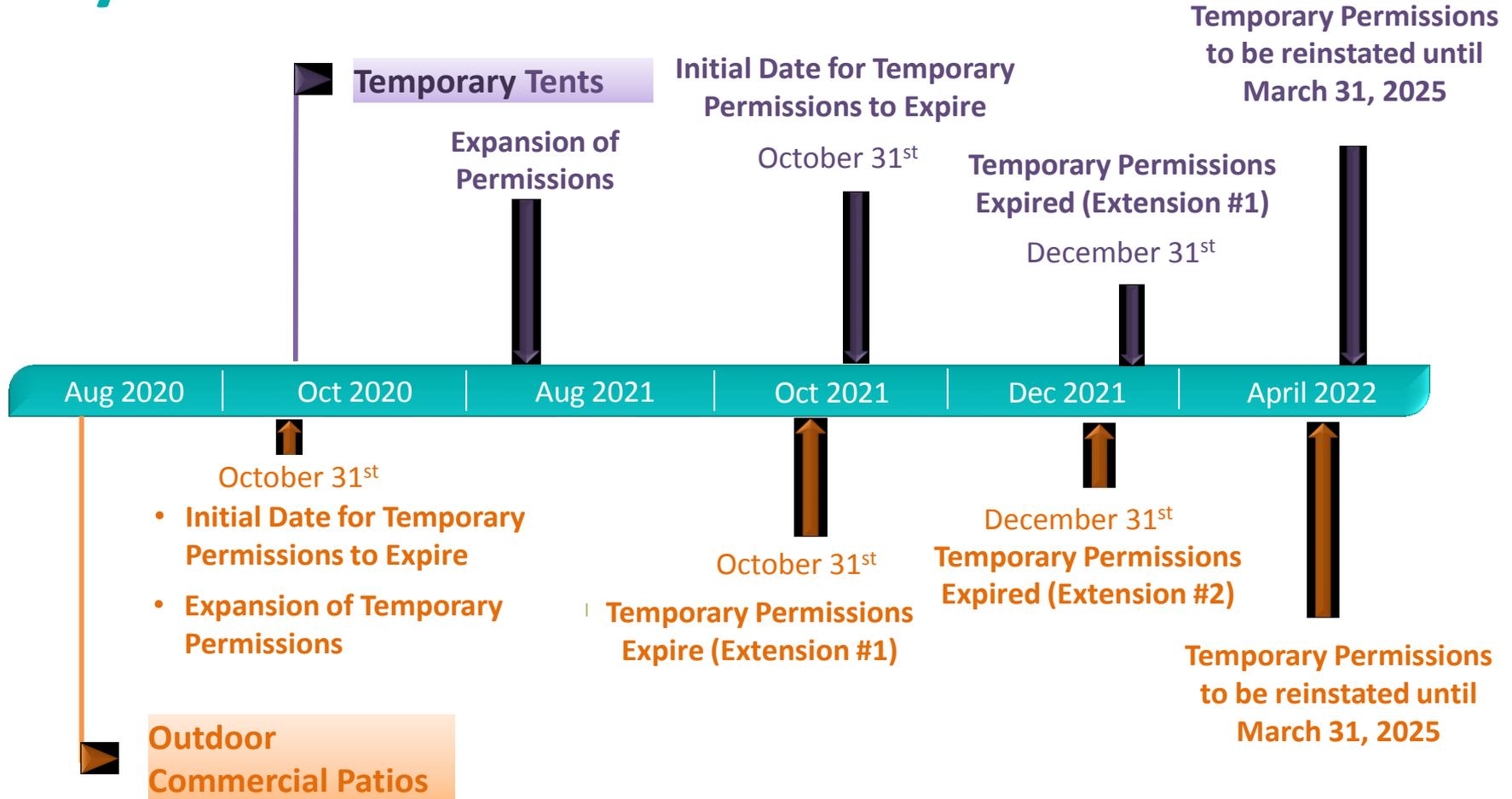
April 5, 2022

# PED20135(c)

Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents

Presented by: Alana Fulford

# Key Dates



# Background

## August 2020

- City Council passed a Temporary Use By-law to permit:
  - Outdoor commercial patios, under certain conditions, in a side/rear yard that abuts a residential zone for certain commercial zones.
  - Initially in effect until December 31, 2020.

# Background

## October 2020

- City Council passed two Temporary Use By-laws.
  1. Outdoor Commercial Patios
    - Extended the permissions of the previous by-law to October 31, 2021.
    - Added a new regulation to allow temporary outdoor commercial patios to be located within required parking spaces.

# Background

## October 2020

### 2. Temporary Tents

- Permitted temporary tents for restaurants and institutional uses (places of worship, hospitals, and educational establishments), for six consecutive months to accommodate physical distancing.
- Applied to certain Downtown Zones, all but one of the Commercial and Mixed Use Zones, all but one of the Transit Oriented Corridor Zones, and all Institutional Zones.
- Initially in effect until October 31, 2021

# Background

## October 2020

- City Council passed a Temporary Use By-law to:
  - Extend the temporary permissions for outdoor commercial patios and temporary tents to December 31, 2021.
  - Expand the temporary tent permissions to:
    - Additional commercial uses in certain Commercial Zones;
    - Uses permitted in the Community Park (P2) Zone and City Wide (P3) Zone; and,
    - Personal services, restaurants, and retail, and accessory commercial uses to a permitted use in certain Industrial Zones.

# Present – 2022

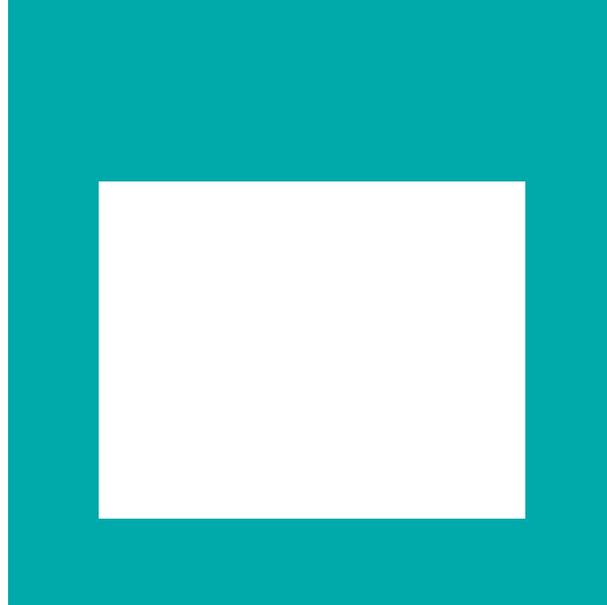
- The temporary permissions for outdoor commercial patios and temporary tents have expired (December, 2021).
- February 2022:
  - Council approved the Temporary Outdoor Patio Program – permanent program permits temporary outdoor patios on public and private property.
- April 2022:
  - PED16155(c): staff are reporting back to Council on the results of the pilot project to temporarily permit commercial entertainment/recreation on outdoor commercial patios.
  - Report recommends the pilot project be implemented on a permanent basis by removing the prohibition of commercial entertainment and recreation on outdoor commercial patios in the City’s Zoning By-laws.

# Report Recommendations

- Reinststate temporary permissions for outdoor commercial patios and temporary tents for a three year period (ending March 31, 2025)
- Draft Temporary Use By-law #1: to grant relief from and provide for additional locational permissions for Outdoor Commercial Patios in certain commercial zones.
- Draft Temporary Use By-law #2: to provide improved operational flexibility for local businesses and institutional operations (specifically places of worship, hospitals, and educational establishments), by permitting the erection of temporary tents for six consecutive months in certain zones, subject to conditions.

# Report Recommendations

- Over the next three years, staff will monitor and evaluate:
  - Whether the temporary locational permissions for outdoor commercial patios are appropriate given the removal of zoning by-law regulations prohibiting commercial entertainment/recreation on patios.
  - Whether consideration should be given to establishing the temporary permissions for temporary tents on a more permanent basis.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Alvin Chan (905) 546-2424 Ext. 2978
<b>SUBMITTED BY:</b>	Carlo Ammendolia Acting Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the **Appeal of Site Alteration Application 2021 144589 000 00 PF, by P&L Livestock Limited, c/o Dave Pitblado, Owner**, to permit a stockpile of 1,750 cubic metres of topsoil for future spreading to replace soils for the existing agricultural operation (Sod Farm), for the property located at 2330 Guyatt Road, Glanbrook, as shown on Appendix "A" to Report PED22036, be **Denied**, on the following basis:

- (a) That the site alteration is not in keeping with the general intent and purpose of Site Alteration By-law No. 19-286; and,
- (b) That the requested site alteration does not meet the regulations and criteria of Site Alteration By-law No. 19-286.

### EXECUTIVE SUMMARY

Site Alteration activities were observed at 2330 Guyatt Road without a valid Site Alteration Permit, resulting in an Order to Comply being issued by City of Hamilton Municipal Law Enforcement on June 25, 2021, whereby a Site Alteration Permit application was to be made no later than July 12, 2021 (see Page 3 of Appendix "B" to Report PED22036).

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 2 of 10**

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In response to the Order to Comply, the owner submitted Site Alteration Application 2021 144589 000 00 PF, on July 8, 2021. The application was deemed to be incomplete due to a lack of details / information on July 9, 2021; and, was subsequently amended by the owner with the additional required details / information on August 12, 2021.

The updated application proposed to permit a stockpile of 1,750 cubic metres of topsoil for future spreading in order to replace soils for the existing agricultural operation, being a sod farm (see Appendix “B” to Report PED22036).

The Site Alteration Application was denied by the Director of Growth Management, on December 24, 2021. Staff noted that the proposed stockpile is not consistent with the regulations for “Stockpiling for Agricultural or Commercial Operations” per Section 6(1) of the Site Alteration By-law No. 19-286.

Additionally, per peer review by the Agriculture and Rural Affairs Committee, the proposal was confirmed not to be necessary for the use identified, nor a “Normal Farm Practice” per Section 11(4) of the Site Alteration By-law No. 19-286 (see Appendix “C” to Report PED22036).

Based on the foregoing, the proposed site alteration could not be supported per the Letter of Denial dated December 24, 2021 (see Appendix “D” to Report PED22036), as it does not maintain the general intent and purpose, nor comply with the regulations and criteria as prescribed by Site Alteration By-law No. 19-286.

The owner appealed the decision to deny the Site Alteration Application on January 20, 2022 and requested that the proposed Site Alteration Application be considered by the Planning Committee (see Appendix “E” to Report PED22036).

***Alternatives for Consideration – See Page 9***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None

Staffing: None

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. By-law No. 19-286 requires the City Clerk to notify the owner once a hearing date before the Planning Committee has been fixed to consider an appeal of the decision by the Director of Growth Management to deny a Site Alteration Application.

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 3 of 10**

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## **HISTORICAL BACKGROUND**

On November 28, 2019, Council approved Site Alteration By-law No. 19-286. Section 11(4) of By-law No. 19-286 provides the criteria in reviewing a Site Alteration application. It is also noted that Section 6 of By-law No. 19-286, also prescribes the regulations for “Stockpiling for Agricultural or Commercial Operations” (see Appendix “C” to Report PED22036)

Delegated approval authority for Site Alteration Permits is prescribed under Section 11, whereby per subsection 3, the City of Hamilton (Director) shall be satisfied that the proposed site alteration will be undertaken in accordance with the Site Alteration By-law (see Appendix “C” to Report PED22036); and, that in the event of refusal per Section 11(5), written refusal shall be provided (see Appendix “D” to Report PED22036).

Lastly, per Section 18 of Site Alteration By-law No. 19-286, if the Director refuses to issue a site alteration permit, the applicant may appeal the refusal to the Planning Committee or any successor Committee by requesting an appeal in writing to the Clerk within 30 days of being notified of the refusal (see Appendix “C” and “E” to Report PED22036).

As for the subject lands, Site Alteration activities were observed at 2330 Guyatt Road without a valid Site Alteration Permit, resulting in an Order to Comply being issued by City of Hamilton Municipal Law Enforcement on June 25, 2021, whereby a Site Alteration Permit application was to be made no later than July 12, 2021 (see Page 3 of Appendix “B” to Report PED22036).

With respect to the subject application, on July 8, 2021, an application for a Site Alteration permit was received and was deemed to be incomplete due to a lack of details / information on July 9, 2021. The application was amended by the owner with the additional required details / information on August 12, 2021.

The amended application sought to permit a stockpile of 1,750 cubic metres of topsoil for future spreading to replace soils for the existing agricultural operation, being a sod farm (see Appendix “B” to Report PED22036).

On December 24, 2021, the Site Alteration Application was denied by the Director of Growth Management, and notice was sent to the applicant advising of the decision (see Appendix “D” to Report PED22036).

On January 20, 2022, the owner appealed the decision by the Director of Growth Management to deny the Site Alteration Permit and requested that the matter be considered by the Planning Committee (see Appendix “E” to Report PED22036).

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 4 of 10**

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**Details of Submitted Application**

<b>Location:</b>	2330 Guyatt Road, Glanbrook
<b>Owner</b>	P&L Livestock Limited
<b>Applicant:</b>	P&L Livestock Limited c/o: Dave Pitblado
<b>Property Description:</b>	<u>Frontage:</u> ±500 metres (irregular) <u>Lot Depth:</u> ±911.5 metres (irregular) <u>Area:</u> ± 870,000 square metres

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**City of Hamilton Site Alteration By-law No. 19-286:**

By-law No. 19-286 provides regulations for Site Alteration within the City of Hamilton (see Appendix “C” to Report PED22036), with the purpose being:

- (a) to control and regulate site alteration on lands within the City of Hamilton;
- (b) to ensure site alteration is undertaken for necessary or beneficial purposes, not primarily for financial gain;
- (c) to minimize adverse impacts on infrastructure, environment and community in respect of site alteration undertakings; and,
- (d) to promote and protect agricultural resources.

All of which apply to:

- a) excavating, depositing or stockpiling fill or topsoil,
- b) removing topsoil, and,
- c) altering the grade of land.

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 5 of 10**

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In review of the application and submitted letter from the owner dated July 8, 2021, given that “the exact locations and dates are impossible to know at this stage, there is no formal work program, the material will simply be used on an ‘as-needed’ basis” (see Page 2 of Appendix “B” to Report PED22036), the proposed site alteration does not conform to the intent of the City of Hamilton Site Alteration By-law No. 19-286 in that it is unclear if the volume requested is necessary for the farm operation and does not have regard for the regulations per Section 6 for the “Stockpiling for Agricultural or Commercial Operations”. In particular, the proposed stockpile will not be:

- (a) used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and,
- (c) substantially changed within 6 months.

As requires by Section 6 of By-law No. 19-286.

Additionally, the proposal fails to satisfy the criteria per Section 11(4) of By-law No. 19-286 (see Appendix “C” to Report PED22036). In particular, the proposed site alteration is identified and deemed not to be required for the current agricultural operation at this time; and, also deemed not to be part of a “Normal Farm Practice” upon peer review by the City’s Agricultural and Rural Affairs Committee.

Therefore, there is no evidence that top soil rehabilitation or spreading across this property is necessary as part of a Normal Farm Practice and will not be completed within the term of the site alteration permit, nor can the grading and rehabilitation plans for the site be finalized given the lack of timing and a workplan, thereby failing to satisfy the following criteria:

- a) whether the primary use of the site is the depositing of fill on the site;
- b) whether the proposed site alteration is necessary for the purpose identified in the application;
- c) whether the proposed site alteration is part of a normal farm practice;
- d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;
- e) the final grading and rehabilitation plans for the site; and,

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 6 of 10**

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Based on the foregoing, the Site Alteration Application was denied (see Appendix “D” to Report PED22036), on the basis that the proposed site alteration does not maintain the general intent and purpose of the Site Alteration By-law and does not meet the regulations and criteria for site alteration of By-law No. 19-286.

## **RELEVANT CONSULTATION**

### **Departments/Agencies having no comments or concerns:**

- Development Engineering, Growth Management Division;
- Heritage and Urban Design, Planning Division;
- Transportation Operations & Maintenance, Public Works; and,
- Niagara Peninsula Conservation Authority.

### **Agriculture and Rural Affairs Committee**

Comments received from the Agricultural and Rural Affairs Committee identified that the site and farm are well drained and any ‘low lying areas’ are natural floodplains from the Twenty Mile Creek which are not to be altered without conservation authority approvals. There is no evidence that top soil rehabilitation or spreading across this property is required.

