

### City of Hamilton

### CITY COUNCIL ADDENDUM

22-017
Friday, August 12, 2022, 9:30 A.M.
Council Chambers
Hamilton City Hall
71 Main Street West

#### 1. APPROVAL OF AGENDA

\*1.1. Donation of Obsolete Firefighting Equipment to the Ukraine
Fire Chief Cunliffe and Firefighters Without Borders

#### 4. COMMUNICATIONS

- \*4.7. Correspondence respecting Report CM22016/PED22058(a)/HSC22030(a) Hamilton's Climate Action Strategy Implementation Resources and Governance:
  - \*a. David Farrar, President and Vice-Chancellor, McMaster University
  - \*b. Joanna Sargent

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 22-016.

\*4.8. Correspondence respecting Report PED22154, Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster,

Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200:

- \*a. Michael Mercier
- \*b. Nancy Henderson and Al Dell
- \*c. Dayna Firth
- \*d. Brian Bentham
- \*e. Anka Cassar
- \*f. Summer Thomas
- \*g. Kris Gadjanski
- \*h. Sherri Brown
- \*i. Nancy Hurst
- \*j. Craig Cassar
- \*k. Lorelei Brown
- \*I. Ryan Ferrari, A.J. Clark and Associates Ltd.
- \*m. Ian Borsuk, Environment Hamilton

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 22-012.

\*4.9. Correspondence from Patrick Harrington, Aird & Berlis LLP respecting the Re-Enactment of the Parkland Dedication By-law PED22158.

Recommendation: Be received and referred to the consideration of Item 9 of Planning Committee Report 22-013.

\*4.10. Correspondence from Sidney Shaw respecting 256 Mill St. South Waterdown Rezoning Application.

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 22-012.

\*4.11. Correspondence from Nicole Smith respecting Hamilton's Climate Action Strategy Implementation Resources and Governance.

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 22-016.

#### 7. NOTICES OF MOTIONS

\*7.1. Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008,

Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

- \*7.2. Amendment to Item 3.1 of Council Minutes 22-001 respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)
- \*7.3. Financial Support for CityHousing Hamilton (CHH) to Address underfunding from Canada Mortgage and Housing Corporation (CMHC) for the new developments at 104 Bay Street North and 55 Queenston Road, Hamilton, Ontario
- \*7.4. Amendment to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1)
- \*7.5. Amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide)
- \*7.6. Amendment to Item 4 of the Audit, Finance and Administration Committee Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds
- \*7.7. Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)
- \*7.8. Association of Municipalities of Ontario (AMO) Representative

#### 11. BY-LAWS AND CONFIRMING BY-LAW

\*11.26. 206

To Adopt Official Plan Amendment No. 170 to the Urban Hamilton Official Plan Respecting 136 and 144 Upper Mount Albion Road (former City of Stoney Creek)

#### \*11.27. 207

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 136 and 144 Upper Mount Albion Road (Stoney Creek)

ZAC-21-033

Ward: 9

#### \*11.28. 208

To Amend By-law No. 01-215, Being a By-law to Regulate Traffic

Schedule 2 (Speed Limits)

Schedule 9 (No Right Turn on Red)

Schedule 11 (No Left Turn on Red)

Schedule 13 (Designated Traffic Lanes)

Ward: 1, 2, 3, 5

#### \*11.29. 209

A By-law to Establish a Municipal Accommodation Tax

Ward: City Wide

#### \*11.30. 210

Being a By-law to Permanently Close a Portion of Public Unassumed Alley Abutting 46 Ferguson Avenue South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21195, being Part of PIN 17169-0382 (LT), City of Hamilton

Ward: 2

#### \*11.31. 211

A By-law to Deem a Part of a Subdivision Not to Be Registered, Blocks 131, 132, 133 and 134, inclusive, of Registered Plan No. 62M-1085

Ward: 14

#### \*11.32. 212

To Amend Zoning By-law No. 87-57, Respecting Lands Located at 154 Wilson Street East, Ancaster

ZAC-18-058/UHOPA-18-024

#### \*11.33. 213

To Adopt Official Plan Amendment No. 172 to the Urban Hamilton Official Plan Respecting 705 and 713 Rymal Road East

Ward: 6

#### \*11.34. 214

To Amend Zoning By-law No. 6593, Respecting Lands Located at 705 and 713 Rymal Road East

ZAC-21-026

Ward: 6

#### \*11.35. 215

To Adopt Official Plan Amendment No. 175 to the Urban Hamilton Official Plan Respecting Bill 13 & Bill 109 Implementation

Ward: City Wide

#### \*11.36. 216

To Adopt Official Plan Amendment No. 36 to the Rural Hamilton Official Plan Respecting Bill 13 and Bill 109 Implementation

Ward: City Wide

#### \*11.37. 217

To Delegate Removal of a Holding Symbol, Approval and Extension of a Temporary Use By-law and Minor Zoning By-law Amendment

Ward: City Wide

#### \*11.38. 218

Being a By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land

Ward: City Wide

#### \*11.39. 219

To Adopt Official Plan Amendment No. 249 to the City of Hamilton Official Plan Respecting 405 James Street North (Hamilton)

#### \*11.40. 220

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 405 James Street North, Hamilton

ZAC-21-031

Ward: 2

#### \*11.41. 221

Delegation of Consent Authority and Constituting a Committee of Adjustment

Ward: City Wide

#### \*11.42. 223

To Adopt Official Plan Amendment No. 174 to the Urban Hamilton Official Plan, Respecting 1842 King Street East

Ward: 4

#### \*11.43. 224

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1842 King Street East, in the City of Hamilton

ZAC-21-021

Ward: 4

#### \*11.44. 225

To Adopt Official Plan Amendment No. 176 to the Urban Hamilton Official Plan Respecting 510 Centennial Parkway North (Hamilton)

Ward: 5

#### \*11.45. 226

To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 510 Centennial Parkway North, Hamilton

ZAC-21-041

Ward: 5

#### \*11.46. 227

Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law



Gilmour Hall, Room 238
1280 Main Street West
Hamilton, ON L8S 4L8

% (905) 525-9140 x 24340 ⊕ (905) 522-3391

□ president@mcmaster.ca

4.7 (a)

August 4, 2022

City of Hamilton General Issues Committee C/O Stephanie Paparella, Legislative Coordinator City of Hamilton, 71 Main Street West, Hamilton, Ontario, L8P 4Y5

#### **Dear Committee Members:**

I am writing on behalf of McMaster University with regard to the City of Hamilton's Climate Action strategy. McMaster and City staff recently connected to learn more about this important work and to discuss shared priorities and potential opportunities for collaboration.

This year, McMaster launched its inaugural Sustainability Strategy, which aligns with our vision to advance human and societal health and well-being. This strategy highlights the University's priority of becoming a living laboratory for sustainability, a theme which also underpins the new Campus Master Plan which is currently being developed.

Addressing the challenges facing our planet today requires all of us to work together. At McMaster, our researchers and students are committed to strengthening ties and developing new partnerships that will help us achieve a better and more sustainable future in our hometown and globally. To that end, we look forward to future opportunities to collaborate with the City towards achieving a more sustainable future for all.

Sincerely,

David Farrar

President and Vice-Chancellor

I urge Council to develop & pursue a comprehensive, 'Made-In-Hamilton' plan for growing the Greenbelt in our community by adding this plan to the City's Community Energy & Emissions Plan. This means ensuring that the entirety of our city's urban river valleys are recognized and protected, and it means that all remaining prime farmland located in the 'whitebelt' lands wedged between urban Hamilton and the Greenbelt, is brought into the Greenbelt and protected. The vision for a 'Made in Hamilton' plan is to grow the Greenbelt in a meaningful way and center on three key elements: whitebelt farmland; urban river valleys; and all wetlands, coldwater streams and headwaters areas. I applaud Council for declaring a Climate Emergency back in 2019 & urge you to continue your good intentions with an action plan that moves Hamilton towards meeting the targets of the Global Biodiversity Framework as outlined by the Intergovernmental Panel on Climate Change. Thank you.

Joanna Sargent

**Subject:** Ancaster Exemption to Densification

From: Mercier, Michael <mercieme@mcmaster.ca>

**Sent:** August 5, 2022 6:04 PM

To: <a href="mailton.ca">clerk@hamilton.ca</a>

Cc: Wilson, Maureen < Maureen. Wilson@hamilton.ca>

**Subject:** Ancasterr Exemption to Densification

Re. Council Ratification re. Ancaster Exemption to Ending Exclusionary Zoning (Friday August 12<sup>th</sup>):

I wanted to register my opposition to the proposed Ancaster exemption to ending exclusionary zoning and thereby increasing residential density (even gently), which I believe is ridiculous exceptionalism. This should, in no way, be approved.

If Ancaster becomes exempt, residents of Dundas, Waterdown, West Mountain, etc. will feel they have the same right. And before you know it, we (as the City of Hamilton) will not reach our densification targets OR, if we do, it will be entirely on the backs of certain already urban neighbourhoods. And in so doing, this will perpetuate the inequalities between urban and suburban parts of the city, and between wealthier and poorer residents and communities.

Furthermore, ignoring the universality of the need for densification will further perpetuate our automobile dependence in this city. Gentle density increases in all areas of the city are necessary to increase transit efficiency, to provide more affordable housing, and to help mitigate our contributions to climate change (by utilizing built and natural resources more efficiently and avoiding further expansion of our urban footprint). In this climate emergency, gentle densification is essential.

Please do not provide Ancaster, or any neighbourhood for that matter, an exemption.

Michael Mercier. (Ward 1 resident)

#### **Michael Mercier**

Teaching Professor, Environment & Society and Associate Director (Undergraduate), School of Earth, Environment & Society

School of Earth, Environment & Society McMaster University 1280 Main St. West Hamilton, ON, L8S 4K1

location: General Science Building, 217
hone: (905) 525-9140 x 27597
email: mercieme@mcmaster.ca







**Subject:** Gentle Density increase is DESIRED in (old and new) Ancaster!!

**Importance:** High

From: Nancy Henderson

Sent: August 8, 2022 12:04 PM

To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr,

Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam

<Sam.Merulla@hamilton.ca>; Powers, Russ <Russ.Powers@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>;

Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd

<Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry

<Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; clerk@hamilton.ca

Cc: al Dell

Subject: Gentle Density increase is DESIRED in (old and new) Ancaster!!

Importance: High

Dear Hamilton City Council.

As a resident of downtown Ancaster, my husband and I strongly believe in stopping urban sprawl/expansion of urban boundaries, and would wholehearted welcome 'gentle density' increases in our neighbourhood. We believe in positive change.

We believe Councillor Ferguson could not be more wrongheaded in his opposition to gentle densification and his attempt to exempt Ancaster from these zoning changes. We live in an older area where flooding has never been an issue (here 14 years).

The idea of rental units and low-rise multi-family dwellings inserted into existing neighbours (ours) as gentle densification is the way to go and would allow more people/families to enjoy Ancaster as we do! The character of a city/town is not defined only by building facades, but by the people in it!

Please do not allow Councillor Ferguson this amendment.