Accordingly, the proposed Site Alteration is deemed not to be required for the current farming operation and does not meet the definition of a “Normal Farm Practice”, as defined by Site Alteration By-law No. 19-286.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The amended application sought to permit a stockpile of 1,750 cubic metres of topsoil for future spreading to replace soils for the existing agricultural operation, being a sod farm (see Appendix “B” to Report PED22036).

On November 28, 2019, Council approved Site Alteration By-law No. 19-286. Section 11(4) of By-law No. 19-286 provides the criteria in reviewing a Site Alteration application. It is also noted that Section 6 of By-law No. 19-286, also prescribes the regulations for “Stockpiling for Agricultural or Commercial Operations” (see Appendix “C” to Report PED22036).

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 7 of 10**

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The City of Hamilton may approve a Site Alteration Application if the general intent and purpose of the By-law is maintained, and the proposal has regard for the criteria, as set out in Section 11 of By-law No. 19-286 (see Appendix “C” to Report PED22036).

In review, Section 6(1) of By-law 19-286 regulates the “Stockpiling for Agricultural or Commercial Operations (see Appendix “C” to Report PED22036).” In particular:

**Stockpiling for Agricultural or Commercial Operations**

- 6 (1) Despite subsection 11(1), this By-law does not prohibit or require a site alteration permit for the stockpiling of fill or topsoil on land for sale or exchange or use as an incidental part of an agricultural or commercial operation undertaken as a permitted use of the land, provided that any such stockpiles,
- (d) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
  - (e) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
  - (f) no stockpile remains substantially unchanged for longer than 6 months.

Per the application and submitted letter from the owner dated July 8, 2021, “the exact locations and dates are impossible to know at this stage, there is no formal work program, the material will simply be used on an ‘as-needed’ basis.”

Accordingly, the proposed stockpile is not currently required for the agricultural operation, and thus the stockpile will not be removed, and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation. Additionally, with no work program and dates, the proposed stockpile would not be used or depleted and remain substantially unchanged for longer than 6 months.

Furthermore, the proposed Site Alteration was reviewed against the criteria under Section 11(4) of Site Alteration By-law 19-286 (see Appendix “C” to Report PED22036), whereby the following issues were identified per the Letter of Denial (see Appendix “D” to Report PED22036):

- (a) whether the primary use of the site is the depositing of fill on the site;

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 8 of 10**

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Per the application and submitted letter from the owner dated July 8, 2021, “the exact locations and dates are impossible to know at this stage, there is no formal work program, the material will simply be used on an ‘as-needed’ basis” (see Page 2 of Appendix “B” to Report PED22036).

Given that the stockpile is not required for the current agricultural operation, nor approved to be a “Normal Farm Practice”; and, due to the non-conformity with the stockpiling regulations noted above, the use of the proposed site alteration is not deemed necessary for the purpose identified under a Normal Farm Practice, resulting in the depositing of fill on site being deemed to be the primary use.

- (a) whether the proposed site alteration is necessary for the purpose identified in the application;

Similarly, as this is deemed not to be a required for the current agricultural operation; and not approved as “Normal Farm Practice” it does not satisfy the proposed purpose noted in the application.

Furthermore, it is noted that the stockpile will not be removed, and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation.

Additionally, with no work program and dates, the proposed stockpile would not be used or depleted and remain substantially unchanged for longer than 6 months, all of which does not conform to the regulations of Section 6(1) of Site Alteration By-law No. 19-286.

- (b) whether the proposed site alteration is part of a normal farm practice;

In accordance with the peer review, the proposed site alteration does not meet the definition of a “Normal Farm Practice”, as defined by Site Alteration By-law No. 19-286.

In particular, the site and farm are well drained and any ‘low lying areas’ are natural floodplains from the Twenty Mile Creek which are not to be altered without conservation authority approvals. There is no evidence that top soil rehabilitation or spreading across this property is required.

- (c) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;

Per the application and submitted letter from the owner dated July 8, 2021, “the exact locations and dates are impossible to know at this stage, there is no formal work

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 9 of 10**

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program, the material will simply be used on an ‘as-needed’ basis” (see Page 2 of Appendix “B” to Report PED22036).

Accordingly, the proposed timelines and use of the stockpile fail to satisfy the terms that govern Stockpiling for Agricultural or Commercial Operations, as prescribed under Section 6 of Site Alteration By-law No. 19-286, amongst other terms of the By-law.

(o) the final grading and rehabilitation plans for the site; and,

As the proposed stockpile is deemed not to be a required nor an approved “Normal Farm Practice” there is no evidence that top soil rehabilitation or spreading across this property is required and thus final conditions and the associated grading and rehabilitation of the site is deemed unsatisfactory as it cannot be properly evaluated.

Based on the foregoing, the proposed Site Alteration does not conform to the Site Alteration By-law 19-286 and was subsequently denied on December 24, 2021, (see Appendix “D” to Report PED22036).

## **ALTERNATIVES FOR CONSIDERATION**

Council may deny the recommendation of the Senior Director of Growth Management Division, and support the proposed Site Alteration, as submitted. However, it is staff’s opinion that this option does not maintain the general intent and purpose of the City of Hamilton Site Alteration By-law No. 19-286.

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

### **Community Engagement & Participation**

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

### **Economic Prosperity and Growth**

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

### **Built Environment and Infrastructure**

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

### **Our People and Performance**

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

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**SUBJECT: Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) - Page 10 of 10**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22036 - Location Map

Appendix "B" to Report PED22036 - Site Alteration Application and Grading Plan(s)

Appendix "C" to Report PED22036 - Sections 6, 11 and 18 of Site Alteration By-Law No. 19-286

Appendix "D" to Report PED22036 - Letter of Denial

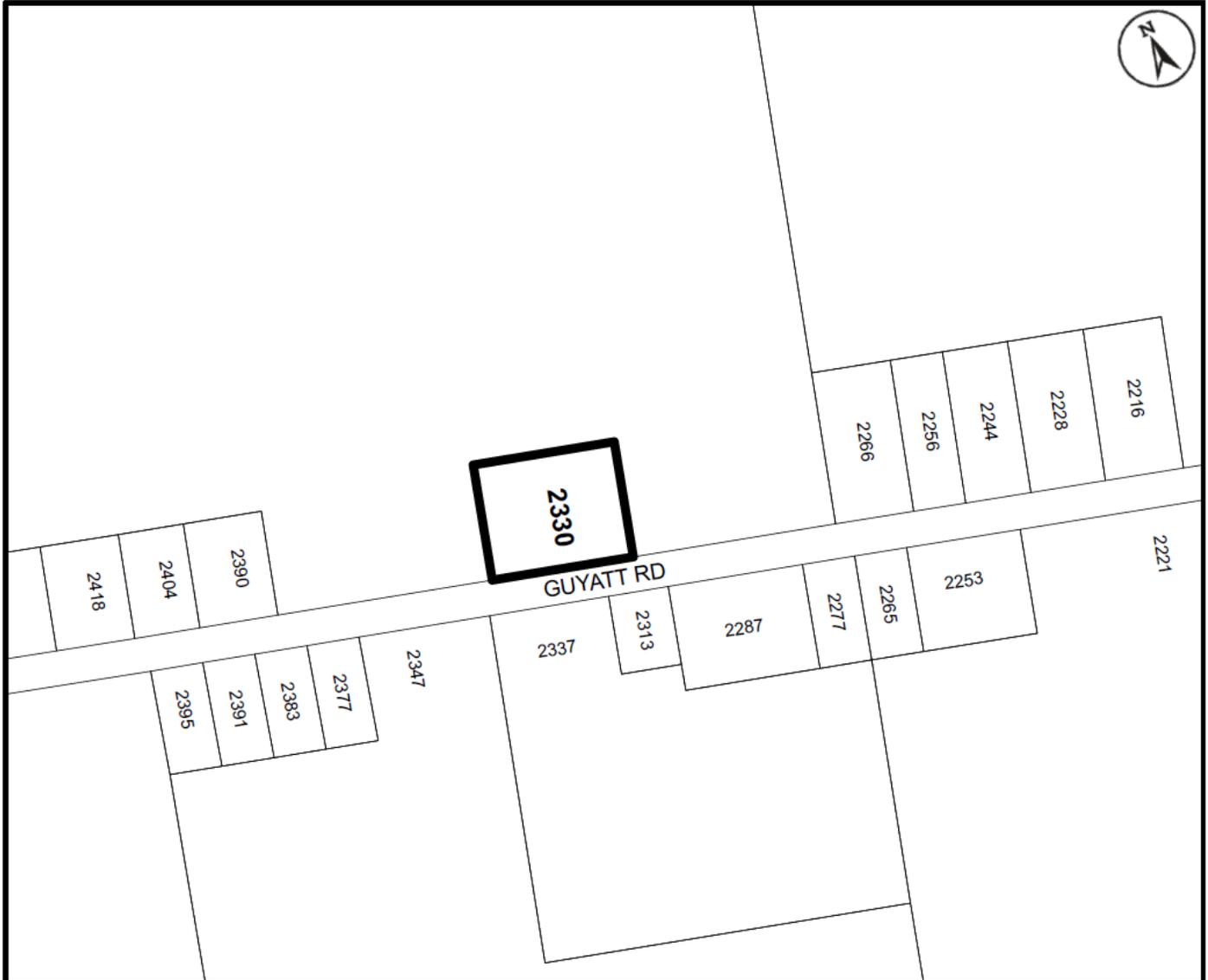
Appendix "E" to Report PED22036 - Appeal Letter

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● Site Location



City of Hamilton

Municipal Address Map

Subject Property



2330 Guyatt Road  
(Hamilton)

File Name/Number:  
2330 Guyatt Rd

Date:  
January 27, 2022

Technician:  
XX

Map Not To Scale

Appendix "A"



Hamilton

**P & L LIVESTOCK LIMITED**

4450 Paletta Court  
Burlington, ON  
L7L 5R2

July 8, 2021

RECEIVED JUL 08 2021

Alvin Chan  
City of Hamilton  
Planning & Development Department  
71 Main Street West, 6<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Mr. Chan:

**Re: Site Alteration Permit for 2330 Guyatt Road**

Please find enclosed Site Alteration Permit and applicable fee of \$2,840 for our property at 2330 Guyatt Road. While we disagree with the need for this application, we are submitting this application in response and as required by Order# 21-134502.

This property is an active sod farm (operated by Vanderwoude Sod, FBR# 2312411), and has been for many years. As part of the normal farm practice of this sod farm operation, topsoil must be replenished from time to time, as each harvest strips away layers of topsoil attached to the sod. Without the ability to replenish topsoil, the agricultural use could not continue, nor could it be used for cash cropping in the future. Importing topsoil is imperative to maintain the viability of this farming operation.

In accordance with the Farming and Food Production Protection Act, 1998, and in particular Section 6(1), it states "*No municipal by-law applies to restrict a normal farm practice carried out as part of an agricultural operation.*" It is our position that the Order issued by the City on June 25<sup>th</sup> was inappropriate, and that we are exempt from requiring a Site Alteration Permit.

The topsoil material, approximately 1,750 cubic meters, was hauled by our contractor Moretti Excavation Limited during May and June, 2021. All material came from another one of our nearby properties at 90 Glover Road in Hamilton, roughly 7 km away. All material had been tested for quality by Soil-Mat Engineering before hauling occurred. No additional material is planned to be imported at this time.

The intention is that over time, Vanderwoude Sod will use this stockpile of topsoil to spread a thin layer as and where needed on the field during the course of their agricultural operations. Exact locations and dates are impossible to know at this stage, there is no formal work program, the material will simply be used on an "as needed" basis.

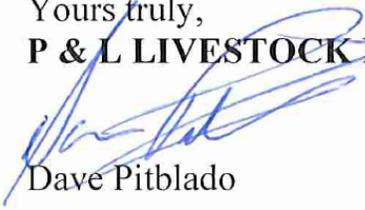
The 2330 Guyatt Road property is located in the rural area of Hamilton, zoned A1-118. This property is under the jurisdiction of the Niagara Peninsula Conservation Authority. With the

property being 87 hectares (214.88 acres) in size, there are watercourses on the property that are regulated by the Conservation Authority, however the area where the topsoil stockpile is located is not within any of those regulated areas. There is a manmade irrigation pond on the property, constructed by Vanderwoude Sod, which is not part of any regulated area either.

As part of this application, I have included an aerial map, zoning map, street view photo showing sod being farmed, a topographic plan, a NPCA regulated area map, and Soil-Mat's soil report. If this information, and the information contained within this cover letter and application form is not satisfactory, please let me know and I will do what I can to provide any additional information you may need.

Yours truly,

**P & L LIVESTOCK LIMITED**



Dave Pitblado



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
 Licensing and By-law Services  
 77 James Street North  
 Hamilton, Ontario, Canada, L8R 2K3  
 www.hamilton.ca

## ORDER

### UNDER SITE ALTERATION BY-LAW #19-286

Order Number: 21-134502 Order date: JUNE 25, 2021

Subject property address: PIN: 17385-0991, Hamilton, Ontario (BEHIND 2330 GUYAT ROAD)

Issued to:

Name: PAL LIVESTOCK LIMITED Address: 4450 PALETTA COURT Postal Code: L7L 5R2

An inspection on JUNE 25, 2021 at the subject property found the following contravention(s) of the By-law..

You are hereby ordered to do the following **immediately** or by the date stated:

(X)	Item	Reference City of Hamilton By-law 19-286	Description and Location	Required action
X	1	Section 11(1)	Undertake site alteration or cause site alteration to be undertaken without a permit to undertake such site alteration.	Discontinue the excavating, depositing or stockpiling of fill or topsoil, removal of topsoil and/or alteration of grade.
X	2	Section 11(1)	Undertake site alteration or cause site alteration to be undertaken without a permit to undertake such site alteration.	Make application for a Site Alteration Permit no later than <u>JULY 12</u> , 20 <u>21</u> . <u>*SITE ALTERATION PERMIT EXEMPTION</u>
	3	Section 25	Transport fill or topsoil to a site from any other source site that is located outside the City of Hamilton.	Discontinue the placement of all fill. Discontinue the transportation of fill or topsoil to a site.
	4	Section 26	Undertake site alteration or cause site alteration to be undertaken not in accordance with conditions.	Discontinue or ensure the discontinuation of all site alteration

This order was served by the issuing officer:  PERSONALLY  BY REGISTERED MAIL  BY PLACARDING

ON JUNE 25, 2021.

ISSUING OFFICER: JASON PRYDE

Telephone No.: 905-546-2424 x1352.

Signature: [Signature]

Email: JASON.PRYDE@hamilton.ca

Note:

- Any person who contravenes any provision of the Site Alteration By-law or an order made under the by-law, is guilty of an offence and upon conviction is liable to a fine of up to \$10,000 for a first offence and \$25,000 for a subsequent offence and may be subject to a special additional fine equal to the economic advantage gained
- Any corporation which contravenes any provision of the Site Alteration By-law or an order made under the by-law, is guilty of an offence and upon conviction is liable to a fine of up to \$50,000 for a first offence and \$100,000 for any subsequent offence and may be subject to a special additional fine equal to the economic advantage gained.
- Where the owner fails to comply, the Director may at the owner's expense carry out the necessary repairs or clean up and maintenance or arrange for same immediately.
- The City of Hamilton may recover the expenses incurred in doing the work by adding such expenses, including interest, to the property tax account for the property to be collected in the same manner as property taxes.

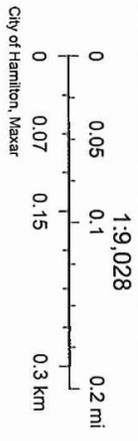
Interactive Mapping



6/28/2021, 2:05:20 PM

Roads

214.88 acres  
(87 ha)



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or survey.

The City of Hamilton is not liable for any damages resulting from

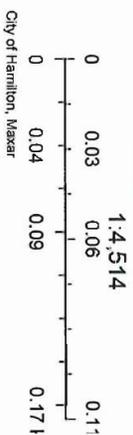
Interactive Zoning



6/28/2021, 2:21:28 PM

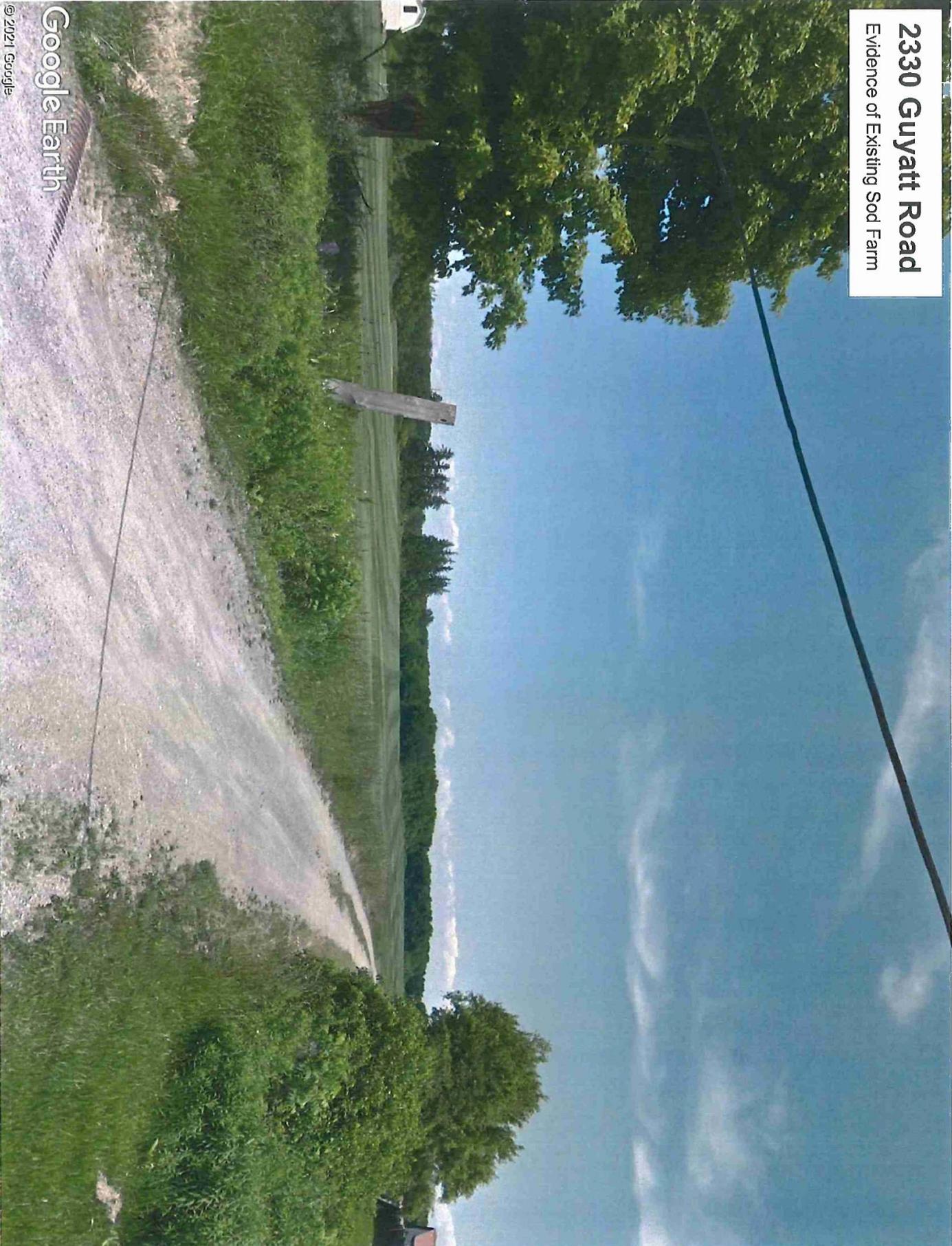
- Ward Boundary
- Community Boundary
- City Boundary
- Zoning Boundaries
- Council Approved - Zoning Boundaries
- Interim Control Bylaw Zone

Property Parcels



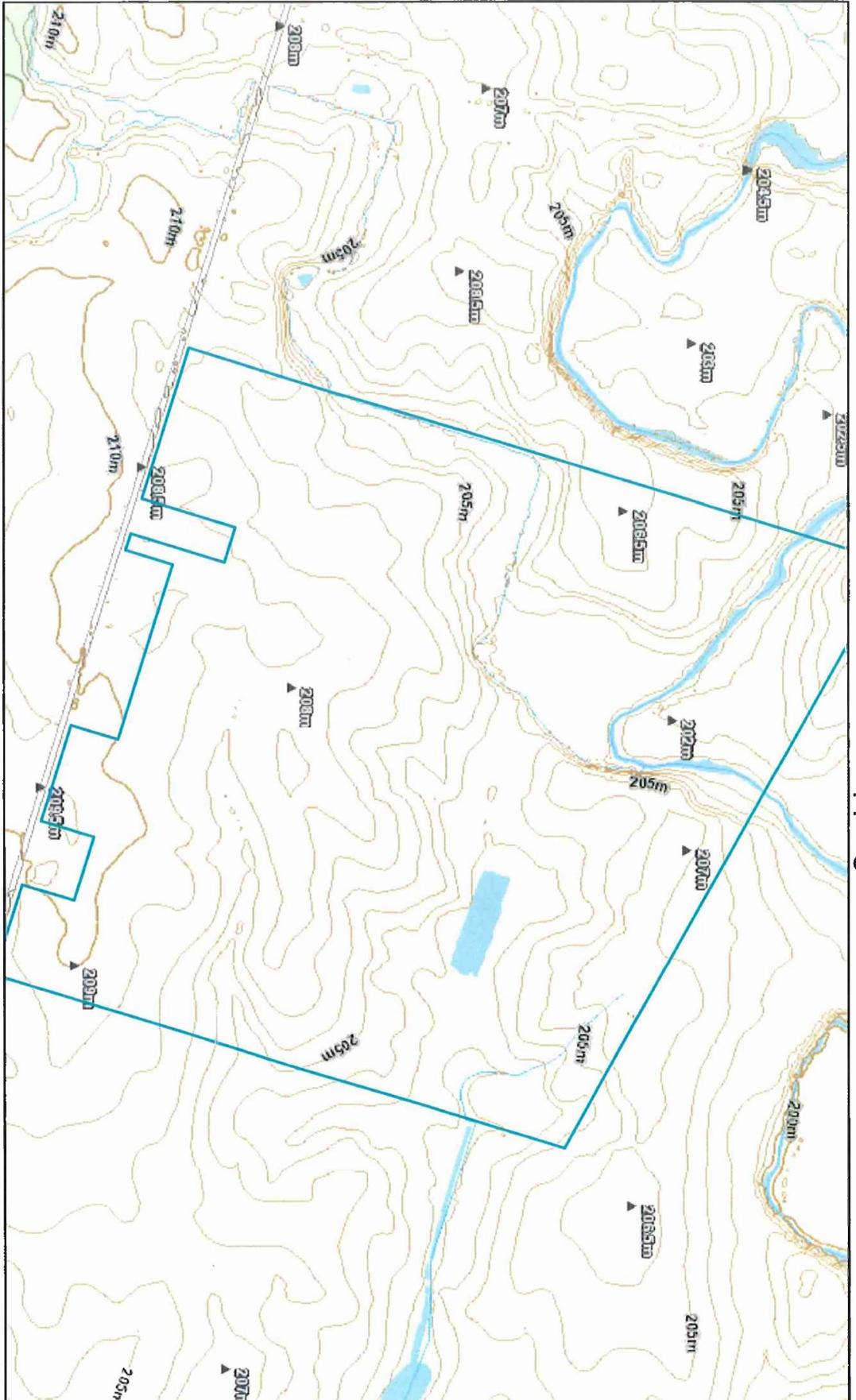
The City of Hamilton is not liable for any damages resulting from this product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying.

**2330 Guyatt Road**  
Evidence of Existing Sod Farm



Google Earth  
© 2021 Google

Interactive Mapping



6/28/2021, 2:46:54 PM

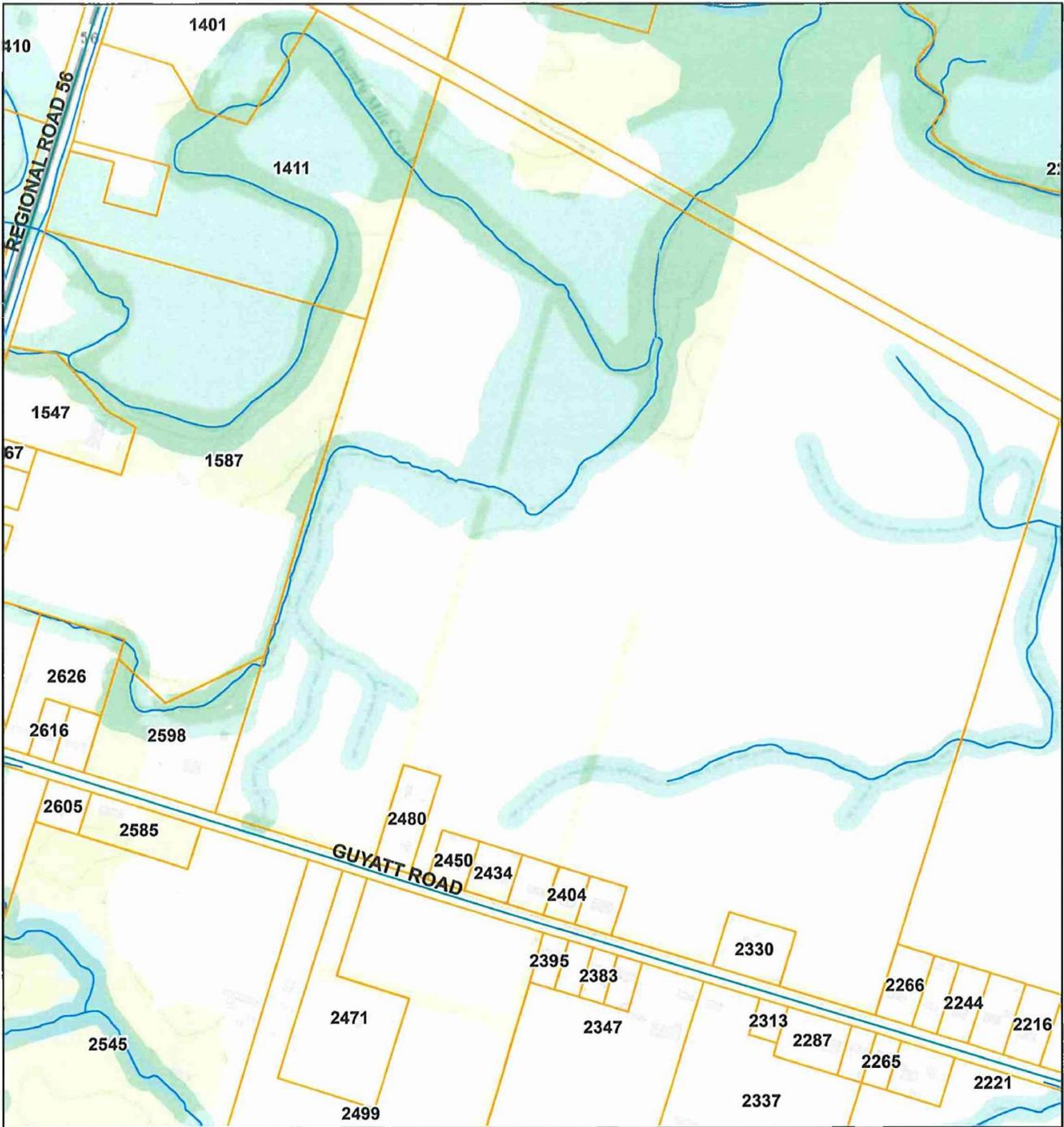
Roads



City of Hamilton, City of Hamilton - Web GIS Framework, McMaster  
City of Hamilton, Province of Ontario, Ontario MNR, Esri Canada,  
Garmin, INCREMENT P, Intermap, USGS, METINASA, EPA, U  
NRCan

The City of Hamilton is not liable for any damages resulting from  
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or survey!

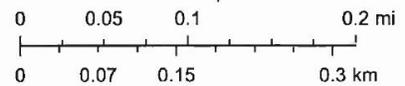
### ArcGIS Web Map



6/28/2021, 2:52:26 PM

1:9,028

-  Roads
-  Assessment Parcels
-  NPCA APPROXIMATE REGULATION LANDS
-  Watercourses 2K 2002



McMaster University, City of Hamilton, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, AAFC, NRCan

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**SOIL-MAT ENGINEERS & CONSULTANTS LTD.**

[www.soil-mat.ca](http://www.soil-mat.ca) [info@soil-mat.ca](mailto:info@soil-mat.ca) TF: 800.243.1922

**Hamilton:** 130 Lancing Drive L8W 3A1 T: 905.318.7440 F: 905.318.7455

**Milton:** PO Box 40012 Derry Heights PO L9T 7W4 T: 800.243.1922

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**PROJECT NO.: SM 301063-E**

March 22, 2021

PENTA PROPERTIES INC.  
4450 Paletta Court  
Burlington, Ontario  
L7L 5R2

Attention: Dave Pitblado  
Director, Real Estate Development

**SUPPLEMENTAL ENVIRONMENTAL SOIL TESTING OF STOCKPILED TOPSOIL  
PROPOSED EXPANSION – SIERRA SUPPLY CHAIN SERVICES  
90 GLOVER ROAD  
HAMILTON, ONTARIO**

Dear Mr. Pitblado,

As per your request and further to our correspondence, SOIL-MAT ENGINEERS & CONSULTANTS LTD. [SOIL-MAT ENGINEERS] have completed our environmental soil testing programme for the above noted project site. Our formal comments with respect to the off-site disposal/re-use of surplus material are summarised herein.

**BACKGROUND**

Our office has previously completed the following reports for the proposed warehouse expansion at 90 Glover Road in Hamilton:

1. Geotechnical Investigation, Proposed Warehouse Addition, 90 Glover Road, Hamilton, Ontario, Project No.: SM 190737-G, dated January 9, 2020;
2. Supplemental Geotechnical Considerations, Proposed Warehouse Addition, 90 Glover Road, Hamilton, Ontario, Project No.: SM 190737-G, dated January 21, 2020;
3. Supplemental Test Pit Study, Proposed Warehouse Addition, 90 Glover Road, Hamilton, Ontario, Project No.: SM 190737-G, dated April 17, 2020;
4. Supplemental Environmental Soil Testing, Proposed Expansion – Sierra Supply Chain Services, 90 Glover Road, Hamilton, Ontario, Project No.: SM 301063-E, dated December 31, 2020.
5. Environmental Soil Testing of Stockpiled Topsoil, Proposed Expansion – Sierra Supply Chain Services, 90 Glover Road, Hamilton, Ontario, Project No.: SM 301063-E, dated February 5, 2021.

PROJECT No.: SM 301063-E

ENVIRONMENTAL SOIL TESTING  
PROPOSED EXPANSION – SIERRA SUPPLY CHAIN SERVICES  
90 GLOVER ROAD  
HAMILTON, ONTARIO

As part of the previous reports completed for the 90 Glover Road property, select discrete soil samples were recovered of the subsoil across the Site to support the off-site disposal of surplus subsoil material from the Site. It is understood that all surplus subsoil has subsequently been disposed of at an off-site property. However, a stockpile of topsoil that was stripped during the earthworks for the construction of the proposed expansion for the building remains on the Site.

As reported in the February 5, 2021 dated soil testing letter listed above, five [5] discrete samples were recovered from the topsoil stockpile on the site. The secured soil samples were submitted to AGAT Laboratories [AGAT], [an accredited Canadian Environmental Laboratory] for laboratory analytical testing for a standard panel of metals and inorganic parameters, petroleum hydrocarbons [PHCs] and benzene, toluene, ethylbenzene and xylene mixture [BTEX].

Based on SOIL-MAT ENGINEERS' field observations and the laboratory analytical test results from AGAT at the time, SOIL-MAT ENGINEERS offered the following comments:

1. *The submitted samples were reported to meet the O. Reg. 406/19 Table 1 [RPI/ICC] Standards for the parameters tested with the exception of Antimony, Cadmium, Lead and Zinc in sample 'Jan 15-S5'.*
2. *The submitted samples were reported to meet the O. Reg. 406/19 Table 2.1 and 3.1 [RPI and ICC] Standards for the parameters tested with the exception of Cadmium, Lead and Zinc in sample 'Jan 15-S5'.*
3. *The soil samples secured for laboratory analytical testing are believed to be representative of the soil conditions at the sample locations only. This Office should be contacted to reassess the environmental characteristics of the soil if any unusual staining or odours are observed during future construction activities.*

Given the results of the laboratory analytical testing at the time, the following off-site re-use options were provided under Ontario Regulation 406/19.