Thanks Nancy Henderson Al Dell

**Subject:** August 12 Council Agenda Addition -- re: Item 5.1

From: Dayna

Sent: Wednesday, August 10, 2022 1:46 PM

To: <a href="mailton.ca">clerk@hamilton.ca</a>; Office of the Mayor <a href="mailton.ca">Officeofthe.Mayor@hamilton.ca</a>; Wilson, Maureen <a href="mailton.ca">Maureen.Wilson@hamilton.ca</a>; Farr, Jason <a href="mailton.ca">Jason.Farr@hamilton.ca</a>; Nann, Nrinder <a href="mailton.ca">Nrinder.Nann@hamilton.ca</a>; Merulla, Sam <a href="mailton.ca">Sam.Merulla@hamilton.ca</a>; Powers, Russ <a href="mailton.ca">Russ.Powers@hamilton.ca</a>; Jackson, Tom <a href="mailton.ca">Tom.Jackson@hamilton.ca</a>; Pauls, Esther <a href="mailton.ca">Esther.Pauls@hamilton.ca</a>; Danko, John-Paul <a href="mailton.ca">John-Paul <a href="mailton.ca">John-Paul

Johnson, Brenda <<u>Brenda.Johnson@hamilton.ca</u>>; VanderBeek, Arlene <<u>Arlene.VanderBeek@hamilton.ca</u>>; Whitehead,

Terry < <a href="mailton.ca">Terry.Whitehead@hamilton.ca</a>; Partridge, Judi < <a href="mailton">Judi.Partridge@hamilton.ca</a>>

Subject: August 12 Council Agenda Addition -- re: Item 5.1

Dear Hamiton Councillors,

I have lived in Ancaster for thirty years. I am writing to express my support for the change to the zoning by-law to eliminate exclusionary zoning. The "ER" zone in Ancaster should not be excepted as Councillor Ferguson has requested.

I urge you to give proper consideration and greater weight to the information provided by Chief Planner Steve Robichaud, in whose objectivity and subject-matter expertise I place greater store than that of Councillor Ferguson, in relation to Councillor Ferguson's concerns about the "character" of Ancaster and flooding downstream. Converting an existing home's configuration to accommodate multiple dwellings does not affect the exterior of a home, and building townhomes would be subject to the city's site plan control process and would require a stormwater management plan. The adoption of green building standards such as permeable paving, rain barrels, rain gardens, and the planting of trees and native plants rather than turf, would further mitigate the purported issues of runoff. Additionally, Councillor Ferguson's assertion that increasing residential density would "significantly change the character" of Ancaster is entirely spurious. I note that Councillor Ferguson has not indicated to what he is referring when he uses the term "character". I shall assume that he is not intending to be elitist or exclusionary. All of Hamilton and its many neighbourhoods have character and a rich history. Ancaster is not unique in that regard. As I noted, I moved to Ancaster approximately thirty years ago. For my first thirty years, however, I lived in the Kirkendall South and Durand neighbourhoods. These areas have been long known for their "character" and for varied housing options. In neither circumstance has the addition of, for example, multiple dwellings compromised architectural or neighbourhood "character", property values, or neighbourhood liveability, attachment or cohesion. To the contrary: the Kirkendall and Durand areas continue to be highly desirable neighbourhoods, characterised, among other qualities, by their vitality and diversity. I further note that my current home in Ancaster is large, and we can think of no reason that, when we leave it, a future owner should be arbitrarily foreclosed from adapting it to a multi-dwelling unit, and in the process easing housing pressures.

Ancaster is a part of Hamilton and not a separate enclave. There is no basis for the exception that Councillor Ferguson is seeking. Our city, its residents, and its elected leaders must work together to ensure that affordable housing is available for everyone, and not shelter behind specious assertions deliberately intended to create obstacles and frustrate constructive problem-solving. Gentle intensification is an ideal solution, and its adoption would alleviate the need to build the multi-level units to which Ancaster residents are opposed. If Hamilton is to accommodate another 236,000 people by 2051, changes are required. Defending and maintaining the status quo is short-sighted and does not work.

Dayna Firth Ancaster

**Subject:** To be added to the Aug 12 Council agenda, concerning Item 5.1

From: Brian Bentham

Sent: Wednesday, August 10, 2022 3:01 PM

To: Brian Bentham

Subject: To be added to the Aug 12 Council agenda, concerning Item 5.1

Dear Hamilton City Councilors and Staff,

You may receive the message below, or something very similar to it, from numerous residents of Ancaster in the coming hours. It's easy to write this off as a "form email", given they'll all be very close to one another. A version of this message has been shared to ease everyone's ability to thoughtfully communicate about the issue below.

I implore you to see the "form" of the email purely as a convenience given the time sensitive nature of these messages. Please do underestimate the value Ancaster residents place on the message itself.

I am an Ancaster resident and I am in highly in favour of the change to the zoning by-law to eliminate exclusionary zoning. Exclusionary zoning is a relic of a bygone error and is based on outdated logic and flawed reasoning. I and many others do not believe that the "ER" zone in Ancaster should be excepted from the elimination of exclusionary zoning as Councillor Ferguson has proposed.

Strongly consider the points made by subject matter experts, including Chief Planner Steve Robichaud, in reply to Councillor Ferguson's concerns about the character of Ancaster and flooding downstream. Converting an existing home's configuration to accommodate multiple dwellings makes so much sense in our modern world. It will have a positive impact to climate change by avoiding the costly use of additional farmland to accommodate our ever-growing population. It will not affect the exterior of a home, and thus the character of the town.

Building multi-unit new construction projects would of course remain subject to the city's site plan control process and would require a storm water management plan. You have the power to impose green building standards like permeable paving, rain barrels, rain gardens and planting of trees and native plants vs turf to mitigate the issues of runoff.

Gentle intensification is the best solution building a better future across our city while maintaining its character. It would mitigate the need to build multi-storey condominium units that Ancaster residents are so opposed to; those WILL undoubtedly destroy the charm and character of Ancaster. They are monstrously out of step with the community.

If Hamilton is to accommodate another 236,000 people by 2051, changes are required to zoning across the city to make it happen in a way which benefits both new and existing residents of our fine city.

Ancaster is a part of Hamilton and not some exception. We need to work together to provide affordable housing for everyone. Councilor Ferguson's request for Ancaster to receive an exception is misguided and ill-informed. It will sow division between communities within Hamilton. Now is a time to come together; not a time to drift apart into our silos.

Thank you for your consideration.

Sincerely, Brian Bentham

**Subject:** Please add to the Aug 12, 2022 Council Agenda, Concerning Item 5.1

From: Anka Cassar

Sent: Wednesday, August 10, 2022 3:46 PM

To: clerk@hamilton.ca

Subject: Please add to the Aug 12, 2022 Council Agenda, Concerning Item 5.1

To whom it may concern,

Please add my letter to the agenda for the Council meeting dated April 12, 2022, regarding item 5.1.

I am an Ancaster resident and I am in favour of the update to the zoning by-law to eliminate exclusionary zoning. I do not believe that the "ER" zone in Ancaster should be excluded from this as Councillor Llyod Ferguson has requested.

I believe you should consider the points made by Chief Planner Steve Robichaud in reply to Councillor Ferguson's concerns about the character of Ancaster and flooding downstream. Converting an existing home's configuration to accommodate multiple dwelling will not affect the exterior of a home and building townhouses would be subject to the city's site plan control process and would require a storm water management plan. We can even impose green building standards like permeable paving, rain barrels, rain gardens and planting of trees and native plants vs turf to mitigate the issues of runoff.

Ancaster is a part of Hamilton and not the exception. We as a city need to work together to provide affordable housing for everyone. Gentle intensification is great solution to this issue and would alleviate the need to build multiple level buildings that Ancaster residents are so opposed to. If Hamilton is to accommodate another 236,000 people by 2051, changes are required and the status quo will not work.

Thank you,

Anka Cassar

From: Summer Thomas

Sent: Wednesday, August 10, 2022 7:04 PM

To: <a href="mailton.ca">clerk@hamilton.ca</a>; Office of the Mayor <a href="mailton.ca">Officeofthe.Mayor@hamilton.ca</a>; Wilson, Maureen

<Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>;

Merulla, Sam <<u>Sam.Merulla@hamilton.ca</u>>; Powers, Russ <<u>Russ.Powers@hamilton.ca</u>>; Jackson, Tom

<Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-</p>

<u>Paul.Danko@hamilton.ca</u>>; Clark, Brad <<u>Brad.Clark@hamilton.ca</u>>; Pearson, Maria <<u>Maria.Pearson@hamilton.ca</u>>;

Johnson, Brenda < <a href="mailton.ca">Brenda.Johnson@hamilton.ca</a>; VanderBeek, Arlene < <a href="mailton.vanderBeek@hamilton.ca">Arlene.VanderBeek@hamilton.ca</a>; Whitehead,

Terry < <a href="mailton.ca">Terry Nhitehead@hamilton.ca">Terry Nhitehead@hamilton.ca</a>; Partridge, Judi < <a href="mailton">Judi.Partridge@hamilton.ca</a>; Ferguson, Lloyd

<<u>Lloyd.Ferguson@hamilton.ca</u>>

Subject:

Respecting Residential Zoning, Item 5.1 for Aug 12 Council meeting Dear Council and Mr. Mayor,

I am a resident of Ancaster and I object strongly to Cllr Ferguson's amendment to stop anyone in the ER zones of Ancaster from reconfiguring their house to anything from a duplex to a fourplex to a townhouse if space permits. Once again the Cllr is not representing the people he serves. I am in favour of this kind of gentle densification in all parts of Ancaster. How will changing around the inside of a house cause flooding downstream? It won't! I grew up in old Ancaster which has very effective ditches that channel water to behind Oneida Blvd and down the slope to a naturalized area above the 403. Our storm water doesn't even connect to city pipes so it does not contribute to the degradation of Cootes etc. It's a perfect system that works well and flooding is never an issue. I believe firmly that Cllr Ferguson is more concerned with NIMBY ideals and not wanting to 'ruin the character' of Ancaster. This is his real motivation. Please do not fall for this. Every plan that goes forward is subject to planning regulations and stormwater management, even in Ancaster.

We must end exclusionary zoning city wide and allow smaller, affordable housing to be built all across the city, including Ancaster.

As a resident of old Ancaster I can attest that Cllr Ferguson does not speak for me because I welcome gentle density, an end to exclusionary zoning and more affordable housing options all across every neighbourhood in the city.

Sincerely, Summer Thomas Old Ancaster

**Subject:** Aug 12 Council Agenda Item 5.1

From: Kris Gadjanski

Date: Wed, Aug 10, 2022 at 9:30 PM Subject: Aug 12 Council Agenda Item 5.1

To: <<u>clerk@hamilton.ca</u>>

To be added to the Aug 12 Council agenda, concerning Item 5.1

Dear Hamilton Councillors,

I grew up in Ancaster in Mohawk Meadows on Seneca Drive, and later settled in Dundas. I am in favour of **the elimination of exclusionary zoning**, and was thrilled that **the new zoning** was approved at the Planning Committee meeting. The request from Councillor Ferguson for Ward 12 to exclude the "ER" zone from the new zoning regulations is very puzzling given the evidence that was president by Chief Planner Steve Robichaud. Not only does it not make sense, it's not fair to the other wards.

Councillor Ferguson's rant that the new zoning regulations would "radically change the character of Ancaster" is impossible to understand given that all changes would take place inside a home, invisible from the street. (I'd note that the monster homes, huge subdivisions and power centres that have been built in Ward 12 during his terms, however, have radically changed the character of Ancaster.)