- *As the samples recovered on January 15, 2021 from the stockpiled topsoil material are reported to meet the O. Reg. 406/19 Table 1, 2 and 3 [RPI/ICC] Standards for the parameters tested, with the exception of the elevated Antimony, Cadmium, Lead and Zinc in sample 'Jan 15-S5', the majority of surplus material may reasonably be accepted at any off-site RPI/ICC property in a potable or non-potable groundwater condition including those properties subject to a Record of Site Condition or Ministry of Environment, Conservation and Parks [MECP] Certificate of Authorisation, subject to approval of the receiving property owner.*
- *Additional testing in the vicinity of sample 'Jan 15-S5' may show these results to be localised anomalies, with the average values of Antimony, Cadmium, Lead and Zinc at that sample location within the noted Excess Soil Quality Standards. Failing this, additional testing would serve to provide a lateral and vertical*

PROJECT No.: SM 301063-E

ENVIRONMENTAL SOIL TESTING  
PROPOSED EXPANSION – SIERRA SUPPLY CHAIN SERVICES  
90 GLOVER ROAD  
HAMILTON, ONTARIO

*delineation of soil with elevated parameters to allow the material to be sorted out and disposed of separately from the majority of the remaining stockpiled material.*

- *Additional testing including both leachate and bulk analysis testing may be required depending on the volume of surplus soil re-used on an off-site property and the nature of the re-use property*

As such, the purpose of this supplemental environmental soil testing program was to secure representative soil samples of the stockpiled topsoil material in the vicinity of the former sample with exceedances, as described above, for submission for laboratory analytical testing and to provide interpretation of the test results with respect to the off-site disposal/re-use of surplus topsoil on an off-site property.

#### SITE VISIT AND SOIL SAMPLING

A representative of SOIL-MAT ENGINEERS visited the site on February 10, 2021 and recovered nine [9] discrete samples of the stockpiled topsoil material on the site.

Samples 'S101', 'S102', 'S103' and 'S104' were secured from within at 2 metre radius of the previous sample location and from a similar depth as sample 'Jan 15-S5' with noted exceedances.

The remaining samples 'S105' to 'S109' were secured in the vicinity of the previous sample 'Jan 15-S5' with noted exceedances, however were spaced further apart both laterally and vertically to attempt to provide an approximate delineated area pending unfavorable laboratory analytical results.

A summary of the sample locations, sample depths and relative location to the previous sample 'Jan 15-S5' with noted exceedances are outlined below in table format:

Sample ID	Location Relative to Sample 'Jan 15-S5'	Depth (m bgs)
S101	~2 metres north	0.5
S102	~2 metres south	0.5
S103	~2 metres east	0.5
S104	~2 metres west	0.5
S105	~4 metres north-east	1.5
S106	~4 metres north-west	1.5
S107	~4 metres south-east	1.5
S108	~4 metres south-west	1.5
S109	~4 metres north	3.0

PROJECT No.: SM 301063-E

ENVIRONMENTAL SOIL TESTING  
PROPOSED EXPANSION – SIERRA SUPPLY CHAIN SERVICES  
90 GLOVER ROAD  
HAMILTON, ONTARIO

In each case, the samples were recovered via machine dug test pits advanced by the contractor on site under the direction and supervision of the contractor on site.

The recovered samples consisted of topsoil [i.e. clayey silt/silty clay soil with organic inclusions, rootlets, etc.] consistent with our previous investigations on the site. Of note, the term 'topsoil' refers to the geotechnical properties of the sampled material and does not necessarily reflect the materials ability to support the growth of plant life. Of note, there was no evidence of potential petroleum hydrocarbon impact, i.e. odour, staining, etc., to the soil samples at the time of sampling.

The approximate location of the stockpile and the sample locations are illustrated on the attached Drawing No. 1, Sample Location Plan.

#### LABORATORY ANALYTICAL TESTING

The secured soil samples were submitted to AGAT Laboratories [AGAT], [an accredited Canadian Environmental Laboratory] for laboratory analytical testing for a standard panel of metals and hydride forming metals.

The laboratory analytical test results received in our Office were compared with the applicable Excess Soil Quality Standards under Ontario Regulation 406/19: On-Site and Excess Soil Management, as follows:

- **ONTARIO REGULATION 406/19 – TABLE 1:** Full Depth Background Site Condition Standards Residential/Parkland/Institutional [RPI] and Industrial/Commercial/Community [ICC] land use.
- **ONTARIO REGULATION 406/19 – TABLE 2.1:** Full Depth Excess Soil Quality Standards Residential/Parkland/Institutional and Industrial/Commercial/ Community land use in a potable groundwater condition.
- **ONTARIO REGULATION 406/19 – TABLE 3.1:** Full Depth Excess Soil Quality Standards Residential/Parkland/Institutional and Industrial/Commercial/ Community land use in a non-potable groundwater condition.

The results of this laboratory testing are presented in the attached AGAT Certificate of Analysis [AGAT Work Order Number 21T709678].

Based on SOIL-MAT ENGINEERS' field observations and the laboratory analytical test results from AGAT, SOIL-MAT ENGINEERS offer the following comments:

1. The submitted samples were reported to meet the O. Reg. 406/19 Table 1 [RPI/ICC] Standards for the parameters tested.
2. The submitted samples were reported to meet the O. Reg. 406/19 Table 2.1 and 3.1 [RPI and ICC] Standards for the parameters tested.

PROJECT No.: SM 301063-E

ENVIRONMENTAL SOIL TESTING  
 PROPOSED EXPANSION – SIERRA SUPPLY CHAIN SERVICES  
 90 GLOVER ROAD  
 HAMILTON, ONTARIO



3. The average value of the elevated parameters in the original sample 'Jan 15-S5' considering the additional samples collected at the same sample location as defined under the Regulation [~2 metre radius] are computed as follows:

Sample ID	Antimony [ $\mu\text{g/g}$ ]	Cadmium [ $\mu\text{g/g}$ ]	Lead [ $\mu\text{g/g}$ ]	Zinc [ $\mu\text{g/g}$ ]
Jan 15-S5	1.4	2.0	275	469
S101	0.8	0.5	43	158
S102	0.8	0.5	52	177
S102	0.8	0.5	55	212
S104	0.8	0.7	74	232
<b>Average Value [<math>\mu\text{g/g}</math>]</b>	<b>0.92</b>	<b>0.84</b>	<b>99.8</b>	<b>249.6</b>

The average value of the previously identified elevated parameters at sample location 'Jan 15-S5' is now reported to meet the Table 1, 2.1 and 3.1 RPI/ICC Standards.

4. The soil samples secured for laboratory analytical testing are believed to be representative of the soil conditions at the sample locations only. This Office should be contacted to reassess the environmental characteristics of the soil if any unusual staining or odours are observed during future construction activities.

#### ENVIRONMENTAL CONSIDERATIONS FOR SOIL REUSE

Given the results of the laboratory analytical testing, the following off-site re-use options are available under Ontario Regulation 406/19.

- As the samples recovered on January 15, 2021 and February 10, 2021 from the stockpiled topsoil material are reported to meet the O. Reg. 406/19 Table 1, 2 and 3 [RPI/ICC] Standards for the parameters tested, including the average reported values of Antimony, Cadmium, Lead and Zinc in previous sample 'Jan 15-S5', the surplus stockpiled topsoil material may reasonably be accepted at any off-site RPI/ICC property in a potable or non-potable groundwater condition including those properties subject to a Record of Site Condition or Ministry of Environment, Conservation and Parks [MECP] Certificate of Authorisation, subject to approval of the receiving property owner.
- Additional testing including both leachate and bulk analysis testing may be required depending on the volume of surplus soil re-used on an off-site property and the nature of the re-use property, subject to the specific requirements of a proposed receiving site.

PROJECT No.: SM 301063-E

ENVIRONMENTAL SOIL TESTING  
PROPOSED EXPANSION – SIERRA SUPPLY CHAIN SERVICES  
90 GLOVER ROAD  
HAMILTON, ONTARIO



We trust these comments are satisfactory for your purposes. Please feel free to contact our Office if you have any questions, or we may be of further service to you.

Yours very truly,  
SOIL-MAT ENGINEERS & CONSULTANTS LTD.

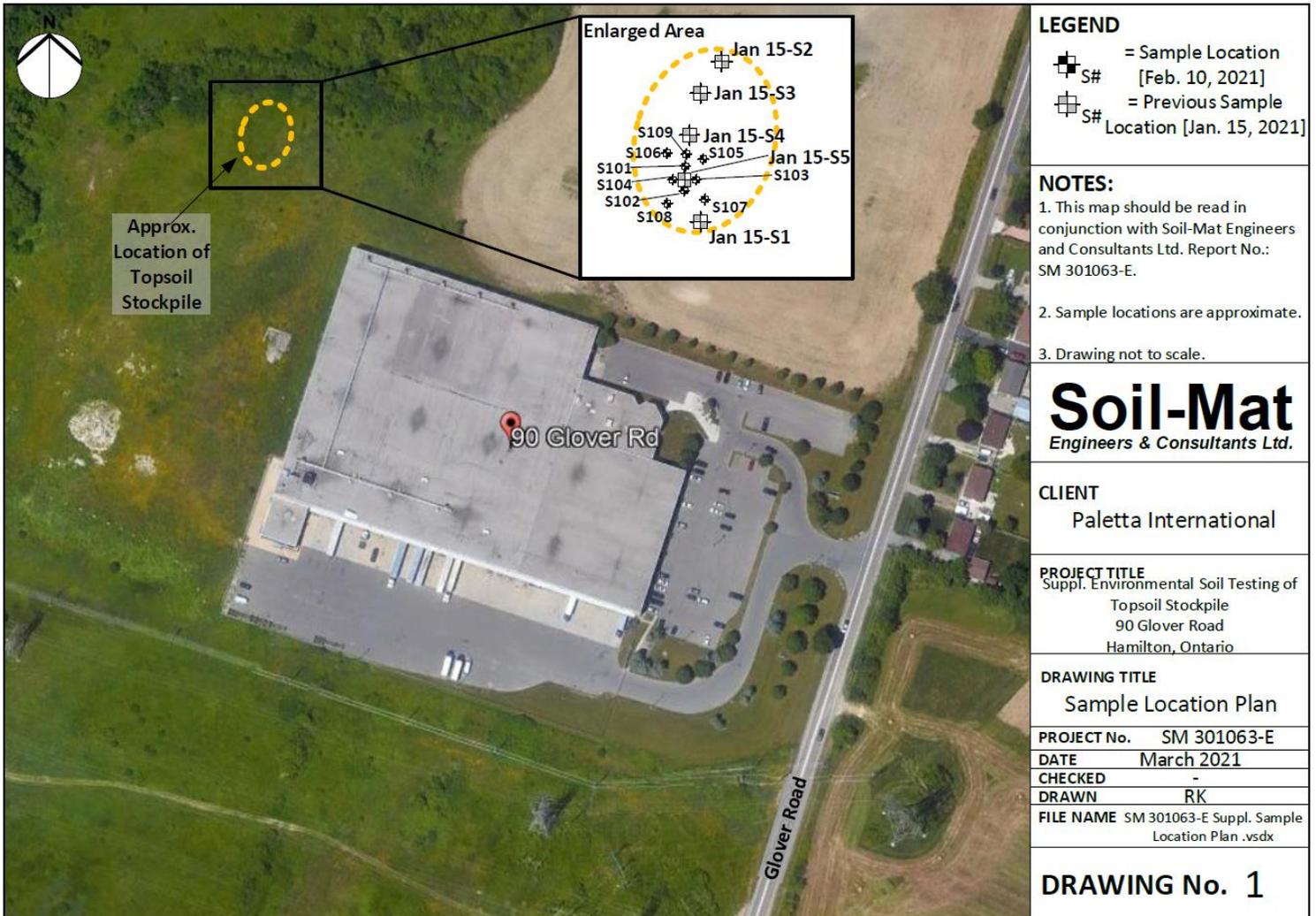
Ross Keiller, B.A. (Hons)  
Environmental Technician

Ian Shaw, P.Eng., QP<sub>ESA</sub>  
Senior Engineer



Enclosures: Drawing No. 1, Sample Location Plan [1 page]  
AGAT Certificate of Analysis: 21T709678 [7 pages]

Distribution: Penta Properties Inc. [1, plus pdf by email]





5835 COOPERS AVENUE  
MISSISSAUGA, ONTARIO  
CANADA L4Z 1Y2  
TEL (905)712-5100  
FAX (905)712-5122  
<http://www.agatlabs.com>

CLIENT NAME: SOIL MAT ENGINEERS & CONSULTANTS LT  
130 LANCING DRIVE  
HAMILTON, ON L8W3A1  
(905) 318-7440

ATTENTION TO: Ross Keiller

PROJECT: 301063

AGAT WORK ORDER: 21T709678

SOIL ANALYSIS REVIEWED BY: Nivine Basily, Inorganics Report Writer

DATE REPORTED: Feb 17, 2021

PAGES (INCLUDING COVER): 7

VERSION\*: 1

Should you require any information regarding this analysis please contact your client services representative at (905) 712-5100

\*Notes

*Disclaimer:*

- All work conducted herein has been done using accepted standard protocols, and generally accepted practices and methods. AGAT test methods may incorporate modifications from the specified reference methods to improve performance.
- All samples will be disposed of within 30 days following analysis, unless expressly agreed otherwise in writing. Please contact your Client Project Manager if you require additional sample storage time.
- AGAT's liability in connection with any delay, performance or non-performance of these services is only to the Client and does not extend to any other third party. Unless expressly agreed otherwise in writing, AGAT's liability is limited to the actual cost of the specific analysis or analyses included in the services.
- This report shall not be reproduced or distributed, in whole or in part, without the prior written consent of AGAT Laboratories.
- The test results reported herewith relate only to the samples as received by the laboratory.
- Application of guidelines is provided "as is" without warranty of any kind, either expressed or implied, including, but not limited to, warranties of merchantability, fitness for a particular purpose, or non-infringement. AGAT assumes no responsibility for any errors or omissions in the information contained in this document.
- All reportable information as specified by ISO/IEC 17025:2017 is available from AGAT Laboratories upon request.

Appendix "B" to Report PED22036  
Page 17 of 27



### Certificate of Analysis

AGAT WORK ORDER: 21T709678  
PROJECT: 301063

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http://www.agatlabs.com

CLIENT NAME: SOIL MAT ENGINEERS & CONSULTANTS LT  
SAMPLING SITE: Hamilton, ON

ATTENTION TO: Ross Keiller  
SAMPLED BY: Carlo R.

#### O. Reg. 153(511) - Metals (Including Hydrides) (Soil)

DATE RECEIVED: 2021-02-10

DATE REPORTED: 2021-02-17

Parameter	Unit	SAMPLE DESCRIPTION:		S101	S102	S103	S104	S105	S106	S107	S108
		SAMPLE TYPE:		Soil							
		DATE SAMPLED:		2021-02-10 09:00							
		G / S	RDL	2087642	2087645	2087646	2087647	2087648	2087649	2087650	2087651
Antimony	µg/g	1.3	0.8	<0.8	<0.8	<0.8	<0.8	<0.8	<0.8	<0.8	<0.8
Arsenic	µg/g	18	1	6	6	7	6	6	5	6	6
Barium	µg/g	220	2.0	115	121	105	95.2	108	98.1	98.0	92.9
Beryllium	µg/g	2.5	0.4	0.6	0.6	0.6	0.5	0.6	0.5	0.5	0.5
Boron	µg/g	36	5	7	5	9	8	8	7	8	6
Cadmium	µg/g	1.2	0.5	<0.5	<0.5	<0.5	0.7	0.5	<0.5	0.5	0.8
Chromium	µg/g	70	5	25	25	22	21	22	21	22	20
Cobalt	µg/g	21	0.5	11.4	11.9	9.7	9.3	10.7	10.5	9.8	9.3
Copper	µg/g	92	1.0	29.5	29.9	25.5	25.7	26.2	23.7	27.7	30.2
Lead	µg/g	120	1	43	52	55	74	54	34	44	71
Molybdenum	µg/g	2	0.5	0.7	0.6	0.6	0.6	0.8	0.6	0.6	0.7
Nickel	µg/g	82	1	24	26	21	20	23	21	21	21
Selenium	µg/g	1.5	0.8	<0.8	<0.8	<0.8	<0.8	0.9	<0.8	<0.8	<0.8
Silver	µg/g	0.5	0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Thallium	µg/g	1	0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Uranium	µg/g	2.5	0.50	0.69	0.70	0.80	0.69	0.82	0.61	0.64	0.60
Vanadium	µg/g	86	0.4	30.6	31.3	30.4	30.1	30.9	29.0	29.3	26.7
Zinc	µg/g	290	5	158	177	212	232	157	178	215	268

Certified By: \_\_\_\_\_



*Myne Bably*

Appendix "B" to Report PED22036  
Page 18 of 27**Certificate of Analysis**

AGAT WORK ORDER: 21T709678

PROJECT: 301063

5835 COOPERS AVENUE  
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http://www.agatlabs.com

CLIENT NAME: SOIL MAT ENGINEERS &amp; CONSULTANTS LT

SAMPLING SITE: Hamilton, ON

ATTENTION TO: Ross Keiller

SAMPLED BY: Carlo R.

**O. Reg. 153(511) - Metals (Including Hydrides) (Soil)**

DATE RECEIVED: 2021-02-10

DATE REPORTED: 2021-02-17

SAMPLE DESCRIPTION: S109  
SAMPLE TYPE: Soil  
DATE SAMPLED: 2021-02-10  
09:00

Parameter	Unit	G / S	RDL	2087652
Antimony	µg/g	1.3	0.8	<0.8
Arsenic	µg/g	18	1	5
Barium	µg/g	220	2.0	99.3
Beryllium	µg/g	2.5	0.4	0.5
Boron	µg/g	36	5	6
Cadmium	µg/g	1.2	0.5	0.5
Chromium	µg/g	70	5	21
Cobalt	µg/g	21	0.5	9.7
Copper	µg/g	92	1.0	26.4
Lead	µg/g	120	1	44
Molybdenum	µg/g	2	0.5	0.8
Nickel	µg/g	82	1	20
Selenium	µg/g	1.5	0.8	<0.8
Silver	µg/g	0.5	0.5	<0.5
Thallium	µg/g	1	0.5	<0.5
Uranium	µg/g	2.5	0.50	0.60
Vanadium	µg/g	86	0.4	27.4
Zinc	µg/g	290	5	199

Comments: RDL - Reported Detection Limit; G / S - Guideline / Standard; Refers to O. Reg. 406/19 TABLE 1: Full Depth Background Site Condition - RPIC  
Guideline values are for general reference only. The guidelines provided may or may not be relevant for the intended use. Refer directly to the applicable standard for regulatory interpretation.

Analysis performed at AGAT Toronto (unless marked by \*)

Certified By:





5835 COOPERS AVENUE  
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## Quality Assurance

CLIENT NAME: SOIL MAT ENGINEERS &amp; CONSULTANTS LT

AGAT WORK ORDER: 21T709678

PROJECT: 301063

ATTENTION TO: Ross Keiller

SAMPLING SITE: Hamilton, ON

SAMPLED BY: Carlo R.

Soil Analysis																
RPT Date: Feb 17, 2021			DUPLICATE				Method Blank	REFERENCE MATERIAL			METHOD BLANK SPIKE			MATRIX SPIKE		
PARAMETER	Batch	Sample Id	Dup #1	Dup #2	RPD	Measured Value		Acceptable Limits		Recovery	Acceptable Limits		Recovery	Acceptable Limits		
								Lower	Upper		Lower	Upper		Lower	Upper	
<b>O. Reg. 153(511) - Metals (Including Hydrides) (Soil)</b>																
Antimony	2095799		<0.8	<0.8	NA	< 0.8	136%	70%	130%	110%	80%	120%	102%	70%	130%	
Arsenic	2095799		2	2	NA	< 1	116%	70%	130%	104%	80%	120%	110%	70%	130%	
Barium	2095799		26.9	27.3	1.5%	< 2.0	112%	70%	130%	101%	80%	120%	105%	70%	130%	
Beryllium	2095799		<0.4	<0.4	NA	< 0.4	81%	70%	130%	113%	80%	120%	100%	70%	130%	
Boron	2095799		<5	<5	NA	< 5	82%	70%	130%	112%	80%	120%	97%	70%	130%	
Cadmium	2095799		<0.5	<0.5	NA	< 0.5	116%	70%	130%	104%	80%	120%	108%	70%	130%	
Chromium	2095799		10	10	NA	< 5	99%	70%	130%	97%	80%	120%	99%	70%	130%	
Cobalt	2095799		3.0	3.1	1.7%	< 0.5	98%	70%	130%	101%	80%	120%	104%	70%	130%	
Copper	2095799		4.2	4.3	NA	< 1.0	93%	70%	130%	105%	80%	120%	101%	70%	130%	
Lead	2095799		4	4	NA	< 1	109%	70%	130%	103%	80%	120%	102%	70%	130%	
Molybdenum	2095799		<0.5	<0.5	NA	< 0.5	109%	70%	130%	99%	80%	120%	104%	70%	130%	
Nickel	2095799		7	6	2.1%	< 1	99%	70%	130%	104%	80%	120%	103%	70%	130%	
Selenium	2095799		<0.8	<0.8	NA	< 0.8	129%	70%	130%	105%	80%	120%	113%	70%	130%	
Silver	2095799		<0.5	<0.5	NA	< 0.5	96%	70%	130%	102%	80%	120%	100%	70%	130%	
Thallium	2095799		<0.5	<0.5	NA	< 0.5	106%	70%	130%	104%	80%	120%	102%	70%	130%	
Uranium	2095799		0.54	0.56	NA	< 0.50	110%	70%	130%	105%	80%	120%	106%	70%	130%	
Vanadium	2095799		19.5	19.4	0.4%	< 0.4	101%	70%	130%	94%	80%	120%	108%	70%	130%	
Zinc	2095799		18	18	NA	< 5	104%	70%	130%	107%	80%	120%	119%	70%	130%	

Comments: NA Signifies Not Applicable.

Duplicate NA: results are under 5X the RDL and will not be calculated.

More than 90% of the elements met acceptance limits and overall data quality is acceptable for use. For a multi-element scan up to 10% of analytes may exceed the quoted limits by up to 10% absolute.

Certified By: \_\_\_\_\_



AGAT QUALITY ASSURANCE REPORT (V1)

Page 4 of 7

AGAT Laboratories is accredited to ISO/IEC 17025 by the Canadian Association for Laboratory Accreditation Inc. (CALA) and/or Standards Council of Canada (SCC) for specific tests listed on the scope of accreditation. AGAT Laboratories (Mississauga) is also accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA) for specific drinking water tests. Accreditations are location and parameter specific. A complete listing of parameters for each location is available from www.cala.ca and/or www.scc.ca. The tests in this report may not necessarily be included in the scope of accreditation. RPDs calculated using raw data. The RPD may not be reflective of duplicate values shown, due to rounding of final results.

Results relate only to the items tested. Results apply to samples as received.

Appendix "B" to Report PED22036  
Page 20 of 27



5835 COOPERS AVENUE  
MISSISSAUGA, ONTARIO  
CANADA L4Z 1Y2  
TEL (905)712-5100  
FAX (905)712-5122  
<http://www.agatlabs.com>

## QA Violation

CLIENT NAME: SOIL MAT ENGINEERS & CONSULTANTS LT  
PROJECT: 301063

AGAT WORK ORDER: 21T709678  
ATTENTION TO: Ross Keiller

RPT Date: Feb 17, 2021			REFERENCE MATERIAL			METHOD BLANK SPIKE			MATRIX SPIKE		
PARAMETER	Sample Id	Sample Description	Measured Value	Acceptable Limits		Recovery	Acceptable Limits		Recovery	Acceptable Limits	
				Lower	Upper		Lower	Upper		Lower	Upper
O. Reg. 153(511) - Metals (Including Hydrides) (Soil)											
Antimony		S101	136%	70%	130%	110%	80%	120%	102%	70%	130%

Comments: NA Signifies Not Applicable.  
Duplicate NA: results are under 5X the RDL and will not be calculated.

More than 90% of the elements met acceptance limits and overall data quality is acceptable for use. For a multi-element scan up to 10% of analytes may exceed the quoted limits by up to 10% absolute.



5835 COOPERS AVENUE  
MISSISSAUGA, ONTARIO  
CANADA L4Z 1Y2  
TEL (905)712-5100  
FAX (905)712-5122  
<http://www.agatlabs.com>

## Method Summary

CLIENT NAME: SOIL MAT ENGINEERS & CONSULTANTS LT

AGAT WORK ORDER: 21T709678

PROJECT: 301063

ATTENTION TO: Ross Keiller

SAMPLING SITE: Hamilton, ON

SAMPLED BY: Carlo R.

PARAMETER	AGAT S.O.P	LITERATURE REFERENCE	ANALYTICAL TECHNIQUE
<b>Soil Analysis</b>			
Antimony	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Arsenic	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Barium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Beryllium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Boron	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Cadmium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Chromium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Cobalt	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Copper	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Lead	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Molybdenum	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Nickel	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Selenium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Silver	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Thallium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Uranium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Vanadium	MET-93-6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS
Zinc	MET 93 -6103	modified from EPA 3050B and EPA 6020B and ON MOECC	ICP-MS





Hamilton

Planning and Economic Development Department  
 Growth Management Division  
 71 Main Street West, 6th Floor  
 Hamilton, Ontario, L8P 4Y5  
 Phone: (905) 546-2424 x.2978 Fax: (905) 540-5611

## By-Law 19-286 – General Application Requirements

An application for a Site Alteration Permit shall contain (Please check each box to ensure the item is included for submission):

- (a)  the address, legal description and registered owner of the site;
- (b)  the area of the site in hectares;
- (c)  up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d)  the past, current and intended future uses of the site; including a zoning verification from Building services; *AI-118 Continue sod farm operation*
- (e)  the purpose of the proposed site alteration; *Replenish supply of topsoil in order to continue existing sod farm operation*
- (f)  the volume of soil involved in the proposed site alteration in cubic metres; *Approx. 1,750 cu-m*
- (g)  intended start date and completion date for the proposed site alteration; *Material already onsite - this application is to address Order 21-134502*
- (h)  a control plan of the site and the area within 30 metres of the property lines of the site drawn to scale, prepared by a licenced surveyor, professional engineer or professional geoscientist, showing the property lines and all existing and proposed:
- (i) elevation contours at 0.5 metre intervals or less;
  - (ii) spot elevations at 15 metre intervals along the property lines;
  - (iii) predominant native soil types;
  - (iv) buildings and other structures including retaining walls;
  - (v) highways, driveways and paths;
  - (vi) impermeable surfaces;
  - (vii) easements and rights-of-way;
  - (viii) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage
  - (ix) swales, ditches, pipes and culverts;
  - (x) bodies of water and watercourses;
  - (xi) wetlands and floodplains;
  - (xii) Conservation Authority regulation boundaries;
  - (xiii) trees measuring 150 mm or greater in diameter at breast height including species;
  - (xiv) vegetation masses by canopy outline;

Appendix "B" to Report PED22036  
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Hamilton

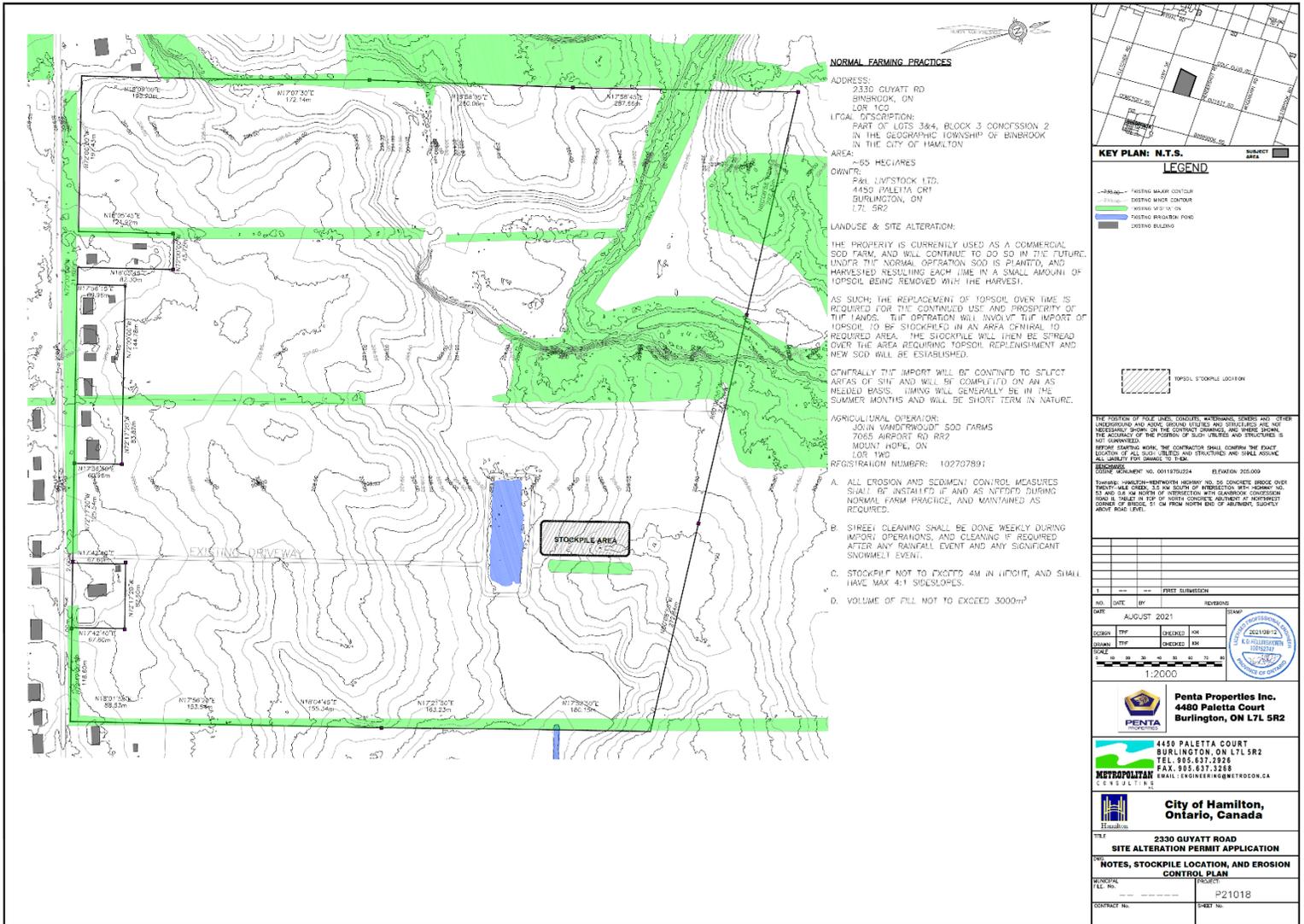
Planning and Economic Development Department  
Growth Management Division  
71 Main Street West, 6th Floor  
Hamilton, Ontario, L8P 4Y5  
Phone: (905) 546-2424 x.2978 Fax: (905) 540-5611

- (xiv) tree protection measures;  
(xv) erosion and sediment control measures;  
(xvi) construction site control and security measures;  
(xvii) locations of site alteration including temporary stockpiles, specifying the volumes, source and type of fill involved;  
(xviii) final ground covering;
- (i)  design details and specifications for any proposed retaining walls; *N/A*
- (j)  design details and specifications for any proposed drainage or stormwater management systems; *N/A*
- (k)  if required by the Director, in a form satisfactory to the Director,
- (i) an excess soil management plan prepared by a qualified person,  
(ii) a dust management plan,  
(iii) an erosion and sediment control plan, *N/A* *No more material to bring in.*  
(iv) a groundwater management plan,  
(v) a stormwater management plan,  
(vi) a traffic management plan; and
- (l)  any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.

### Normal Farm Practice

Applications for a site alteration permit where an agricultural operation is carried on or is intended to be carried on and the proposed site alteration is part of a normal farm practice shall contain;

- (a)  the contact details of the farmer responsible for the agricultural operation; *905-521-1567 Vanderwoude Sod*
- (b)  a statement of nature of the agricultural operation; *Sod Farm*
- (c)  the farm business registration number of the agricultural operation; *2312411*
- (d)  a description of the normal farm practice; and *Replenish topsoil for sod farm.*
- (e)  any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence



**NORMAL FARMING PRACTICES**

ADDRESS:  
2330 QUAYT RD  
BINBROOK, ON  
L0R 1C0

LEGAL DESCRIPTION:  
PART OF LOTS 3&4, BLOCK 3 CONFESSION 2  
IN THE GEOGRAPHIC TOWNSHIP OF BINBROOK  
IN THE CITY OF HAMILTON

AREA:  
~85 HECTARES

OWNER:  
P&L LIVESTOCK LTD.  
4450 PALETTA CRT  
BURLINGTON, ON  
L7L 5R2

**LANDUSE & SITE ALTERATION:**

THE PROPERTY IS CURRENTLY USED AS A COMMERCIAL SOD FARM, AND WILL CONTINUE TO DO SO IN THE FUTURE. UNDER THE NORMAL OPERATION SOD IS PLANTED, AND HARVESTED RESULTING EACH TIME IN A SMALL AMOUNT OF TOPSOIL BEING REMOVED WITH THE HARVEST.