Regarding storm water drainage, the ER zone - which includes my childhood street features the ditches that Councillor Ferguson refered to in his lone dissention the other day. These ditches - also known as storm sewers - manage an astonishing amount of water; in fact because they are permeable, they manage rain water much better than the modern storm sewers which are embedded in pavement. There are experts on your excellent staff qualified to explain to the Councillor why he need not be concerned about flooding; one can only hope he will listen.

Refusing to be a part of the solution to gentle intensification for no other reason than he doesn't like it is not productive or helpful to the city. Councillor Ferguson's Ancaster exceptionalism should not be approved.

With thanks for your consideration, Kris Gadjanski Dundana Avenue, Ward 13

**Subject:** Ancaster Exclusion

From: Sherri Brown

Sent: Thursday, August 11, 2022 6:08 AM

To: <a href="mailton.ca">clerk@hamilton.ca</a>; Office of the Mayor < <a href="mailton">Officeofthe.Mayor@hamilton.ca</a>; Wilson, Maureen

<<u>Maureen.Wilson@hamilton.ca</u>>; Farr, Jason <<u>Jason.Farr@hamilton.ca</u>>; Nann, Nrinder <<u>Nrinder.Nann@hamilton.ca</u>>;

Merulla, Sam <<u>Sam.Merulla@hamilton.ca</u>>; Powers, Russ <<u>Russ.Powers@hamilton.ca</u>>; Jackson, Tom <<u>Tom.Jackson@hamilton.ca</u>>; Pauls, Esther <<u>Esther.Pauls@hamilton.ca</u>>; Danko, John-Paul <<u>John-Pauls@hamilton.ca</u>>; Danko, John-Pauls@hamilton.ca

 $\underline{Paul.Danko@hamilton.ca} \gt; Clark, Brad < \underline{Brad.Clark@hamilton.ca} \gt; Pearson, Maria < \underline{Maria.Pearson@hamilton.ca} \gt;$ 

Johnson, Brenda < <a href="mailton.ca">Brenda.Johnson@hamilton.ca</a>; VanderBeek, Arlene < <a href="mailton.vanderBeek@hamilton.ca">Arlene.VanderBeek@hamilton.ca</a>; Partridge,

Judi < <u>Judi.Partridge@hamilton.ca</u>>

**Subject:** Ancaster Exclusion

#### Good morning,

As a resident of Ancaster, I am writing to you this morning to let you know that I am in favour of the change to the zoning by-law to eliminate exclusionary zoning. I do not support Cllr Ferguson's belief that the "ER" zone in Ancaster should be excluded from this and, I believe, if you took the time to speak to Ancaster residents, you would find that Cllr Ferguson does not speak for the vast majority of us and is instead perpetuating the myth that Ancaster residents are a group of snobby, rich people who think they are better than the rest of Hamilton.

Logically, Cllr Ferguson's concerns make no sense. I live in a large home that currently houses 7 of my family members. My parents live in an in-law suite in my walk-out style basement. When the time comes that they are unable to live in my home, how would converting this suite into a formal secondary unit have an impact on our sewer system? The same logic can be applied to the even larger homes in Ancaster Village. These homes can be converted in a responsible way that doesn't impact the exterior of the home in a negative way. The authenticity and heritage of the old village can be maintained with careful consideration. If we incorporate responsible design planning we can expect that permeable paving, rain barrels, rain gardens, and planting native trees and plants vs grass to help mitigate flood issues.

Ancaster should not be considered an exception to Hamilton. It is our responsibility to work together to provide affordable housing options for us all. Gentle intensification is an excellent option to our housing crisis in this city and it is critical that Ancaster be included in this type of planning.

Cllr Ferguson continues to attempt to hold our city back. He appears eager to create a legacy for his family name. We can't allow him to do that on our backs. I am grateful that all of you voted in favour of a Climate Change Office leaving Cllr Ferguson as the lone naysayer. I'm hopeful I can once again count on you to stop him from taking us further backward.

Sincerely,

Sherri Brown Ancaster Resident

**Subject:** Ancaster Residential Zoning and 'flooding'

From: Nancy Hurst

Sent: Thursday, August 11, 2022 7:24 AM

Subject: Ancaster Residential Zoning and 'flooding'

Please add to Item 5.1 Planning committee report on the Aug 12 Council agenda

Dear Councillors and Mr. Mayor,

Concerning city wide zoning changes which, thanks to Cllr Ferguson's amendment, will exclude the ER zones of Ancaster, I write to you as a resident of the ER zone of "old Ancaster." First I want to clarify that ER old Ancaster zones in the case of this amendment does not confine itself to the Ancaster village core, but rather to any house built circa 1950, and there are 1800 or so of us here.

During the Aug 3 Planning meeting, Cllr Ferguson stated three times that these zoning changes would "Radically change the character of Ancaster" and affirmed that these sorts of zoning changes are exactly why he voted against a firm urban boundary. When he received pushback from other councillors that these zoning changes should be city wide with no exceptions for Ancaster, the councillor then began to talk about flooding.

Flooding due to home conversions is a red herring. The real threat of flooding downstream comes from paving farmland and wetlands by turning those vast natural sponges into impervious surfaces, so if Cllr Ferguson was truly concerned about flooding he would rethink his continued support for urban boundary expansion and for covering farmland and wetlands in the Whitebelt and the AEGD with urban sprawl and warehousing.

Cllr Ferguson stated several times during the meeting that old Ancaster "doesn't have storm sewers". I would like to clarify that while we do not have storm sewers that connect to the city's storm sewer system, we have something better and more effective, and that is infrastructure that never fails to direct storm water away from homes through our deep ditches and culverts. With this system, storm water washes off all sides of the roads into ditches which themselves are permeable and which drain stormwater to natural areas away from homes. I took a walk around my very small survey, Mohawk Meadows which is within an Ancaster ER zone and found eleven fully functional storm water grates neatly tucked into our ditches. I've included images with addresses and a map showing their locations in just the ER part of Mohawk Meadows survey alone which comprises about seven streets.

Just to confirm their efficacy, I've spoken to four homeowners who have one of these storm water drains in their ditches in the ER zone of old Ancaster at 173 Cayuga, 684 Hiawatha, 123 Oneida Blvd and 125 Oneida Blvd and the owners confirmed that those drains have never backed up, nor have their deep ditches ever flooded. Storm water for the neighbourhood is directed to 125 Oneida which has a large culvert that directs the water out behind 125 Oneida into the very green and lush area between them and the 403. (Image attached of the location of the large drain and where it discharges.) This neighbourhood drain is monitored by resident Diane Hitchcock and her husband who keep it clear of leaves and call the city if there is an issue. As for the ditch in front of my house, never have I seen more than a few inches of rain in the bottom even during the heaviest of deluges. Contrast that to parts of town serviced by combined regular storm sewers embedded in concrete whose streets are awash with stormwater during heavy rain.

Friends in my neighbourhood speak of drains large enough to walk through in areas of Ancaster near Spring Valley. She played inside them as a kid.

Senior Planner Ms. Fulford shared with me the map (attached) of the ER zone in Ancaster and confirmed that this amendment would affect 1800 homes outside of Ancaster's Secondary Plans (which are themselves

exempt from these zoning changes). This means 1800 homes will be denied the right to convert the inside of their house to a duplex or a fourplex depending on whether it's a regular sized home or one of Ancaster's 126 "monster homes". This constitutes a significant number of people who will not be able to:

- -provide more much needed housing in Ancaster and Hamilton.
- -age in place by converting their home and renting out or selling part of it.
- -provide separate living accommodation to family members who want to live close to parents or kids and grandkids
- -create smaller, more affordable housing types that are desperately needed for everyone including students, young families, middle income and older folks.

Please don't discount the repeated assurances by Chief Planner Steve Robichaud, who assured Cllr Ferguson that any changes to the inside of a home to accommodate multiple dwellings would not result in flooding downstream and that any exterior changes would be subject to existing rigorous stormwater management restrictions.

If Cllr Ferguson is seriously concerned about flooding then he could propose an amendment that would require permeable pavers to be used if extra parking spots are required. This would be a very simple solution to his concern and would mean 1800 Ancaster residents don't get left behind.

Please listen to your expert Planning Staff and to residents of Ancaster, and not to the outlying misunderstandings of the sole Cllr to vote against the creation of a Climate Change office for Hamilton. See images attached.

Kind regards Nancy Hurst ER zone, old Ancaster.



Virus-free.www.avast.com

**Subject:** To be added to the Aug 12 Council agenda, concerning Item 5.1

From: Craig Cassar

Sent: Thursday, August 11, 2022 7:46 AM

To: <a href="mailton.ca">clerk@hamilton.ca</a>; Office of the Mayor <a href="mailton.ca">Officeofthe.Mayor@hamilton.ca</a>; Wilson, Maureen <a href="mailton.ca">Maureen.Wilson@hamilton.ca</a>; Farr, Jason <a href="mailton.ca">Jason.Farr@hamilton.ca</a>; Nann, Nrinder <a href="mailton.ca">Nrinder.Nann@hamilton.ca</a>; Merulla, Sam <a href="mailton.ca">Sam.Merulla@hamilton.ca</a>; Powers, Russ <a href="mailton.ca">Russ <a href="mailton.ca">Powers@hamilton.ca</a>; Jackson, Tom <a href="mailton.ca">Tom.Jackson@hamilton.ca</a>; Pauls, Esther <a href="mailton.ca">Esther.Pauls@hamilton.ca</a>; Danko, John-Paul <a href="mailton.ca">John-Danko, John-Danko, Joh

<u>Paul.Danko@hamilton.ca</u>>; Clark, Brad <<u>Brad.Clark@hamilton.ca</u>>; Pearson, Maria <<u>Maria.Pearson@hamilton.ca</u>>; Johnson, Brenda <<u>Brenda.Johnson@hamilton.ca</u>>; VanderBeek, Arlene <<u>Arlene.VanderBeek@hamilton.ca</u>>; Whitehead,

Terry < <a href="mailton.ca">Terry.Whitehead@hamilton.ca</a>; Partridge, Judi < <a href="mailton">Judi.Partridge@hamilton.ca</a>>

Subject: To be added to the Aug 12 Council agenda, concerning Item 5.1

Dear City Councillors,

I am an Ancaster resident and candidate for Ward 12 Councillor in the fall election.

I am writing to express my support for the changes to the zoning by-law to eliminate exclusionary zoning. The reasons Councillor Ferguson requested the Ancaster ER be excluded from the by-law are not grounded in fact.

Chief Planner Steve Robichaud made it clear that Councillor Ferguson's concerns about the character of Ancaster and flooding downstream are not warranted. Converting an existing home's configuration to accommodate multiple dwellings will not affect the exterior of a home and building townhouses would be subject to the city's site plan control process and would require a stormwater management plan. We can even impose green building standards like permeable paving, rain barrels, rain gardens and planting of trees and native plants vs turf to mitigate the issues of runoff.

Gentle intensification was necessary even with the 'ambitious density' scenario, and the increase in the annual units required for the Ancaster ER with a frozen boundary are negligible. The proposed by-law is an effective solution that would alleviate the need to build multiple-level units and is something that almost everyone can get behind. If Hamilton is to accommodate another 236,000 people by 2051, changes are required and the status quo will not work. Ancaster needs to be part of that solution.