AS SUCH, THE REPLACEMENT OF TOPSOIL OVER TIME IS REQUIRED FOR THE CONTINUED USE AND PROSPERITY OF THE FARMS. THE OPERATION WILL INVOLVE THE IMPORT OF TOPSOIL TO BE STOCKPILED IN AN AREA CENTRAL TO REQUIRED AREA. THE STOCKPILE WILL THEN BE SPREAD OVER THE AREA REQUIRING TOPSOIL REPLACEMENT AND NEW SOD WILL BE ESTABLISHED.

GENERALLY THE IMPORT WILL BE CONTINUED TO SELECT AREAS OF SOIL AND WILL BE COMPLETED ON AN AS NEEDED BASIS. TIMING WILL GENERALLY BE IN THE SUMMER MONTHS AND WILL BE SHORT TERM IN NATURE.

AGRICULTURAL OPERATOR:  
JOHN WINDROW/OT SOD FARMS  
7065 AIRPORT RD BR2  
MOUNT HOPE, ON  
L0E 1W0

REGISTRATION NUMBER: 10277891

- A. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IF AND AS REQUIRED DURING NORMAL FARM PRACTICE, AND MAINTAINED AS REQUIRED.
- B. STREET CLEANING SHALL BE DONE WEEKLY DURING IMPORT OPERATIONS, AND CLEANING IF REQUIRED AFTER ANY RAINFALL EVENT AND ANY SIGNIFICANT SNOWMELT EVENT.
- C. STOCKPILE NOT TO EXCEED 4M IN HEIGHT, AND SHALL HAVE MAX 4:1 SIDESLOPES.
- D. VOLUME OF FILL NOT TO EXCEED 3000M<sup>3</sup>



**KEY PLAN: N.T.S.**

**LEGEND**

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING WATER LINE
- EXISTING BRUSHY POND
- EXISTING BRUSHY POND
- EXISTING BRUSHY POND

--- TOPSOIL STOCKPILE LOCATION

THE PORTION OF POLE LINES, CONDUITS, WATERMANS, SEWER AND OTHER UNDERGROUND AND ABOVE GROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTACT DRAWING, AND WHERE SUCH IS THE CASE, THE PORTION OF POLE LINES AND STRUCTURES IS NOT SHOWN.

BEFORE STARTING WORK, THE CONTRACTOR SHALL CONFIRM THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGES TO THEM.

NO.	DATE	BY	REVISION

DATE: AUGUST 2021

SCALE: 1:2000

1:2000

**Penta Properties Inc.**  
4450 Paletta Court  
Burlington, ON L7L 5R2

4450 PALETTA COURT  
BURLINGTON, ON L7L 5R2  
TEL: 905.637.2926  
FAX: 905.637.3268  
EMAIL: ENGINEERS@PENTAPROD.COM

**City of Hamilton, Ontario, Canada**

2330 QUAYT ROAD  
SITE ALTERATION PERMIT APPLICATION

NOTES, STOCKPILE LOCATION, AND EROSION CONTROL PLAN

PROJECT: P21018

CONTRACT NO. SHEET NO.

**John Vanderwoude Sod Farms Ltd.**7065 Airport Road, RR#2  
Mt. Hope, Ontario  
L0R 1W0

October 8, 2021

Mr. Alvin Chan  
Planning & Economic Development Department  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

Dear Mr. Chan:

**Re: Farming Rationale - 0 Guyatt Road (formerly 2330 Guyatt Road)**

We, John Vanderwoude Sod Farms Ltd., are the tenant farmer of the above-mentioned property. We have been actively farming this property for sod production for over 10 years.

We were approached by the landowner to create a topsoil stockpile for our use. We agreed because we are able to spread the topsoil as needed in the low areas in this field. This makes it easier for us to mow and harvest our sod as it makes the field more level.

When an opportunity arises, we as sod farmers are happy to reap the benefits at no cost. That is exactly what happened in this particular instance, where the landowner (who is also a developer) had excess topsoil from their nearby project at 90 Glover Road in Hamilton (less than 10km away), and was able to haul it to this property for our use. The soil was analyzed in advance by Soil-Mat Engineers and determined to be suitable for agricultural use. It was a mutually beneficial scenario. We needed topsoil, they had topsoil, it was a win-win. Our understanding is that no additional topsoil is available at this time, therefore the importing activities from that source have concluded.

The nearby irrigation pond was constructed by, and maintained by our company. This is not a natural feature, we built it. We use it as part of our irrigation program for the farm. This man-made irrigation pond will not be negatively impacted by the placement of this topsoil stockpile, because quite frankly, we will not allow it. We chose this stockpile location intentionally. We need this pond as part of our farming operation just as much as we need the topsoil. It is not in our best interest to negatively impact our own farm operation.

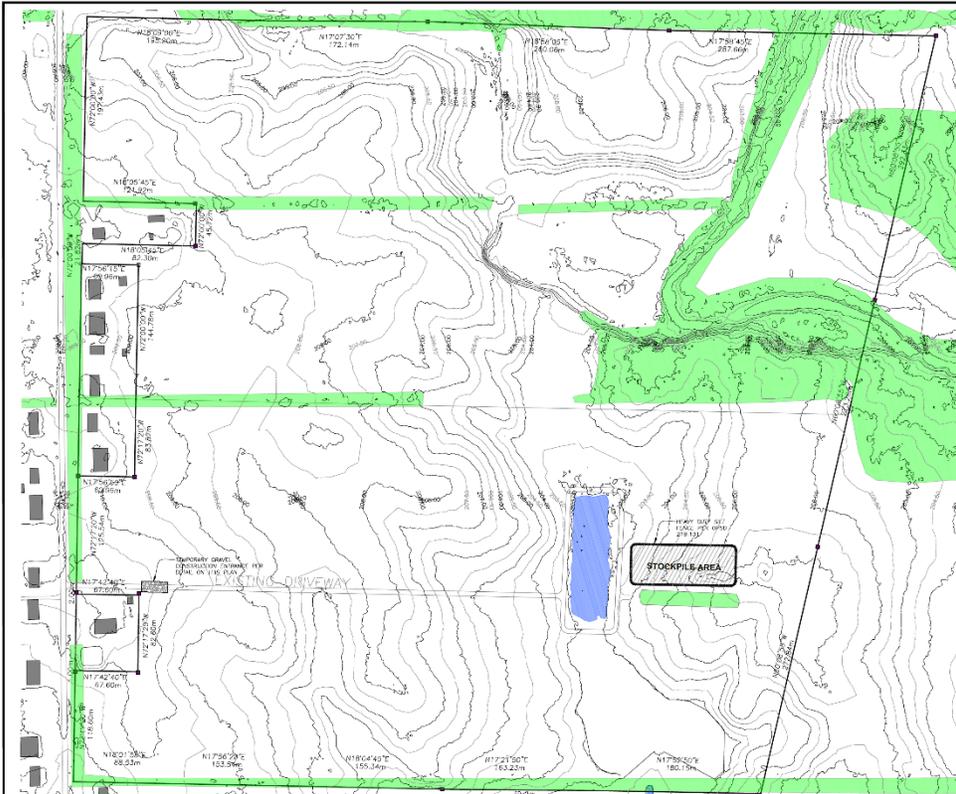
Trusting this additional clarification is beneficial for your review of the land owner's Site Alteration Permit application.

Yours truly,

**John Vanderwoude Sod Farms Ltd.**

Trevor Vanderwoude

Appendix "B" to Report PED22036  
Page 27 of 27



**NORMAL FARMING PRACTICES**

ADDRESS: 4330 DUPONT RD  
BURLINGTON, ON  
L7L 5R2  
LEGAL DESCRIPTION: PART OF LOTS 2&A, BLOCK 3 CONVESSION 2 IN THE CITY OF HAMILTON  
APPL: -60 -AGRICULTURE  
OWNER: PALETTA COURT 4480 PALETTA CRT BURLINGTON, ON L7L 5R2  
LANDUSE & SFP ALLOCATION: THE PROPERTY IS CURRENTLY USED AS A COMMERCIAL S&P FARM AND WILL CONTINUE TO DO SO IN THE FUTURE. THE NORMAL OPERATIONS FOR S&P FARMING ARE EXPECTED RESULTING WITH THE A SMALL AMOUNT OF TOPSOIL BEING REMOVED WITH THE HARROW.  
AS PART OF THE REPLACEMENT OF EXISTING DRIVEWAY IS REQUIRED FOR THE CONTINUED USE AND IMPROVEMENT OF THE DRIVEWAY. THE OPERATIONS WILL INVOLVE THE REMOVAL OF TOPSOIL TO BE STOCKPILED IN AN AREA ADJACENT TO EXISTING DRIVEWAY. THE STOCKPILE WILL BE COVERED WITH THE AREA REQUIRING TOPSOIL REPLACEMENT AND NEW SOIL WILL BE ESTABLISHED.  
USUALLY THE IMPORT WILL BE COMPLETED TO EFFECT AREAS OF SFP AND WILL BE COMPLETED ON AN AS NEEDED BASIS. IMPORT WILL GENERALLY BE IN THE SUMMER MONTHS AND WILL BE COMPLETED WITHIN 14 DAYS.  
AGRICULTURAL OPERATOR: JOHN WINDERS/LESLIE S&P FARM 4330 DUPONT RD RD4 BURLINGTON, ON L7L 5R2 REGISTRATION NUMBER: 102207891

**EROSION AND SEDIMENT CONTROL NOTES:**

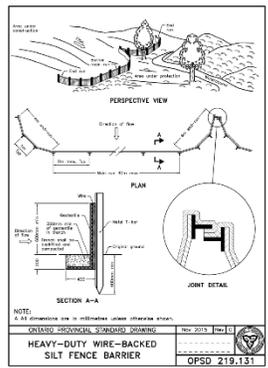
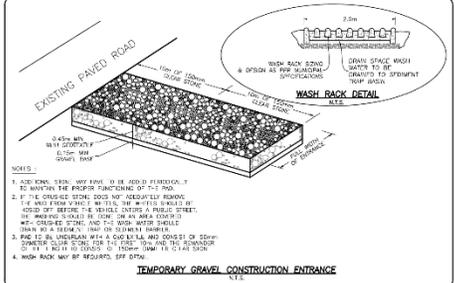
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AS NOTED ON THIS PLAN.
- STOCKPILE SHALL BE COVERED WITH TOPSOIL IMMEDIATELY AFTER UNLOADING AND CLEANING IS REQUIRED AFTER ANY RAINFALL EVENT AND ANY SCOURING OCCURRENCE.
- STOCKPILE NOT TO EXCEED 4M IN HEIGHT AND SHALL HAVE MAX 4% SLOPES.
- VOIDING OF FILL NOT TO EXCEED 200MM.
- ALL FILL TO BE BROUGHT IN BY "CLEAN" AND PROFF FROM OFFSITE.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE AS PER THE "FOUNDER DESIGN" UNLESS AREA GOVERNMENT AUTHORITIES, TOWN AND DISTRICT COURTS, QUALIFY FOR OTHER SPECIFICATIONS.
- OWNER IS RESPONSIBLE FOR THE REMOVAL OF ALL MATS AND DEBRIS THAT ARE STOCKPILED INTO THE NEAREST PUBLIC DRAINAGE SYSTEMS AND LEAVING THE CONSTRUCTION SITE. THE OWNER SHALL MAINTAIN NEAREST ADJACENT PUBLIC OR CITY PROPERTY UNLESS OTHERWISE SPECIFIED BY THE TOWN OR DISTRICT. THE OWNER SHALL MAINTAIN THE DRIVEWAY TO REMAIN OPEN TO TRAFFIC AT ALL TIMES. THE OWNER SHALL MAINTAIN THE DRIVEWAY TO REMAIN OPEN TO TRAFFIC AT ALL TIMES. THE OWNER SHALL MAINTAIN THE DRIVEWAY TO REMAIN OPEN TO TRAFFIC AT ALL TIMES.



**LEGEND**

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING RESERVATION POND
- EXISTING BUILDING
- PROPOSED MAJOR MA
- PROPOSED STOCKPILE LOCATION

THE POSITION OF POLE LINES, CONDUITS, WATERWAYS, STRUCTURES AND OTHER UNDERGROUND AND ABOVE GROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS BEFORE STARTING WORK, THE CONTRACTOR SHALL CONFIRM THE EXACT LOCATION OF SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.  
ENGINEER: PENTA PROPERTIES INC. REGISTRATION NO. 001975/224 EL DATION 2005/05  
TOWNSHIP: HAMILTON-NORTHWEST HURON RD. NO. 50 CONCRETE BRIDGE OVER TEMPORARY BRIDGE. 1.5M CLEARANCE OF INTERSECTION WITH HURON RD. ROAD IS TAILED IN TOP OF NORTH CONCRETE ABUTMENT AT INTERSECTION CORNER OF BRIDGE. 51 CM FROM NORTH END OF ABUTMENT, GRADELY ABOVE ROAD LEVEL.



NO.	DATE	BY	REVISION
1	---	---	PROJ. SUBMISSION
DATE: AUGUST 2021			
DESIGN	CHKD	IN	DATE
DRAWN	CHKD	IN	DATE
SCALE: 1:2000			
<b>Penta Properties Inc.</b> 4480 Paletta Court Burlington, ON L7L 5R2 TEL: 905.637.2928 FAX: 905.637.3288 EMAIL: ENGINEER@METROCON.CA			
<b>City of Hamilton, Ontario, Canada</b>			
<b>PP, LOT 3 BLOCK 3 CONVESSION 2 BIRNBROOK SITE ALLOCATION PERMIT APPLICATION</b>			
<b>NOTES, STOCKPILE LOCATION, AND EROSION CONTROL PLAN</b>			
PROJECT FILE No.	PROJECT No.		SHEET No.
	P21018		
CONTRACT No.	PROJECT No.		SHEET No.
	OPSD 219.131		

**Authority:** Item 6, Planning Committee  
Report 19-018 (PED19201)  
CM: November 27/28, 2019  
Ward: City Wide

**Bill No. 286**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-286**

#### **To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil**

**WHEREAS** the *Municipal Act, 2001*, particularly section 142, authorizes the City of Hamilton to pass by-laws respecting these matters; and

**WHEREAS** Council deems it necessary to enact this by-law for the purposes set out in section 2 of this by-law.

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

#### **Short Title**

1 This By-law may be cited as the Site Alteration By-law.

#### **Purposes**

2 The purposes of this By-law are,

- (a) to control and regulate site alteration on lands within the City of Hamilton;
- (b) to ensure site alteration is undertaken for necessary or beneficial purposes, not primarily for financial gain;
- (c) to minimize adverse impacts on infrastructure, environment and community in respect of site alteration undertakings; and
- (d) to promote and protect agricultural resources.

#### **Definitions**

3 In this By-law:

"agricultural operation" has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

"building" has the same meaning as under the *Building Code Act, 1992*;

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 3 of 25

- (ii) a plan of subdivision or a subdivision agreement under section 51;
  - (iii) a consent under section 53;
  - (iv) a development permit or agreement under a regulation made under section 70.2;
- (b) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
  - (c) on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
  - (d) on land in order to lawfully establish and operate or enlarge any pit or quarry on land;
    - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
    - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
  - (e) as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*; or
  - (f) as part of the use, operation, establishment, alteration, enlargement or extension of a waste disposal site within the meaning of Part V of the *Environmental Protection Act*.

### **Normal Farm Practices**

(2) Subject to subsection (3), this By-law does not apply to the removal of topsoil as an incidental part of a normal farm practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products undertaken as a permitted or legal non-conforming use of land.

### **Removal of Topsoil**

(3) The removal of topsoil as an incidental part of a normal farm practice does not include the removal of topsoil for sale, exchange or other disposition.

### **Stockpiling for Agricultural or Commercial Operations**

6 (1) Despite subsection 11(1), this By-law does not prohibit or require a site alteration permit for the stockpiling of fill or topsoil on land for sale or exchange or use as an

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

incidental part of an agricultural or commercial operation undertaken as a permitted use of the land, provided that any such stockpiles,

- (a) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
- (c) no stockpile remains substantially unchanged for longer than 6 months.