Sincerely, Craig Cassar

**Subject:** Ancaster zoning

From: Lorelei Brown

Sent: Thursday, August 11, 2022 9:31 AM

To: <a href="mailton.ca">clerk@hamilton.ca</a>
Cc: <a href="mailton.ca">ester.pauls@hamilton.ca</a>
Subject: Ancaster zoning

To be added to the August 12th Council agenda, concerning item 5.1

I live in Ancaster and am in favour of the change to zoning by-law to eliminate exclusionary zoning. I believe I should be able to configure my own home to allow me to stay here as long as possible. This may mean having live in help, and therefore I may need to make changes within my home.

I would rather see gentle intensification than homes being torn down and monster homes being built like has already happened in my neighbourhood. This will also help with more affordable housing.

I would also like to see more green interventions Implemented.

Sincerely, Lorelei Brown



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

August 11, 2022

Office of the City Clerk 71 Main Street W, 1<sup>st</sup> Floor Hamilton ON L8P 4Y5

Attn: Mayor and Members of Council

Re: Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154)

(Item 9.6)

Dear Mayor and Members of Council:

A.J Clarke and Associates Ltd. Has been retained by the owners of 386 East 25<sup>th</sup> Street to provide a response letter respecting the above noted Zoning By-law Amendments.

We have reviewed the Draft By-laws as they relate to our client's property located at 386 East 25<sup>th</sup> Street. We note that the subject lands are intended to be rezoned to permit semi-detached, duplexes and street townhouses amongst other uses. We are in support of these amendments as they relate to the subject property under By-law No. 6593.

We also note that our client's lands we're left out of the new residential zones under the proposed Consolidated Hamilton Zoning By-law No. 05-200. We have attached a map depicting the subject lands missing from the intended amendment. Respectfully, I would ask that Council direct staff to amend this map to include our client's lands. I cannot see a particular planning reason for leaving my client's lands out of the amendment as they should be afforded the same permitted uses as the surrounding neighbourhood.

Respectfully submitted,

Ryan Ferrari, BURPI, CPT

Land Use Planner

A.J Clarke and Associates Ltd.

Encl. – Schedule A 81 – Map Forming Part of By-law No. 22-\_\_\_

Cc: PAII Realty Inc.



August 11th, 2022

Dear Councillors.

Firstly I would like to commend the Planning Committee for approving the staff recommendations to give property owners the right to convert pre-existing houses to accommodate more units. As I outlined in my delegation on behalf of Environment Hamilton at the August 3rd Planning Committee meeting, this is a good decision that the city must continue to build on to facilitate the gentle density we need to accommodate population growth within a firm urban boundary. While this step alone is certainly not a silver bullet that will solve all our housing and density problems, it is an important tool that is taking us in the right direction.

I am writing to you to encourage you to not weaken this tool. A number of Ancaster residents have raised concerns that the amendment to the decision that excludes a sizable number of homes in their neighbourhoods in Ancaster was not only unnecessary, but unwanted.

Environment Hamilton for many years now has been pushing for the City of Hamilton to take the growing threat of stormwater more seriously - and to discourage the type of development and land use that exacerbates stormwater management problems. In our view, the exclusion of the homes in Ancaster from this planning decision is not the type of action we need to take to resolve our stormwater management woes.

As has been suggested by Ancaster residents, many alternatives could be pursued that would still enable all Ancaster property owners to enjoy the same rights the city is now granting to other homeowners across the city. For instance, those wanting to establish a fourplex in an existing residence could be required to use permeable surfaces for any mandatory new parking pads. While certainly not as preferable to allowing these houses to be converted to fourplexes - would it not be a more reasonable compromise to limit these conversions to unit numbers that do not require additional parking to be provided at least instead of eliminating them from eligibility all together?

In conclusion, we urge you to adopt the original recommendations of staff and if any challenges with stormwater management emerge, creative alternatives to the new rules could be applied in Ancaster that still allow property owners to create gentle density in one of the areas of the city where it is needed most.

 Ian Borsuk, Climate Campaign Coordinator Environment Hamilton





Patrick Harrington Direct: 416.865.3424 E-mail:pharrington@airdberlis.com

August 9, 2022

BY EMAIL

Chair and Members of Planning Committee City of Hamilton 71 Main Street West Hamilton, Ontario, Canada, L8P 4Y5

Dear Sir/Madame:

Re: Re-Enactment of the Parkland Dedication By-law

PED22158

Committee Date: August 9, 2022 [Item 9.7]

We are the lawyers for Wilson Street Ancaster Inc. ("WSAI"). WSAI is the registered owner of the lands known municipally as 270 Melvin Avenue in the City of Hamilton ("270 Melvin"). WSAI is constructing a street townhouse development at 270 Melvin. WSAI's townhouses front onto a private driveway that directly connects the townhouses to the adjacent public street, being Melvin Avenue.

Pursuant to Hamilton's in-force Parkland Dedication By-law (By-law No. 18-126), the expected parkland contribution for a street townhouse development that fronts onto a public road is capped at 5% of the "net land area". In our client's case, this would roughly equate to cash-in-lieu of parkland at a rate of \$5,250 per unit. However, because WSAI's townhouses only "flank" onto a public road, and are otherwise accessed from a private driveway extending from a public road, City Staff have taken the position that the 5% cap is not applicable. Instead, City Staff have applied an overall cash-in-lieu cap of \$9,000 per unit (which is the cap applied to units within "Lower Hamilton").

The foregoing describes a <u>71%</u> increase in parkland cash-in-lieu owing only to the fact that WSAI's townhouse development is better facilitated by a private drive as opposed to direct frontage. Notwithstanding that the project achieves better design at a higher density, because these townhomes are not fronting <u>directly</u> on the adjacent public street, there is a cost "punishment" being imposed that will ultimately impact the affordability of the project. WSAI has currently appealed the City's parkland cash-in-lieu request in respect of 270 Melvin to the Ontario Land Tribunal.

The requirement that street townhouses must front onto a "public" street in order to benefit from the 5% cap is contained in s. 4(1)(b)(v) of Hamilton's in-force Parkland Dedication By-law. We have reviewed staff's draft of the proposed Parkland Dedication By-law and note that the same section will continue to impose the same "public" street requirement.

We submit that the proposed re-enactment of the Parkland Dedication By-law provides Hamilton City Council with an opportunity to re-examine the above-noted cap related to street townhouse development and to fix the non-sensical limitation on townhouse placement that results in a cost punishment where street townhouses front onto a private street or driveway as opposed to directly on a public street. Our client's request is that Council simply remove the words "fronting on a public street" from proposed s. 4(1)(b)(v) of the proposed Parkland Dedication By-law. The resulting exemption will better incentivize street townhouse development as the City has originally intended.

#### August 9, 2022 Page 2

Please do not hesitate to contact the writer should you have any questions or concerns.

Yours truly,

AIRD & BERLIS LLP

Patrul Harrington

Patrick J. Harrington

cc. City Clerk, City of Hamilton



Subject: 256 Mill St. South Waterdown Rezoning Application - My Submission to the City Council Meeting

From: Sidney Shaw

Sent: Tuesday, August 9, 2022 9:02 AM

To: <a href="mailton.ca">clerk@hamilton.ca</a>; Kelsey, Lisa <a href="mailton.ca">Lisa.Kelsey@hamilton.ca</a>> Subject: 256 Mill St. South Waterdown Rezoning Application - My Submission to the City Council Meeting

Hello,

This is my submission to the City Council meeting with regards to the rezoning application for the subject property. Please distribute it to the relevant parties, and if there is anything else I need to do please let me know.

Regards,

Sidney Shaw

Dear Mayor Fred and Members of Council,

Thank you for committing to this vital next step to address the Climate Emergency. You will have already heard from Environment Hamilton, Hamilton 350, and other Hamiltonians, but I wished to take this moment from my holiday to underline key areas of personal concern to me.

I believe the City needs not only to look at every agenda item through a Climate Emergency Lens, but that we also need a specific Office of Climate with a senior bureaucrat at the helm with adequate resources to empower staff with the appropriate qualifications to support its work.

I believe we need a Community Climate Advisory Committee, a new formal committee of the city, including community representatives who will ensure climate justice is an integral part of all discussions and outcomes.

We definitely need a Climate Change Action Strategy with clear targets, implementation timelines, and tracking frameworks. There must be drastic greenhouse gas emissions by before 2030 at the very latest. Indications now are that we don't even have that long before the climate crisis spirals out of control.

We need new buildings that don't rely on fossil fuels and deep retrofits for existing buildings. Clean electricity fuelling our public transit, personal, commercial, and city vehicles. -As building emissions are largely from 'natural' gas, we need to ban fossil fuel hook-ups for new or existing buildings hook-ups. As such, the direct involvement of Enbridge in the city's climate change action plan development is a great cause for concern - it is a serious conflict of interest. More trees are good but not huge for gHg reductions; trees do help with cooling and slowing stormwater.

I very much hope that you will take these and other recommendations from the environmentalist community in our city to heart. I am deeply committed to doing what I can to support a cleaner, greener Hamilton, including continuing to delegate and provide feedback to the Mayor and Council on these crucial matters.

Thank you for your time. Best wishes,

Nicole Smith

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

### MOVED BY COUNCILLOR J.P. DANKO.....

Reconsideration of a decision that was defeated at the April 27, 2022 Council meeting respecting sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)

That sub-section (a) of Item 10 of General Issues Committee Report 22-008, Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6), which was defeated by Council on April 27, 2022 and reads as follows, be reconsidered:

- 10. Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)
  - (a) That the City suspend its Mandatory COVID-19 Vaccination Verification Policy requiring proof of full vaccination in the workplace, and that the following provisions in the current policy, be amended by:
    - (i) removing the general requirement to provide proof of vaccination or participate in rapid antigen testing program as an ongoing condition of employment, thereby eliminating the termination of employment for those employees failing to provide evidence of vaccination by May 31, 2022;
    - (ii) discontinuing the requirements for employees who have not disclosed their vaccination status (or who are subject to an accommodation) to participate in rapid antigen testing, effective May 2, 2022; and,
    - (iii) removing citizen appointees from the application of the Policy.

## CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

#### MOVED BY COUNCILLOR E. PAULS.....

Amendment to Item 3.1 of Council Minutes 22-001 respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)

WHEREAS, Council on January 12, 2022 approved the amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)), requiring those unvaccinated staff or those who have not disclosed their vaccination status will have until May 31, 2022 to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;

WHEREAS, Council on May 25, 2022 further approved the amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)), requiring those unvaccinated staff or those who have not disclosed their vaccination status will have until September 30, 2022 to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;

WHEREAS, Council received updated information from Lora Fontana, Executive Director of Human Resources, that the estimated costs of terminating (only unionized) employees is between \$2,793,810.72 and \$7,386,737.99 and that the City's current legal fees on the matter is at \$93,272.07;

WHEREAS, the next arbitration date with Arbitrator Jess Nyman addressing the preliminary matter of whether or not the unpaid leave of absence provisions apply in these circumstances, as contemplated in the policy, is currently scheduled for September 16 and September 23 and Arbitrator Jess Nyman is anticipated to issue a decision on the preliminary matter prior to September 30, 2022, if possible;

WHEREAS, unvaccinated staff or those who have not disclosed their vaccination status may be waiting, based on their medical advice, to obtain the new COVID-19 vaccine set to be available this fall which is better tailored to be effective against the newer, more highly infectious Omicron subvariant strains instead of obtaining the existing COVID-19 booster which has been deemed less effective against the newer, more highly infectious Omicron subvariant strains; and

WHEREAS, it is necessary, due to the upcoming 2022 Municipal Election to extend the date to January 31, 2023 (2022-2026 Term of Council) for those unvaccinated staff or those who have not disclosed their vaccination status to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City.