### **Existing Commercial Stockpiles**

(2) Subsection (1) applies to stockpiles existing on the date this By-law comes into force that were exempt from the requirement for a permit pursuant to section 3.14 of By-law No. 03-126.

### **Exceptions from Permit Requirement**

- 7 (1) Despite subsection 11(1), no permit is required for site alteration undertaken,
- (a) for the purposes of lawn maintenance, landscaping or gardening, provided that:
    - (i) the depth of fill deposited on the site does not exceed 15 centimetres at any location;
    - (ii) there is no change in the location, direction or rate of drainage to neighbouring properties; and
    - (iii) there is no change or blockage of any swale.
  - (b) for the installation of a pool where a permit has been issued pursuant to By-law No. 16-184, provided that:
    - (i) any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
    - (ii) any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.
  - (c) incidental to the construction of a building for which a building permit has been issued by the Chief Building Official, provided that the accompanying

**No Permit Granted for *Planning Act* Applications**

9 No site alteration permit shall be issued for a site which is the subject of or included within any outstanding application to the City for any of the approvals listed in clause 5(1)(a) on the date of application for a site alteration permit.

**Prohibitions and Permit Requirements****Consent of Owner**

10 No person shall undertake site alteration or cause site alteration to be undertaken except with the consent of the owner of the site.

**Permit Required**

11 (1) No person shall undertake site alteration or cause site alteration to be undertaken unless a site alteration permit has been issued to undertake such site alteration.

**Permit Application**

(2) An owner of a site, or a person with the consent of an owner of a site, may apply to the Director for a site alteration permit to undertake site alteration on the site in accordance with section 14 or 15.

**Issuance of Permits**

(3) The Director shall not issue a site alteration permit unless,

- (a) the application is complete;
- (b) the applicant, and any other required parties, have entered into a site alteration agreement required by section 19;
- (c) the applicant has paid all fees required by section 20;
- (d) the applicant has provided security required by section 21; and
- (e) the Director is satisfied the proposed site alteration will be undertaken in accordance with this By-law.

**Criteria**

(4) In considering whether to issue a site alteration permit, the Director shall have regard to,

- (a) whether the primary use of the site is the depositing of fill on the site;

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 7 of 25

- (b) whether the proposed site alteration is necessary for the purpose identified in the application;
- (c) whether the proposed site alteration is part of a normal farm practice;
- (d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;
- (e) any effects on ground and surface water resources;
- (f) any effects on drainage;
- (g) if the use of the site is residential, whether the proposed site alteration complies with the City's Lot Grading Policy, Criteria and Standards;
- (h) any effects on agricultural resources;
- (i) any effects on the environment;
- (j) any planning and land use considerations;
- (k) any effects on nearby communities;
- (l) any comments provided by external bodies or agencies;
- (m) the suitability of the proposed erosion and sediment control measures;
- (n) the suitability of the proposed construction site control and security measures;
- (o) the final grading and rehabilitation plans for the site;
- (p) the main haulage routes and proposed truck traffic to and from the site;
- (q) the quality of the fill proposed to be transported to the site from any other source site or moved from one area of the site to another;
- (r) the applicant's history of compliance with this By-law or similar By-laws of other municipalities or similar Acts; and
- (s) such other matters as are considered appropriate.

### Reasons

(5) If an application is refused, the Director shall provide written reasons for the refusal.

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 23 of 25

TABLE 20: BY-LAW NO. 19-286 PROHIBITING AND REGULATING THE ALTERATION OF PROPERTY GRADES, THE PLACING OR DUMPING OF FILL, AND THE REMOVAL OF TOPSOIL					
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 EARLY PAYMENT	COLUMN 4 SET PENALTY
1	19-286	11(1)	Site alteration without permit	\$400.00	\$500.00
2	19-286	25	Transporting Fill to a site from a source site that is located outside the City of Hamilton	\$400.00	\$500.00

### Transition

42 (1) Despite section 44, the provisions of By-law No. 03-126, as amended, continue to apply to a permit issued pursuant to that By-law.

### No Renewals

(2) The Director shall not grant any extensions or renewals of permits issued under By-law No. 03-126.

### Schedules

43 (1) The following Schedules are attached to and form part of this By-law:

- (a) Schedule "A" – Site Alteration Permit Application Fees
- (b) Schedule "B" – Financial Security

(2) Schedule "A" and any other fees arising from this By-law may be amended by Council through the City's User Fees and Charges By-law from time to time.

(3) Schedule "B" may be revised by the Director.

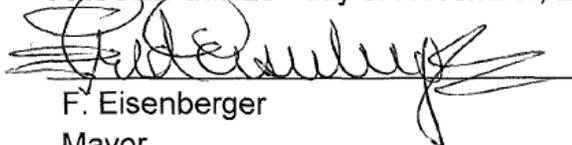
### Repeal

44 City of Hamilton By-law No. 03-126, as amended, is repealed.

### Coming Into Force

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

**PASSED** this 28<sup>th</sup> day of November, 2019.

  
F. Eisenberger  
Mayor

  
A. Holland  
City Clerk



City of Hamilton, City Hall  
71 Main Street West  
Hamilton, Ontario  
Canada L8P 4Y5  
www.hamilton.ca

Planning and Economic Development Department  
Growth Management, Growth Planning Section  
Physical Address: 71 Main Street West, 6th Floor  
Phone: 905-546-2424 x 2978 Fax: 905-540-5611

**Hamilton**

December 24, 2021

P & L Livestock Ltd.  
c/o: Dave Pitblado  
4450 Paletta Court  
Burlington, ON, L7L 5R2  
(via E-mail: [dpitblado@pentaproperties.ca](mailto:dpitblado@pentaproperties.ca))

Re: **Site Alteration Application for 2330 Guyatt Road (Glanbrook) File No. 2021  
144589 000 00 PF**

Dear Dave,

In review of your application to stockpile fill for the purpose replenishing lands for sod farming, we wish to advise that the application has been **DENIED** due to the following reasons:

In particular, based on the information provided and existing site condition, it is noted that the proposal does not constitute a "Normal Farm Practice" as defined by City of Hamilton By-law No. 19-286.

In review of Section 6(1) of City of Hamilton By-law No. 19-286, the proposed stockpile fails to meet the criteria listed. In particular, that any such stockpiles:

- (a) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
- (c) no stockpile remains substantially unchanged for longer than 6 months.

Furthermore, per the Criteria under Section 11(4) of City of Hamilton By-law No. 19-286, staff note that as this is deemed not to be a required "Normal Farm Practice", the proposal fails to satisfy the following:

- (a) whether the primary use of the site is the depositing of fill on the site;

In the absence of this being a required and approved "Normal Farm Practice" the use of the proposed stockpile would not constitute an agricultural purpose.

- (b) whether the proposed site alteration is necessary for the purpose identified in the application;

Similarly, as this is deemed not to be a required and approved "Normal Farm Practice" it does not satisfy the proposed purpose noted in the application.

- (c) whether the proposed site alteration is part of a normal farm practice;

As mentioned above, in accordance with the peer review, staff are of the opinion that the proposed site alteration does not meet the definition of a "Normal Farm Practice", as defined by Site Alteration By-law No. 19-286. In particular the site and farm are well drained and any 'low lying areas' are natural floodplains from the twenty mile creek which are not to be altered without conservation authority approvals. There is no evidence that top soil rehabilitation or spreading across this property is required.

- (d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;

Based on the details and information received, it is noted that per Section 6, the proposed timelines and use of the stockpile fail to satisfy the terms that govern stockpiles as prescribed under Site Alteration By-law No. 19-286

- (o) the final grading and rehabilitation plans for the site; and,

As the proposed stockpile is deemed not to be a required and approved "Normal Farm Practice" there is no evidence that top soil rehabilitation or spreading across this property is required and thus final conditions, grading and rehabilitation of the site is deemed unsatisfactory.

Of note, per Section 18 of the By-law, the applicant may appeal this refusal to the Planning Committee or any successor Committee by requesting an appeal in writing to the Clerk within 30 days of being notified of the refusal.

Accordingly, it should be noted that the existing Order to Comply remains in place, and and it is therefore requested that **all fill stockpiles be removed**. As a reminder, per the Ministry regulations and guidelines the generator of excess soils is responsible for ensuring an approved receiver site, and in accordance with City of Hamilton Site Alteration By-law No. 19-286.

Should you have any questions or concerns with the above submission, please do not hesitate to contact me at the undersigned.

Sincerely,



Alvin Chan, BES, MCIP, RPP  
Manager, Legislative Approvals/Staging of Development  
Growth Management Division, Planning and Economic Development Department  
71 Main Street West, 6<sup>th</sup> Floor, Hamilton, ON, L8P 4Y5  
905-546-2424 Ext 2978  
[Alvin.chan@hamilton.ca](mailto:Alvin.chan@hamilton.ca)

cc: Rob Lalli, Acting Manager, Construction, Growth Management  
Carlo Ammendolia, Manager, Construction, Growth Management  
Gavin Norman, Acting Director, Growth Management  
Councillor Brenda Johnson, Ward 11  
Jason Thorne, General Manager, Planning and Economic Development  
Monica Ciriello, Director, Licensing and By-law Services  
Kelly Beaton, Acting Manager Service Delivery, Municipal Law Enforcement  
Kim Coombs, Manager, Municipal Law Enforcement

**P & L LIVESTOCK LIMITED**4450 Paletta Court  
Burlington, ON  
L7L 5R2

January 20, 2022

Planning Committee Clerk  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5*\*\* Submitted via email to [clerk@hamilton.ca](mailto:clerk@hamilton.ca) \*\**

Dear Clerk:

**Re: Site Alteration Permit Application for 2330 Guyatt Road, File 2001 144589 000 00 PF**

We are in receipt of the letter dated December 24, 2021 from Alvin Chan within which he advised that our Site Alteration Permit Application for this property has been denied. Please accept this letter as written notice that we wish to appeal this refusal to Planning Committee.

This 214 acre farm property is actively farmed by Vanderwoude Sod, and while they unquestionably make every effort to protect the topsoil supply, the reality of sod farming is that with each harvest a thin layer of topsoil is removed. For not only the success of this existing farming operation but also to maintain the long-term agricultural viability of this property, periodic topsoil replenishment is needed. The alternative is the eventual sterilization of this property, making it unfarmable.

Under the development arm of our company, we had a construction project located just 7km away with 1750 cubic meters of clean topsoil (as tested and certified by a qualified laboratory and geotechnical firm) available. Rather than simply dump it at a landfill, we consulted with the farmer and seized the opportunity to make better use of this topsoil and benefit of the long-term agricultural operations at 2330 Guyatt Road.

1750 cubic meters of topsoil spread over 214 acres has practically no impact to the topography, but it's better than nothing. Topsoil management and replenishment is part of normal farming practice, and in accordance with the Farming and Food Protection Act, 1998 "No municipal by-law applies to restrict a normal farm practice carried out as part of an agricultural operation." A Site Alteration Permit was therefore not required, or so we thought. The City of Hamilton By-Law Enforcement staff felt otherwise, and even though the topsoil importing had already been completed, issued an Order to Comply on June 25, 2021 requiring us to submit a Site Alteration Permit application.

What constitutes normal farm practice is often open to interpretation, so instead of arguing or challenging the Order, we gathered the required information and submitted a Site Alteration Permit application on July 8, 2021, thereby complying with the Order.

Shockingly on Christmas Eve, the City of Hamilton issued denial of the Site Alteration Permit application and instructed that the topsoil be removed.

It appears that the City's primary point of contention was the fact that we had stockpiled the topsoil for the sod farmer's use rather than immediately spreading the material over the 214 acres. As we had indicated to staff at the time, immediately spreading the topsoil was not possible given that the sod farm was in active production and most of the 214 acres had an active sod crop growing. We couldn't bury the sod crop. By stockpiling the topsoil and having it readily available, upon harvesting the sod crop the farmer would then be able to spread the topsoil as needed. We acknowledged to staff that the timing of the spreading may take longer than the 6 month timeframe identified in the by-law, but the complex realities of farming must sometimes take precedence.

City staff have also taken the position that topsoil rehabilitation is not required, and not normal farm practice. Perhaps for typical cash cropping (beans, corn, wheat) where an inch or more of topsoil is not removed with each harvest, topsoil rehabilitation/replenishment is less of a concern. Sod farming is different. Respectfully, is the determination of what is and isn't required to improve topsoil quality and supply not better left to the actual farmer who physically works the land and is trying to maintain a viable agricultural operation?

We do not understand why City of Hamilton staff are expending great effort in this particular instance to frustrate agricultural operations in the rural area. Given the importance that Council places upon the rural area and agriculture in general, it is extremely disappointing to be in this position. We are therefore appealing staff's denial of our Site Alteration Permit application to Planning Committee for reconsideration.

Yours truly,

**P & L LIVESTOCK LIMITED**



Dave Pitblado

Cc: Lisa Kelsey ([lisa.kelsey@hamilton.ca](mailto:lisa.kelsey@hamilton.ca))  
Alvin Chan ([alvin.chan@hamilton.ca](mailto:alvin.chan@hamilton.ca))  
Councillor Brenda Johnson ([brenda.johnson@hamilton.ca](mailto:brenda.johnson@hamilton.ca))  
Mayor Fred Eisenberger ([mayor@hamilton.ca](mailto:mayor@hamilton.ca))  
Scott Snider ([ssnider@tmalaw.ca](mailto:ssnider@tmalaw.ca))



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)) (Wards 1, 8 and parts of Ward 14)
<b>WARD(S) AFFECTED:</b>	Wards 1, 8 and Parts of parts of Ward 14
<b>PREPARED BY:</b>	Kelly Barnett (905) 546-2424 Ext. 1344
<b>SUBMITTED BY:</b>	Monica Cirello Director, Licensing and By-Law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

At its meeting on August 13, 2021 Council approved item 9 of Planning Committee Report 21-012 directing staff to report back to the Planning Committee every 6 months with an update on the Rental Housing Licensing Pilot Program for wards 1, 8 and parts of ward 14.

## INFORMATION

The following is the first update on the status of implementing the Rental Housing Licensing Pilot Program (Pilot Program) for wards 1, 8 and parts of ward 14.

### Transition Plan Status

#### Staffing Recruitment and Training:

The City Departments and Divisions involved in the pilot program are working together to ensure that the appropriate staffing levels align with the various stages of the pilot program roll out. Prior to hiring new staff, trained and experienced existing staff in Planning (Zoning Verification Certificates); Fire Department (Fire Inspections); and Licensing Services (licence applications and property standards inspections) will undertake the initial stages of the pilot program to ensure a smooth roll out prior to fee collection.

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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: Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)) (Wards 1, 8 and parts of Ward 14) - Page 2 of 3**

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**Education Development**

Staff from the relevant City Departments and Divisions including Corporate Communications meet regularly to provide input into the development of education/awareness resource materials.

The following is a summary of those efforts:

**Webpage:** The Rental Housing Licensing webpage has been developed and posted at [www.hamilton.ca/rentalhousinglicence](http://www.hamilton.ca/rentalhousinglicence). The website includes information on the Licensing By-law (Schedule 31) and pilot program including the application package, supporting documentation, requirements, applicable fees and all relevant contact information should the public have questions. The website also outlines the phased in process by property address in which owners are required to submit applications. Staff have developed an interactive map to assist all property owners, residents and tenants in identifying whether certain properties are within the pilot program areas. The interactive map attached as Appendix "A" to Report PED21097(b) also provides dates based on property address as to when applications are to be submitted.

**Door Knocker:** A door knocker for "field" use by Municipal Law Enforcement Officers has been developed, attached as Appendix "B" to Report PED21097(b). Officers have begun to distribute this door knocker within the applicable wards. The door knocker includes additional information on other relevant by-laws such as the Yard Maintenance (By-law 10-118), Property Standards (By-Law 10-221), Snow and Ice (By-Law 03-296), and Noise (By-law 11-285) and includes where the public can report potential unlicensed rental housing units. It also includes how occupants can make a complaint regarding a property standards problem with their rental unit.

**Other Communications:** Corporate Communications staff will continue to support the pilot program in developing media release, social media and resource materials for Councillors, stakeholders, and the public.

**Implementation**

**Administrative Processes:** Property owners have two options for submitting a rental housing license application; in person at Licensing & By-Law Service, 330 Wentworth Street North or on-line using a dedicated email address ([rentalhousing@hamilton.ca](mailto:rentalhousing@hamilton.ca)) and on-line payment portal. For general inquiries the public is encouraged to review the website and direct questions to the relevant departments identified on the website. The AMANDA database has been upgraded to process applications, initiate fire and property standards inspections, track enforcement efforts if orders are issued and provide detailed reports.