#### THEREFORE, BE IT RESOLVED:

That Item 3.1 of the January 12, 2022 Council Minutes be further *amended* to change the date of September 30, 2022 to *January 31, 2023*, to read as follows:

### 3.1 Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)

- (a) That the recommended amendments to the Mandatory COVID-19
  Vaccination Verification Policy (attached as Appendix "A" to Report
  HUR21008(a)), requiring proof of full vaccination in the workplace, and
  that, those unvaccinated staff, or those staff choosing not to disclose their
  vaccination status, without an approved medical exemption, be subject to
  discipline up to and including termination of employment, be approved;
- (b) That those unvaccinated staff or those who have not disclosed their vaccination status will have until *January 31, 2023* to provide proof of full vaccination, or an approved medical exemption, at which time any failure to do so will result in their termination of employment with the City;
- (c) That unvaccinated employees or those who do not disclose their vaccination status, and those employees who are subject to an approved exemption, will be required to continue to participate in the rapid testing program until *January 31, 2023*;
- (d) That, in the event the City is unable to secure an adequate and appropriate supply of rapid tests between the date of the amended policy and *January 31, 2023*, any employee who would otherwise be restricted from attendance at work will be placed on a paid leave of absence, pending the continuation of the program at the earliest available opportunity;
- (e) That the amended Mandatory COVID-19 Vaccination Verification Policy (attached as Appendix "A" to Report HUR21008(a)), continues to apply to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council and members of Council appointed committees, as appropriate and except where excluded otherwise, subject to the terms and conditions of applicable collective agreements; and,
- (f) That the City Clerk be directed to report to the Governance Review Sub-Committee with recommendations for amendments to the Council Code of Conduct and the Code of Conduct for local Boards and Council mandated Committees to ensure Member compliance with the Corporate Vaccination Policy and how sanctions may be applied to members of Council who do not comply.

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

#### MOVED BY COUNCILLOR J. FARR.....

Financial Support for CityHousing Hamilton (CHH) to Address underfunding from Canada Mortgage and Housing Corporation (CMHC) for the new developments at 104 Bay Street North and 55 Queenston Road, Hamilton, Ontario

WHEREAS, Canada Mortgage and Housing Corporation (CMHC) Co-Investment applications were made for the City Housing Hamilton Projects at 104 Bay Street North and 55 Queenston Road in December 2020;

WHEREAS, further supporting documents were gathered and submitted as per the regular application process and project progression through design and planning for construction to commence in August 2022;

WHEREAS, without any prior indication, CityHousing Hamilton (CHH) received notice on June 13, 2022 that projects in the application stage that have not reached final funding commitments were being capped at new lower funding levels, or otherwise being reduced, resulting in an estimated gap of \$5.4M:

WHEREAS, CHH escalated the crisis issue to CHH Board President, Councillor Jason Farr, and Member of Parliament Chad Collins and subsequently to the CHH Board on June 21, 2022 (CEO Update) and July 22, 2022 (Report 17021(e)) detailing the risk to the build out of these 95 affordable housing units;

WHEREAS, the 55 Queenston Road project is time sensitive to a financial commitment of the \$4.6M shortfall in order to proceed with construction, and dialogue and negotiation with CMHC has not resulted in a resolution;

WHEREAS, the 104 Bay Street North project with a shortfall of \$800k is not as time sensitive as continued conversations with CMHC may enable the smaller financial shortfall to be bridged; and,

WHEREAS, the City has previously authorized the issuance of debt financing for both of these projects;

#### THEREFORE, BE IT RESOLVED

(a) That the General Manager, Finance and Corporate Services, be authorized to enter into and execute any necessary agreements, including any agreements with Infrastructure Ontario's Loan Program, to secure the capital funding required for CityHousing Hamilton Corporation project at 55 Queenston Road with content

- acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to negotiate and confirm the terms, placement and issuance of all debenture issue(s) and / or private placement debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s) and / or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed \$4,600,000 Canadian currency in support of CityHousing Hamilton for project at 55 Queenston Road;
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements, to engage the services of all required persons, agencies and companies to secure the terms and issuance of the debenture issue(s) described in Recommendation (a) including, but not limited to, external legal counsel, fiscal agents and financial professionals, with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (d) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are individually authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents to implement Recommendation (a) and in order to secure the terms and issuance of the debenture issue(s) described in Recommendation (a) with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (e) That the General Manager, Finance and Corporate Services be authorized and directed to administer all agreements and necessary ancillary documents described in Recommendations (a), (b), (c) and (d);
- (f) That staff be directed to prepare, for Council's consideration, all necessary By-law(s) to authorize and implement CityHousing Hamilton Corporation project at 55 Queenston Road, including By-laws for the purpose of authorizing the debenture issue(s) in accordance with Recommendations (b), (c), (d), (e), and (f) and any by-laws necessary to negotiate, place and secure the required capital funding in accordance with Recommendation (a);
- (g) That the General Manager, Finance and Corporate Services be directed and authorized to amend the debt financing amount in Recommendation (b) to reflect any additional funding sources, whether Federal or Provincial, that may be received in addition to the current budgeted amounts.

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

#### MOVED BY COUNCILLOR L. FERGUSON.....

Amendment to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1)

WHEREAS, the Fieldcote Memorial Park & Museum ("Fieldcote"), located at 64 Sulphur Springs Road, Ancaster, Ontario, is a City-owned facility which is cultural heritage centre;

WHEREAS, EarlyON Child and Family Centres offer a range of free programs that support parents and caregivers, encourage positive interactions with children and provide information regarding early learning and child development;

WHEREAS, EarlyON Child and Family Centres are rooted in collaboration across the system working with partners in recreation, libraries, school boards, arts and museums to ensure children and families are connected to essential resources that support optimal development;

WHEREAS, EarlyON Child and Family Centres require further support in Ancaster through an accessible, community-based location to meet service demands;

WHEREAS, the current indoor space and outdoor landscape at "Fieldcote" effectively complements EarlyON Child and Family Centre's need for an accessible, community-based location in Ancaster;

WHEREAS, it is proposed that the "Fieldcote" be used as the primary program space for an EarlyON Child and Family Centre, with the new Ancaster Memorial Arts & Culture Centre offering a secondary space available to the program occasionally (3-4 times per month at a minimum, when permittable);

WHEREAS, the use of primary program space at "Fieldcote" for an EarlyON Child and Family Centre can be accommodated without adversely impacting existing museum programs and services;

WHEREAS, the two City-owned facilities in close proximity to each other and on a transit route in downtown Ancaster has created a prominent presence and synergy to the community of Ancaster;

WHEREAS, a significant capital contribution of \$500,000 has been made from the Early Years Reserve #112218 to the new Ancaster Memorial Arts & Culture Centre Project;

WHEREAS, the Ancaster Memorial Arts & Culture Centre project is nearing substantial completion and the capital budget sits with a favorable variance due to

anticipated property sale of the Carluke Community Centre, which has increased from its original appraised value of \$300,000 to favourable range of \$550,000 – \$600,000 based on current real estate market conditions; and

WHEREAS, due to popular and overwhelming demands at the Ancaster Memorial Arts & Culture Centre with the arts and theatre programming, available space for the EarlyON program has been reduced significantly, accordingly, another nearby location is required to meet the needs of the Ancaster community.

#### THEREFORE, BE IT RESOLVED:

- (a) That Sub-section (b) to Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1), be **amended** to redistributed the original capital contribution of the \$500,000 from Early Years Reserve to Ancaster Memorial Arts & Culture Centre Project to include Fieldcote Memorial Park & Museum at 64 Sulphurs Spring Road as part of the EarlyON Child and Family Centre support in the Ancaster area, as follows:
  - (b) That the following funding strategy for an additional \$12.115M be approved for Project 3541641602, Ancaster Memorial Arts & Culture Centre and Fieldcote Memorial Park & Museum at 64 Sulphurs Spring Road as part of the EarlyON Child and Family Centre support in the Ancaster area, to complete construction of the projects as well as cover any associated project costs and fees:
    - (i) \$860,000 from Councillor Priority Roads Work-In-Process (for road access upgrade to property);
    - (ii) \$540,000 from additional Property Sales;
    - (iii) \$2,000,000 from additional Community Contribution, of which \$1,000,000 will be loaned from the Investment Stabilization Reserve 112300;
    - (iv) \$2,738,333 from Federal Gas Tax;
    - (v) \$2,738,334 from the Unallocated Capital Reserve 108020;
    - (vi) \$2,738,333 from a 10-year Ancaster area-rating charge to be loaned from the Investment Stabilization Reserve 112300;
    - (vii) \$500,000 from Early Years Reserve 112218:
- (b) That the following Sub-sections be included in Item 2 of the Public Works Committee Report 19-011, respecting Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Item 10.1), with the remaining sub-sections being renumbered as follows:
  - (c) That staff be directed to set up a new Capital Project ID #7202241002 called "Ancaster Heritage Improvements";
  - (d) That funding be made available from the Ancaster Memorial Arts
    Project 3541641602 "Ancaster Memorial Arts & Culture Centre", in
    the amount of \$200,000 to be transferred to Capital Project ID
    #7202241002 "Ancaster Heritage Improvements", in lieu of a rental
    fee and that the available funds be committed to future heritagerelated capital initiatives at Ancaster museums and grounds
    together with the EarlyON Child and Family Centre; and

- (e) That the Energy, Fleet & Facilities Management Division staff work in collaboration with all parties to facilitate the necessary Service Level Agreement(s) (SLA) and/or License Agreement(s) which will outline the terms, conditions and expectation in accommodating the EarlyON Child and Family Centre at the two City-owned properties in Ancaster, being:
  - (i) Fieldcote Memorial Park & Museum at 64 Sulphur Spring Road; and
  - (ii) Ancaster Memorial Arts & Culture Centre at 357 Wilson Street East.
  - (f) That staff be directed to explore funding from other levels of government to offset the City's own source funding commitment;
  - (g) That the General Manager, Public Works Department be authorized and directed to negotiate, enter into, execute and amend any ancillary documents with funders or other levels of government for additional funding on the project, with such terms and conditions in a form satisfactory to the City Solicitor; and,
  - (h) That pursuant to Procurement Policy #11 Non-competitive Procurements staff be authorized to enter into single source procurement for \$125,000, with Archaeology Research Associates to complete the final Stage 4 excavation report in accordance with the Ministry of Tourism Culture and Sport Standards and Guidelines for Archaeologists.