Information collected pre-COVID suggested that the pilot area in wards 1, 8 and parts of ward 14 had approximately 2,000 potential rental properties that may be subject to the Rental Housing Licensing By-law. Staff recently completed another review and confirmed that of the

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**SUBJECT: Rental Housing Licensing Pilot Program and Transition Plan Update  
(PED21097(b)) (Wards 1, 8 and parts of Ward 14) - Page 3 of 3**

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2,000 identified pre-COVID properties, there are now approximately 1,525 potential rental housing units. Staff suspect that information gathered from other sources will increase the number of potential rental properties to 2,000+.

To begin the administrative licensing process a notification letter attached as Appendix “C” was sent to the 1,525 identified property owners informing them of the pilot program and how to apply for a licence. Notification letters will continue to be sent out as new properties are identified and/or an investigation will be initiated. The geographical phased in approach, by property address for submitting applications begins in April 2022.

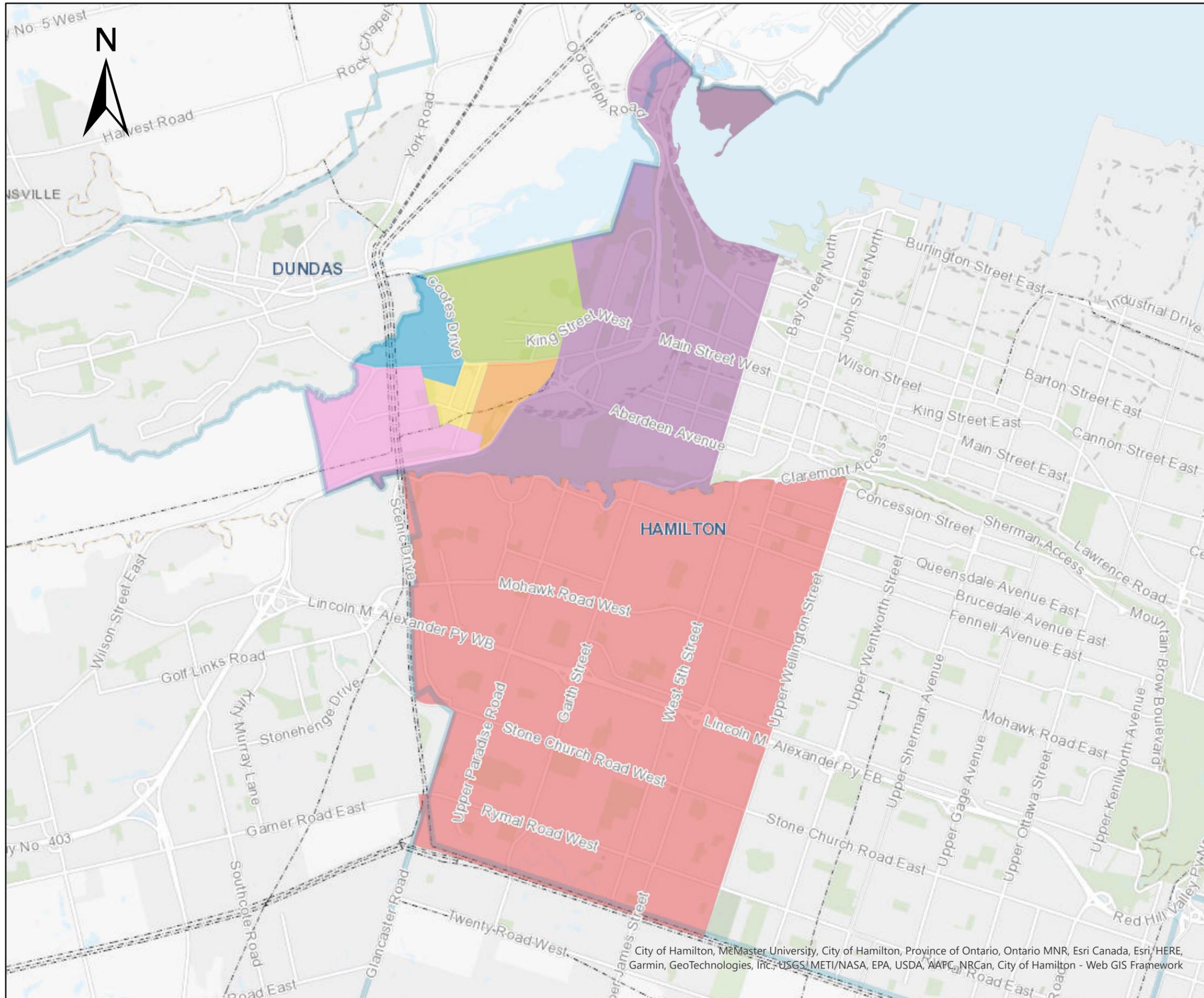
Property owners of potential rental housing units were originally able to begin applying for a Zoning Verification Certificate in January 2022 however at the time of drafting this report, no application requests have been submitted. Due to the COVID-19 Omicron variant and the Provincial direction to return to Stage 2 of the Reopening Ontario Act in December 2021, there were some service level impacts as some key staff in implementing the pilot program were redeployed and/or were responsible for dealing/managing COVID-19. However, despite the redeployment delay; Staff were able to move forward implementing the milestones in the pilot roll out.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21097(b) - Pilot Program Geographical Map

Appendix “B” to Report PED21097(b) - Door Knocker

Appendix “C” to Report PED21097(b) - Property Owner Notification letter



Hamilton

# Rental Property Licensing Pilot

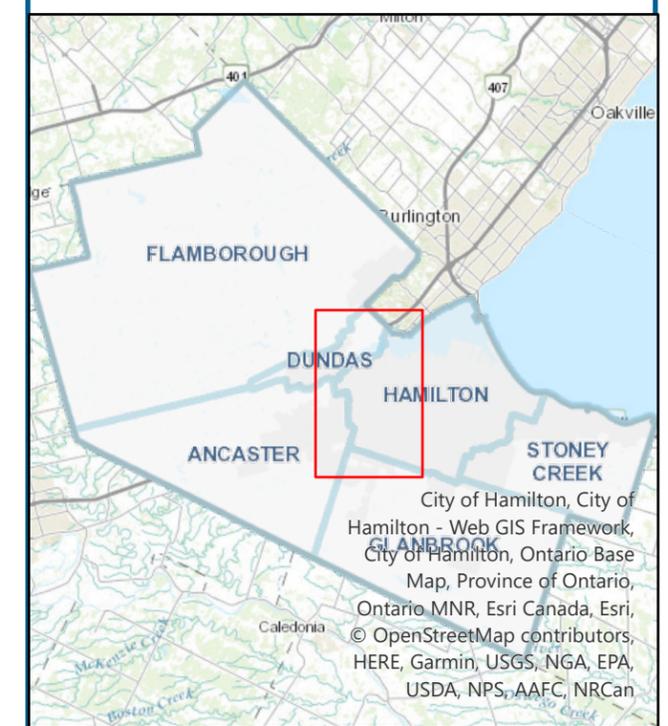
Wards 1, 8, and portion of 14

## Licensing Application Dates by Zone

Starting April 2022

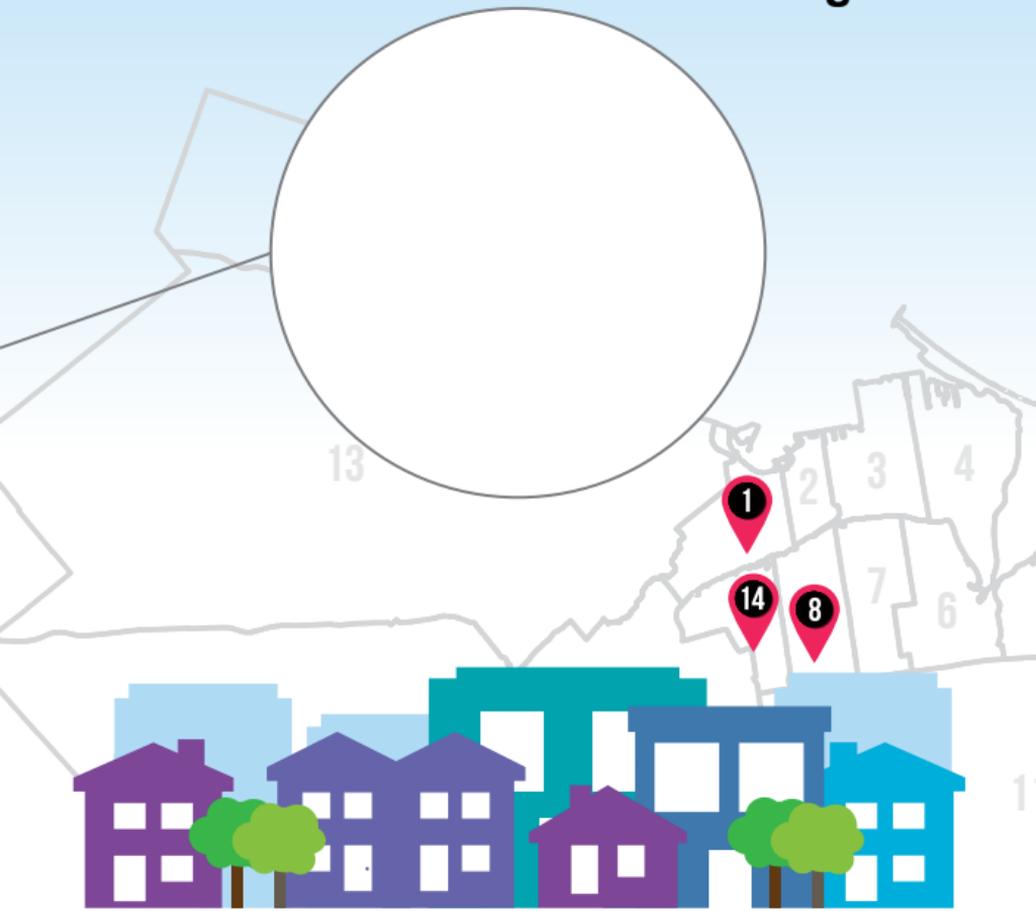
- Zone 1: Applications Open April - June.
  - Zone 2: Applications Open July - Sept.
  - Zone 3: Applications Open Oct. - Dec.
- 2023**
- Zone 4: Applications Open Jan. - March
  - Zone 5: Applications Open April - June
  - Zone 6: Applications Open July - Sept.
  - Zone 7: Applications Open Oct. - Dec.

Note: Enforcement of licensing requirements will begin after each zone's application period has ended.



Map Created March 7 2022

City of Hamilton, McMaster University, City of Hamilton, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA, AAFC, NRCan, City of Hamilton - Web GIS Framework



## DO YOU OWN OR LIVE IN A RENTAL HOUSING UNIT IN WARDS 1, 8 AND PART OF 14?

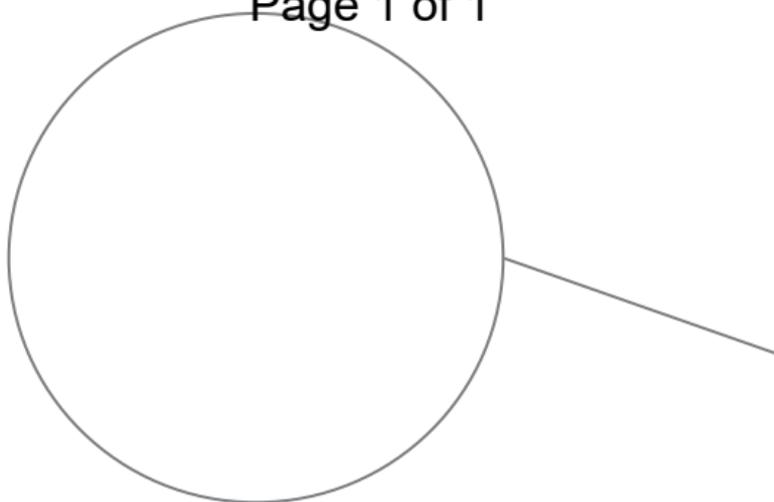
**HAMILTON COUNCIL HAS APPROVED A 2-YEAR RENTAL HOUSING LICENSING PILOT PROGRAM FOR WARDS 1, 8 AND PART OF WARD 14.** Beginning in 2022, a licence is required for rental housing units and buildings or part of buildings with 4 and under self-contained units, detached homes or townhouses including secondary dwellings, if rented. The program would require property owners of rental housing to apply for licence for each rented unit.

It is illegal to rent out a housing unit in these areas without holding a current valid licence.

Occupants are permitted to live in rental units during the rental housing licensing process, unless extreme health and safety issues are identified during inspection.

For more information including the requirements, supporting documents, applicable fees and process visit [www.hamilton.ca/rentalhousinglicence](http://www.hamilton.ca/rentalhousinglicence).

To report an unlicensed rental unit in Wards 1, 8, and parts of 14, contact the City of Hamilton's Licensing and By-law Services Division at **905 546-2782 option 3** or email [rentalhousing@hamilton.ca](mailto:rentalhousing@hamilton.ca)



## PROPERTY USE BY-LAWS

### **Snow and Ice By-Law #03-296**

#### **SOS – Snow Off Sidewalks in the City of Hamilton Don't Be Slow...Clear Your Snow, It is the law!**

All Property Owners, Business Owners and/or Occupants responsible for snow and ice removal must clear and completely remove snow and ice off all City sidewalks surrounding their property within 24 hours after a snowfall. Failure to do so may result in costly charges and/or fines. Occupants need to ensure there is clear communication with the property owner on responsibilities.

Keeping sidewalks, walkways, stairs and entrance ways clear of snow and ice improves the quality of life for all and helps reduce injuries caused by slips and falls.

### **Yard Maintenance By-Law #10-118**

Both the property owner(s) and occupant(s) are responsible if there is a violation of the Yard Maintenance By-Law

- Grass and weeds cannot exceed 21 cm (8<sup>1/4</sup> inches) in height
- Property is required to be kept clean from garbage and debris.

### **Property Standards By-Law #10-221**

Property owners must maintain and repair the interior and exterior of their property. Tenants experiencing problems with their rental unit should speak with the property owner first, put concerns in writing and keep a copy.

If repairs are not done in a timely manner, 3 options are available in making a complaint:

**Call: 905-546-2782 option 2,**

**email: [mle@hamilton.ca](mailto:mle@hamilton.ca),**

**online complaint form: [www.hamilton.ca/bylawcomplaintform](http://www.hamilton.ca/bylawcomplaintform)**

### **Noise By-Law #11-285**

No person can make or permit an unreasonable noise or a noise that is likely to disturb their neighbours in Hamilton at any time.

For more information on By-laws visit:

**[hamilton.ca/government-information/by-laws-and-enforcement](http://hamilton.ca/government-information/by-laws-and-enforcement)**



City of Hamilton  
Mailing Address:  
71 Main St. W.  
Hamilton ON L8P 4Y5  
www.hamilton.ca

Planning and Economic Development  
Licensing and By-law Services  
Physical Address: 330 Wentworth St  
Phone: 905.546.2782  
Email: rentalhousing@hamilton.ca

Wednesday, March 23, 2022

[Property Owner]  
[Mailing Address]

Dear Homeowner:

**Re: [Rental Housing Unit Property Address]**

On September 29, 2021, Hamilton's City Council approved the Rental Housing Licensing Schedule (31) within the Licensing By-law 07-170 (the By-law) as a two-year pilot project for Wards 1, 8 and part of Ward 14. The By-law applies to buildings containing four or less rental housing units and converted dwellings including secondary rental units approved through report PED21097(a). The By-law requires property owners of these rental housing units to apply for a municipal business licence beginning in April 2022.

We have identified the above property address as a possible rental housing unit that may require a licence. Application submissions will take place through a phased-in schedule. Your application submission date, along with the By-law, required documentation, and applicable fees are available at [www.hamilton.ca/rentalhousinglicence](http://www.hamilton.ca/rentalhousinglicence).

If you do not believe the By-law applies to your property, please contact the Licensing Section at 905 546-2782 option 3 or email rentalhousing@hamilton.ca.

Please be advised that the operation of a rental housing unit without a licence may result in enforcement action, including but not limited to fines, charges and/or court appearances. Rental housing units may be permitted to be occupied during the licensing application process, unless immediate health and safety violations are identified during inspections.

Thank you for your anticipated co-operation in this matter.

Respectfully,

Dan Smith  
Manager, Licensing  
Licensing and By-law Services  
Planning and Economic Development  
City of Hamilton