Main Motion, as *Amended*, to read as follows:

- 2. Ancaster Memorial Arts & Culture Centre (PW19072) (Ward 12) (Outstanding Business Item List) (Item 10.1)
  - (a) That the General Manager, Public Works Department be authorized and directed to negotiate, enter into and execute the construction contract and any ancillary documents required to give effect thereto with the prequalified compliant bidder of Tender C13-39-19, in a form satisfactory to the City Solicitor;
  - (b) That the following funding strategy for an additional \$12.115M be approved for Project 3541641602, Ancaster Memorial Arts & Culture Centre and Fieldcote Memorial Park & Museum at 64 Sulphurs Spring Road as part of the EarlyON Child and Family Centre support in the Ancaster area, to complete construction of the projects as well as cover any associated project costs and fees:
    - (i) \$860,000 from Councillor Priority Roads Work-In-Process (for road access upgrade to property);
    - (ii) \$540,000 from additional Property Sales;

- (iii) \$2,000,000 from additional Community Contribution, of which \$1,000,000 will be loaned from the Investment Stabilization Reserve 112300;
- (iv) \$2,738,333 from Federal Gas Tax;
- (v) \$2,738,334 from the Unallocated Capital Reserve 108020;
- (vi) \$2,738,333 from a 10-year Ancaster area-rating charge to be loaned from the Investment Stabilization Reserve 112300;
- (vii) \$500,000 from Early Years Reserve 112218;
- (c) That staff be directed to set up a new Capital Project ID #7202241002 called "Ancaster Heritage Improvements";
- (d) That funding be made available from the Ancaster Memorial Arts
  Project 3541641602 "Ancaster Memorial Arts & Culture Centre", in
  the amount of \$200,000 to be transferred to Capital Project ID
  #7202241002 "Ancaster Heritage Improvements", in lieu of a rental
  fee and that the available funds be committed to future heritagerelated capital initiatives at Ancaster museums and grounds
  together with the EarlyON Child and Family Centre; and
- (e) That the Energy, Fleet & Facilities Management Division staff work in collaboration with all parties to facilitate the necessary Service Level Agreement(s) (SLA) and/or License Agreement(s) which will outline the terms, conditions and expectation in accommodating the EarlyON Child and Family Centre at the two City-owned properties in Ancaster, being:
  - (i) Fieldcote Memorial Park & Museum at 64 Sulphur Spring Road; and
  - (ii) Ancaster Memorial Arts & Culture Centre at 357 Wilson Street East.
- (f) That staff be directed to explore funding from other levels of government to offset the City's own source funding commitment;
- (g) That the General Manager, Public Works Department be authorized and directed to negotiate, enter into, execute and amend any ancillary documents with funders or other levels of government for additional funding on the project, with such terms and conditions in a form satisfactory to the City Solicitor; and,
- (h) That pursuant to Procurement Policy #11 Non-competitive Procurements staff be authorized to enter into single source procurement for \$125,000, with Archaeology Research Associates to complete the final Stage 4 excavation report in accordance with the Ministry of Tourism Culture and Sport Standards and Guidelines for Archaeologists.

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

# MOVED BY COUNCILLOR M. WILSON.....

Amendment to Item 4 of the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 - May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)

WHEREAS, homelessness and affordable housing is a Hamilton City council Priority;

WHEREAS, ensuring sustainability along the housing continuum is a critical and urgent concern and Council has been asked to endorse a whole of community approach to develop a Housing Sustainability and Investment Plan, which will require the identification of appropriate and sustainable funding sources;

WHEREAS, there are approximately 6,450 active households on the City of Hamilton housing waitlist;

WHEREAS, additional affordable housing developments, with appropriate supports, require a coordinated strategy, involving all levels of government, the not for profit sector and private donors;

Whereas, the Future Fund was established in 2002 with a mandate to create a permanent legacy for current and future generations of Hamiltonians to enjoy economic prosperity and improved quality of life.

WHEREAS, the City of Hamilton leveraged \$20 million from the Future Fund in the past towards a Poverty Reduction Strategy with an emphasis on affordable housing;

WHEREAS, the Office of the City Auditor (OCA) performed an assessment of the effectiveness of the Hamilton Future Fund;

WHEREAS, the OCA brought forward ten recommendations to strengthen fund governance, including: Development of a strategic plan for the use of funds, which incorporates public consultation;

WHEREAS, City staff have been directed by Council to develop and execute public engagement and consultation on the Hamilton Future Fund governance and reserve strategy and report back on the results in January 2023;

WHEREAS, City Council approved a framework of the public engagement and consultation on Hamilton Future Fund governance and reserve strategy on June 8, 2022 through Audit, Finance & Administration Committee Report 22-011 (Report FCS22045); and,

WHEREAS, some jurisdictions have introduced lending programs to help non-profit organizations keep and increase affordable housing units e.g. Nova Scotia - Community Housing Acquisition Program (CHAP) and the City of Ottawa Community Land Trust.

#### THEREFORE, BE IT RESOLVED:

- (i) That Sub-section (b) to Item 4 to the Audit, Finance and Administration Committee Report 22-011, respecting the Governance Review Sub-Committee Report 22-002 May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1), be **amended**, to read as follows:
  - 4. Governance Review Sub-Committee Report 22-002 May 30, 2022 (Added Item 10.3)
    - (b) Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City Wide) (Item 10.1)
      - (i) That staff be directed to develop and execute public engagement and consultation on the Hamilton Future Fund governance and reserve strategy and report back on the results in January 2023; and,
      - (ii) That the framework of the public engagement and consultation on Hamilton Future Fund governance and reserve strategy, attached hereto as **REVISED Page 4** of Appendix "C" to Audit, Finance and Administration Committee Report 22-011, be approved, as **amended**, by including:

Priorities for investment along the housing continuum specific to non-profit affordable housing whereby the Hamilton Future Fund, in whole or in conjunction with federal monies, could serve as a permanent revolving source of sustainable funding to assist in making affordable housing projects viable where co-investment is appropriate and/or required with upper levels of government, and that the public engagement feedback be considered in the context of future updates to the City's Affordable Housing strategy.

# Hamilton Future Fund Public Engagement Framework

# **Use of Reserves**

Under both options, the Hamilton Future Fund will continue to invest in City's Strategic Priorities. Citizens will be consulted on investments in the following areas of focus:

- Municipal infrastructure asset management
- Investments in affordable housing
- Time limited investments in Strategic Priorities
- Supplemental funding for City Enrichment Fund
- •Priorities for investment along the housing continuum specific to non-profit affordable housing whereby the Hamilton Future Fund, in whole or in conjunction with federal monies, could serve as a permanent revolving source of sustainable funding to assist in making affordable housing projects viable where co-investment is appropriate and/or required with upper levels of government, and that the public engagement feedback be considered in the context of future updates to the City's Affordable Housing strategy.

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

## MOVED BY COUNCILLOR J.P. DANKO.....

Amendment to Item 4 of the Audit, Finance and Administration Committee Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds, which was approved by Council on December 15, 2021

WHEREAS, Vision Zero and Complete Streets principles are used in the City of Hamilton to provide a safer environment for all road users;

WHEREAS, in 2020 a review of designated Ward 8 neighbourhoods was initiated with the intent of providing a Complete Streets report identifying areas of concern and recommendations to provide a safer environment for all road users based on Vision Zero and Complete Streets principles;

WHEREAS, the Complete Streets review included a focus on Traffic Calming Measures at problem locations considering road width, classification, surrounding land use, proximity to schools/playgrounds, access roads from arterials, on-street parking and other considerations;

WHEREAS, extensive public consultation has been completed as part of the Ward 8 Complete Streets review;

WHEREAS, Phase One (Short-Term) of the Ward 8 Complete Streets Review implementation strategy recommended the installation of speed cushions and other traffic calming measures on various roadways in Ward 8 based upon the study's review, input from residents and needs assessment to aid in managing safe use of neighborhood roadways, as outlined in the May 2, 2022 motion; and

WHEREAS, Phase Two (Medium-Term) and Phase Three (Long-Term) of the Ward 8 Complete Streets Review implementation strategy is being finalized and is expected to include more complex traffic calming measures including gateway features, curb bumpouts, raised crosswalks and other traffic safety installations.

#### THEREFORE, BE IT RESOLVED:

That sub-section (a) of Item 4 of Audit, Finance and Administration Report 21-022, respecting Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds, be **amended** as follows:

(a) That the Canada Community Building Fund investment of \$30 M be allocated to the list of projects in Appendix "B" (attached hereto), **as further amended**, to Audit, Finance & Administration Committee Report

21-022 by adding the *Implementation of Phase Two Ward 8 Complete*Streets Review with an allocated Canada Community – Building

Funds totaling \$600,000, and reducing the \$1.9M of Canada Community

– Building Funds allocated to the Limeridge Road resurfacing project to

\$1.3M:

Main Motion, As Amended, to read as follows:

# 4. Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds

- (a) That the Canada Community Building Fund investment of \$30 M be allocated to the list of projects in Appendix "B", as further amended, to Audit, Finance & Administration Committee Report 21-022 by adding the Implementation of Phase Two Ward 8 Complete Streets Review with an allocated Canada Community Building Funds totaling \$600,000, and reducing the \$1.9M of Canada Community Building Funds allocated to the Limeridge Road resurfacing project to \$1.3M;
- (b) That three Public Works temporary full time equivalents be hired for up to 24 months at an estimated cost of \$850,000 and funded from Unallocated Capital Levy Reserve 108020 to deliver the Canada Community-Building Fund projects; and,
- (c) That the Procurement Policy 4.9 Consulting and Professional Services requirements be waived to allow for the direct award of Roster Assignments above the \$150,000 threshold for consultancy work pertaining to the Canada Community-Building Fund projects.

#### Capital Project List

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Service Street    Service Street   Continue   Part Street North	WARD	STREET	FROM	то	REQUIRED (represented	DELIVERY	COMMENTS
Desired installation Institution (Institution) Institution (Institutio	1	Morden Street	Locke Street North	Pearl Street North	\$500	2023+	project value of \$650,000 to be funding with \$500,000 CCBF and \$135,000 Ward 1 Discretionary Account. Tender in 2023 with consultant support; Consultant #3, Tender #6.
Feel Market (Micros Medical Pilet Resultancy Pilet Resultancy Pilet Resultancy Pilet Resultancy Results (Micros Medical Results Speet Resultancy where required, blue Speed Resultancy where required, blue Speed in Statistics (Micros Medical Results Speed Resultancy where required, blue Speed in Statistics) (Micros Medical Results Speed Resultancy where required by the Speed in Statistics) (Micros Medical Results Speed Resultancy Results Speed Resultancy Results (Micros Medical Results Speed Resultancy Results Speed Resultancy Results (Micros Medical Results Speed Resultancy Results Speed Resultancy Results (Micros Medical Results Speed Resultancy Results Speed Resultancy Results (Micros Medical Results Speed Resultancy Results (Micros Medical Results Speed Resultancy Results Speed Resultancy Results (Micros Medical Results Speed Resultancy Results Speed Resultancy Results Speed Resultancy Results (Micros Medical Results Associated Results Speed Resultancy Results Results Associated Results Re	1	Strathcona Bike Boulevard Pilot	boulevard installation Jones Street, Dundurn Street North to west end - Resurfacing where required, bike	various	\$775	2022	Tender in 2022 with consultant support; Consultant #4, Tender #7, coordinated with
Ferman Plaze, james Mountain Road to Mountwood Avenue - Road resurfacing, Water Addition, A Renue - Road resurfacing, Water South - Road early (Water South - Road early (Wate	1	Kirkendale Bike Boulevard Pilot	installation Kent Street, Aberdeen Avenue to Amelia Street - Resurfacing where required, bike	various		2022	St), coordination of sidewalk repairs, and bike boulevard installation. Tender in 2022 with consultant support; Consultant #4, Tender #7, coordinated with
Freetin Mary James Mountain and Marketine - Road resurfacing with Action Avenue - Road resurfacing with Action Avenue - Road resurfacing with Action Avenue - Road resurfacing with Road Pack, Mountained Avenue - Road resurfacing with Road Pack, Mountained Avenue - Road resortation, Water services allowed resurfacing with Road Pack, Mountained Road Pac				WARD TOTAL	\$2,000		
Sireets within Corktown Neighbourhood soluth of Ariedum. Road reconstruction within Ward of Ariedum. Road reconstruction where the Ward proposes, something within Battlefield Neighbourhood of where within Road resurfacing. Water services sorvices (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water services (Louisa AV, Mountwood Avenue to John Street South - Road resurfacing. Water South - Road resurfacing. South - Road resurfacing. Water South - Road resurfacing. Various Sociations (Louisa AV, Mountwood Avenue to Water South - Road resurfacing. Various Sociations (Louisa AV, Mountwood Avenue to Water South - Road resurfacing. Various Sociations (Louisa AV, Mountwood Avenue to Water South - Road resurfacing. Various Sociations (Louisa AV, Mountwood Avenue to Water South - Road resurfacing. Various Sociations (Louisa	2		Rockwood Place, Mountwood Avenue to John Street South- Road resurfacing, Water services	various	\$400	2023	Tender in 2023 with consultant support; Consultant #5, Tender #8, coordinated with all Corktown Neighbourhood streets.
WARD TOTAL  3 Sherman Avenue 2-way conversion  Wilson Street  Wils	2		James Street South, James Mountain Road to Freeman Place - Road reconstruction, Water services Mountwood Avenue, Freeman Place to St. Joseph's Drive - Road resurfacing, Water services	Various			allocating surplus from previously complete Ward 2 projects.  Tender in 2023 with consultant support; Consultant #5, Tender #8, coordinated with all Corktown Neighbourhood streets.
Sherman Avenue 2-way conversion  Wilson Street  Burlington Street  S1,950  2023 - 2023 - 2023 - 2024 - 2022 - 2022 - 2024 - 2024 - 2024 - 2024 - 2024 - 2024 - 2022 - 2024 - 2024 - 2024 - 2024 - 2024 - 2024 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2024 - 2024 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2022 - 2024 - 2024 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2022 - 2024 - 2024 - 2022 - 2024 - 2022 - 2024 - 2022 - 2024 - 2022 - 2024 - 2022 - 2022 - 2022 - 2024 - 2022 - 2024 - 2022 - 2024 - 2022 - 2024 - 2022 - 2022 - 2024 - 2022 - 2022 - 2024 - 2022 - 2022 - 2022 - 2024 - 2022 - 202						2023	
Sherman Avenue 2-way conversion  Wilson Street  Wand Depaying  Various locations  Yarious l		T		WARD TOTAL	\$2,000		<u></u>
Barton St Boulevards and Depaving   Various locations   S50   2022   Boulevard improvements and depaving along Barton St corridor in Ward 3	3	Sherman Avenue 2-way conversion	Wilson Street	Burlington Street	\$1.950	2023+	impact projects in the vicinity such as Barton St reconstruction, Birch Ave reconstruction and LRT implementation. Functional design, resurfacing, cycling lanes and 2-way conversion.  Tender in 2023 or later with consultant support; Consultant #6, Tender #9.
Sidewalk deficiencies  Various locations  Various locations  Various locations  Sarch  Address sidewalk deficiencies though minor maintenance activities at vairous location within Ward 4  Watermain and service replacement, road reconstruction. Tender in 2023 with consultant support; Consultant #7, Tender #10.  Streets within Battlefield Neighbourhood  Avalon Avenue, Lake Avenue to west end - Road resurfacing Brandow Court, Second Street North to north end - Road resurfacing Charles Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Street North to north end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Street North to north end - Road resurfacing North North end - Road resurfacing Street North to north end - Road resurfacing Street North to north end - Road resurfacing North North end - Road resurfacing Street North to north end - Road resurfacing Street North to north end - Road resurfacing North North North Ender #11.  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus or other available capital funding in future  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus or other available capital funding in future  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus or other available capital funding in future  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus	3	Barton St Boulevards and Depaying	Various locations				
Sidewalk deficiencies  Various locations  Various locations  Various locations  Pairfield Avenue  Barton Street  WARD TOTAL  Streets within Battlefield Neighbourhood  Streets within Battlefield Neighbourhood  Avalon Avenue, Lake Avenue to west end - Road resurfacing Brandow Court, Second Street North to north end - Road resurfacing Charles Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end Road resurfacing Street, Lake Avenue to west end Road resurfacing Street Nature required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11.  Survey and baseplans required.  Road resurfacing similar to previous projects delivered within Ward 5, culvert replacement where required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11.  Survey and baseplans required.  Road resurfacing similar to previous projects delivered within Ward 5, culvert replacement where required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11.  Survey and baseplans required.  Road resurfacing similar to previous projects delivered within Ward 5, culvert replacement where required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11.  Survey and baseplans required.  Road resurfacing similar to previous projects delivered within Ward 5, culvert replacement where required. Detailed cost estimate to b				WARD TOTAL	\$2,000		
Fairfield Avenue  Barton Street  Barton Avenue (Lake Avenue to west end - Road resurfacing Bandow Court, Second Street North to north end - Road resurfacing Sandall Avenue, - Road resurfacing Sandall Sandall Sandall Sandall Avenue, - Road resurfacing Sandall San	4	Sidewalk deficiencies	Various locations		\$270	2022	
Avalon Avenue, Lake Avenue to west end - Road resurfacing Brandow Court, Second Street, North to north end - Road resurfacing Charles Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Survey and baseplans required.  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus or other available capital funding in future Road resurfacing. Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landron Avenue  Brandow Court, Second Street, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Survey and baseplans required.  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus or other available capital funding in future Road resurfacing. Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landron Avenue  Brandow Court, Second Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing similar to previous projects delivered within Ward 5, culvert replacement where required.  Carson Drive and Landron Avenue - Carson Drive - Vpper Ottawa Street to approximately 30 metres west of Kingsberry Street Various  Various  Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined various  Various  Road resurfacing Road resurfacing Road resurfacing similar to previous projects delivered within Ward 5, culvert  Road resurfacing Road resurfac	4	Fairfield Avenue	Barton Street			2023	Tender in 2023 with consultant support; Consultant #7, Tender #10.
Brandow Court, Second Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Charles Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Randall Avenue, Lake Avenue to west end - Road resurfacing Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Onsultant #8, Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender #11. Survey and baseplans required. Detailed cost estimate to be confirmed. Tender #11. Survey and baseplans required. Detailed cost estimate to be determined pending survey and baseplans required. Detailed cost estimate to be determined pending survey and baseplans required. Detailed cost estimate to be determined pending survey and baseplans required. Detailed cost estimate to be determined pending survey and baseplans required. Detailed cost estimate to be determined pending survey and baseplans requ				WARD TOTAL	72,000		
Carson Drive and Landron Avenue  Carson Drive - Upper Ottawa Street to approximately 30 metres west of Kingsberry Street Landron Avenue  Carson Drive and Landron Avenue  Carson Drive - Upper Ottawa Street to approximately 30 metres west of Kingsberry Street Landron Avenue - Carson Drive to Upper Kenilworth Avenue  Queensdale Avenue  Queensdale Avenue  Sanot Prive and Landron Avenue   Sanot Prive available capital funding in future   Road resurfacing.   Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landron Avenue   Sanot Prive available Capital funding in future   Various   Vario	5	Streets within Battlefield Neighbourhood	Brandow Court, Second Street North to north end - Road resurfacing Charles Street, Lake Avenue to west end (north of Randall Avenue) - Road resurfacing	various	\$2,130	2023	replacement where required. Detailed cost estimate to be confirmed. Tender in 2023 with consultant support; Consultant #8, Tender #11. Survey and baseplans required.
Carson Drive and Landron Avenue Carson Drive - Upper Ottawa Street to approximately 30 metres west of Kingsberry Street Landron Avenue - Carson Drive to Upper Kenilworth Avenue (S1,200 2022 Ave. Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landron Avenue #1, coord		WARD TOTAL St.,000 Actual required amount for \$130,000 of total \$2,130,000 estimate to be determined pending surplus or other available capital funding in future					
6 East 43rd Street Fennell Avenue Queensdale Avenue Queensdale Avenue \$ Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landra \$ 800 2022 Ave.	6	Carson Drive and Landron Avenue		various	\$1,200	2022	Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landron
WARD TOTAL \$2,000	6	East 43rd Street	Fennell Avenue	Queensdale Avenue		2022	Tender in 2022 with staff support; Tender #1, coordianted with Carson Dr and Landron
				WARD TOTAL	\$2,000		

WARD	STREET	FROM	то	CCBF FUNDING REQUIRED (represented in \$1,000)	TARGET DELIVERY YEAR	COMMENTS
7	Upper Wentworth Street	Lincoln Alexander Parkway	Mohawk Road	\$1,640	2023	Funding greater than \$2M CCBF to be funded through previously proposed capital project budget. Road resurfacing. Tender in 2023 with consultant support; Consultant #9, Tender #12. Survey and baseplans required.
7	Upper Wentworth Street	Mohawk Road	Fennell Avenue	\$1,250	2022	Funding greater than \$2M CCBF to be funded through previously proposed capital project budget. Road resurfacing. Tender in 2022 with consultant support; Consultant #1, Tender #2. Mapping and road cores required.
			WARD TOTAL	\$2,000		Actual required amount for \$890,000 of total \$2,890,000 estimate to be funded by previously proposed capital funding
8	Roads Minor Maintenance	Preventative Maintenance, primarily on arterials/major roads	various	\$100	2022-2023	Funding for roads minor maintenance to be utilized in the event of surplus funding from Limeridge Rd project
8	Implementation of Phase Two of the Ward 8 Complete Streets Review	Traffic calming measures	various	\$600	2023	Traffic calming measures including gateway features, curb bump-outs, raised crosswalks and other traffic safety installations.
8	Limeridge Road	Garth Street	West 5th Street	\$1,300	2023	Road resurfacing and localized reconstruction, cycling facility installation with possible cycling extension to Upper James Street. Tender in 2023 with consultant support; Consultant #10, Tender #13. Survey and baseplans required.
			WARD TOTAL	\$2,000		
9	Gatestone Drive	Shadyglen Drive	Isaac Brock Drive	\$900	2022	Road resurfacing. Consideration for installation of enhanced crosswalk/pedestrian crossover. Tender in 20223 with consultant support; Consultant #11, Tender #14, timing pending completion of Mud St resurfacing, and in coordination with Highland Rd resurfacing.
9	Highland Road	Fifth Road East	Eighth Road	\$1,600	2023	Road resufacing, culvert repair/replacement, ditching where required. Funding pending surplus from Gatestone Dr and Eighth Rd.  Tender in 2023 with consultant support; Consultant #11, Tender #14, timing pending completion of Mud St resurfacing, and in coordination with Gatestone Dr resurfacing.
			WARD TOTAL		2023	Actual required amount for \$500,000 of total \$2,500,000 estimate to be determined
				\$2,000		pending surplus or other available capital funding in future Road resufacing.
10	Millen Road	Maple Drive	Highway 8	\$1,100	2023	Tender in 2023 with consultant support; Consultant #12, Tender #15, delivered in coordinaton with Maple Ave resurfacing.
10	Maple Avenue	Millen Road	Approximately 30 metres east of Jenny Court	\$700	2023	Road resufacing. Tender in 2023 with consultant support; Consultant #12, Tender #15, delivered in coordinaton with Millen resurfacing.
10	Spartan Avenue	Highway 8	McIntosh Drive	\$400	2023	Road resufacing. Tender in 2023 with consultant support; Consultant #12, Tender #15, delivered in coordinaton with Millen resurfacing. Pending surplus funding from Millen Rd and Maple Dr.
			WARD TOTAL		2023	Actual required amount for \$200,000 of total \$2,200,000 estimate to be determined
			WARD TOTAL	\$2,000		pending surplus or other available capital funding in future
11	Sidewalks on Homestead Drive and street lighting upgrades	Provident Way	Upper James Street	\$575	2022/23	Sidewalk construction connecting missing links and replacement of existing sidewalks in poor condition, street light upgrades.  Delivered in 2022-2023 with staff support.
11	Barlow Road - Rural road surface treatment	Sinclairville Road	end	\$90	2022/23	Replace culverts where required in 2022, pulverize and double surface treatment in 2022-2023.  Delivered in 2022-2023 with staff support.
11	Gyatt Road - Rural road pulverize and double surface treatment	Regional Road 56	Fletcher Road	\$260	2022/23	Replace culverts with start support.  Replace culverts where required in 2022, pulverize and double surface treatment in 2022-2023.  Delivered in 2022-2023 with staff support.
11	Leeming Road - Rural road pulverize and double surface treatment	Highway 6	end	\$125	2022/23	Replace culverts where required in 2022, pulverize and double surface treatment in 2022-2023.  Delivered in 2022-2023 with staff support.
11	Trimble Road - Rural road pulverize and double surface treatment	Kirk Road	Road bridge	\$125	2022/23	Replace culverts where required in 2022, pulverize and double surface treatment in 2022-2023.  Delivered in 2022-2023 with staff support.
11	Trimble Road - Rural road pulverize and double surface treatment	Hall Road	Haldibrook Road	\$145	2022/23	Replace culverts where required in 2022, pulverize and double surface treatment in 2022-2023.  Delivered in 2022-2023 with staff support.

WARD	STREET	FROM	то	CCBF FUNDING REQUIRED (represented in \$1,000)	TARGET DELIVERY YEAR	COMMENTS
11	Woodburn Road - Rural road surface treatment	Bell Road	Hall Road, south intersection	\$75	2022/23	Replace culverts where required in 2022, pulverize and double surface treatment in 2022-2023.  Delivered in 2022-2023 with staff support.
11	Glover Road - Rural road bonded wearing course	Twenty Road East	Dickenson Road East	\$135	2022/23	Replace culverts where required in 2022, rural road bonded wearing course pulverize and double surface treatment in 2022-2023. Delivered in 2022-2023 with staff support.
11	Additional project selection pending surplus from Ward 11 projects			\$470 <b>\$2,000</b>		Pending suplus for project selection
_			WARD TOTAL	\$2,000		I
12	Golfdale Place	Golf Links Road	end	\$190	2022	Road resurfacing. Tender in 2022 with consultant support; Consultant # 2, Tender #3, coordianted with Terrance Park Drive, Crestview Avenue, Church Street, Academy Street.
12	Terrence Park Drive	40m west of Chatterson Drive	Templar Drive	\$190	2022	Road resurfacing.  Tender in 2022 with consultant support; Consultant # 2, Tender #3, coordianted with Golfdale Place, Crestview Avenue, Church Street, Academy Street.
12	Crestview Avenue	Brookview Court	to west end at guard rail	\$130	2022	Road resurfacing.  Tender in 2022 with consultant support; Consultant # 2, Tender #3, coordianted with Golfdale Place, Terrance Park Drive, Church Street, Academy Street.
12	Jerseyville Road	Fiddler's Green Road	Wilson Street	\$800	2021	Road resurfacing complete, delivered in 2021 with staff support under existing contract.
12	Church Street	Wilson Street East	Lodor Street	\$345	2022	Road resurfacing. Tender in 2022 with consultant support; Consultant # 2, Tender #3, coordianted with Golfdale Place, Terrance Park Drive, Crestview Avenue, Academy Street.
12	Academy Street	Wilson Street East	Rousseaux Street	\$345	2022	Road resurfacing. Tender in 2022 with consultant support; Consultant # 2, Tender #3, coordianted with Golfdale Place, Terrance Park Drive, Crestview Avenue, Church Street.
			WARD TOTAL	\$2,000		
			WARD TOTAL	\$2,000		Actual required amount for \$200,000 of total \$2,200,000 estimate to be determined pending surplus or other available capital funding in future
13	Streets within Falkirk East Neighbourhood	Falkirk Drive, Courtland Avenue to Maynard Street - Road resurfacing Harvard Place, west end to Falkirk Drive - Road resurfacing Marcel Place, west end to Courtland Drive - Road resurfacing Maynard Street, west end to McIntosh Avenue - Road resurfacing McIntosh Avenue, south end to Stone Church Road - Road resurfacing Roland Road, Regent Avenue to 100 metres southerly - Road resurfacing	various	\$2,000	2022	Road resurfacing. Tender in 2022 with staff support; Tender #4.
	WARD TOTAL \$2,000					
14	Hamilton Street	Dundas Street	Silver Court	\$300	2022	Road resurfacing. Tender in 2022 with staff support; Tender #5.
14	Howard Boulevard / Thomson Drive	Mays Crescent	Main Street / Snake Road	\$1,500	2022	Road resurfacing. Tender in 2022 with staff support; Tender #5.
14	Additional project selection pending surplus from Hamilton Street, Howard Boulevard and Thomson Drive			\$200		Pending suplus for project selection
			WARD TOTAL			
TOTAL				\$30,000		

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

MOVED BY	COUNCILLOR	R. POWERS.	

Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)

WHEREAS, the motion respecting the Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1), approved by the Airport Sub-Committee at their meeting of July 27, 2022, is considered time sensitive:

THEREFORE, BE IT RESOLVED:

Potential Development and Expansion at John C. Munro Hamilton International Airport (CYHM, YHM) (PED22180) (Ward 11) (Item 10.1)

- (a) That staff be directed to author and provide letters of acknowledgment, as may be requested, from the City of Hamilton, as Head Landlord, towards any considered Sublease Agreement to be entered into by Hamilton International Airport Limited (Landlord), as a wholly owned subsidiary of TradePort International Corporation established to enter into such agreements, and a proposed tenant, respecting any contemplated construction and/or expansion to facilities located on John C. Munro Hamilton International Airport lands as leased by the City of Hamilton to TradePort International Corporation, as deemed appropriate and signed by the General Manager of Planning and Economic Development Department or designate;
- (b) That staff be directed to negotiate and enter into any requisite Non-Disturbance Agreement between the City of Hamilton, Hamilton International Airport Limited and any proposed tenant towards facilitating the construction and/or expansion of any new and existing facility located on John C. Munro Hamilton International Airport lands, based substantially on such contemplated Sublease to be entered into between Hamilton International Airport Limited, as a wholly owned subsidiary of TradePort International Corporation established to enter into such agreements, and a potential tenant, and on such terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department;
- (c) That staff be directed to recover all costs related to any requested Non-Disturbance Agreement, including real estate and legal costs of \$2,500 plus applicable HST from Hamilton International Airport Limited and credited to Dept. ID Account No. 45408-812036 (Real Estate – Admin Recovery);

- (d) That the City Solicitor be authorized and directed to complete any requisite agreements including Non-Disturbance Agreements arising from a provided letter of acknowledgement that may be issued by the City of Hamilton towards any considered Sublease Agreement between Hamilton International Airport Limited and proposed tenant, on behalf of the City of Hamilton in order to facilitate the construction and/or expansion of any new or existing facility located on the John C. Munro International Airport lands, including paying any necessary expenses, amending the dates, due diligence and amending and waiving such other terms and conditions as deemed reasonable; and,
- (e) That the General Manager, Planning and Economic Development be authorized and directed to execute any requisite Non-Disturbance Agreement and all associated and necessary documents respecting a contemplated Sublease between Hamilton International Airport Limited and proposed tenancy, and all such documents to be in a form satisfactory to the City Solicitor.

# CITY OF HAMILTON NOTICE OF MOTION

Council: August 12, 2022

# MOVED BY MAYOR F. EISENBERGER.....

### Association of Municipalities of Ontario (AMO) Representative

WHEREAS the Association of Municipalities of Ontario (AMO) represents the interests of 444 of Ontario's municipalities working together to achieve shared goals and meet common challenges;

#### THEREFORE BE IT RESOLVED:

- (a) That Councillor Russ Powers be appointed the City of Hamilton's representative at the Association of Municipalities of Ontario (AMO) Annual Conference (August 14 -17) in Ottawa; and
- (b) That Council assumes all costs associated with Councillor Russ Powers attending AMO's Annual Conference (August 14 -17) in Ottawa be charged to the General Legislative 300100 account.

Authority: Item 6, Planning Committee

Report: 22-012 (PED22130)

CM: August 12, 2022

Ward: 9

**Bill No. 206** 

# CITY OF HAMILTON BY-LAW NO. 22-

To Adopt:

# Official Plan Amendment No. 170 to the Urban Hamilton Official Plan

# Respecting:

136 and 144 Upper Mount Albion Road (former City of Stoney Creek)

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

1. Amendment No. 170 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

<b>PASSED</b> this 12th day of August, 2022.	
F. Eisenberger	A. Holland
Mayor	City Clerk

# Urban Hamilton Official Plan Amendment No. 170

The following text, together with Appendix "A" – Volume 2: Map B.7.6-1 – Land Use Map, attached hereto, constitutes Official Plan Amendment No. "170" to the Urban Hamilton Official Plan.

## 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to re-designate the subject lands from "Local Commercial" to "High Density Residential 1" and establish a new Site-Specific Policy within the West Mountain Heritage Green Secondary Plan to permit the development of a *multiple dwelling* with a maximum density of 280 units per hectare.

#### 2.0 Location:

The lands affected by this Amendment are known municipally as 136 and 144 Upper Mount Albion Road, in the former City of Stoney Creek.

#### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development implements the residential greenfield area policies of the Urban Hamilton Official Plan;
- The proposed development is compatible with the planned and existing development in the immediate area; 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 <u>Volume 2 – Secondary Plans</u>

Urban Hamilton Official Plan	Page	
Amendment No. 170	1 of 3	<u>Hamilton</u>

#### Text

- 4.1.1 <u>Chapter B.7 Stoney Creek Secondary Plans Section B.7.6 West Mountain Heritage Green Secondary Plan</u>
- a. That Volume 2: Chapter B.7 –Stoney Creek Secondary Plans, Section B.7.6.9 West Mountain Area (Heritage Green) Secondary Plan be amended by adding a new Site Specific Policy, as follows:

## "Site Specific Policy – Area I

B.7.6.9.25 Notwithstanding Policy E.3.6.6 b) of Volume 1, for lands located at 136 and 144 Upper Mount Albion Road, designated "High Density Residential 1" and identified as Site Specific Policy – Area I on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan, the maximum density shall be 280 units per net residential hectare."

#### Maps

### 4.1.2 <u>Map</u>

- a. That Volume 2: Map B.7.6-1 West Mountain Area Heritage Green Secondary Plan Land Use Plan be amended by:
  - i) redesignating the subject lands from "Local Commercial" to "High Density Residential 1"; and,
  - ii) identifying the subject lands as Site Specific Policy Area I,

as shown on Appendix "A", attached to this Amendment.

# 5.0 Implementation:

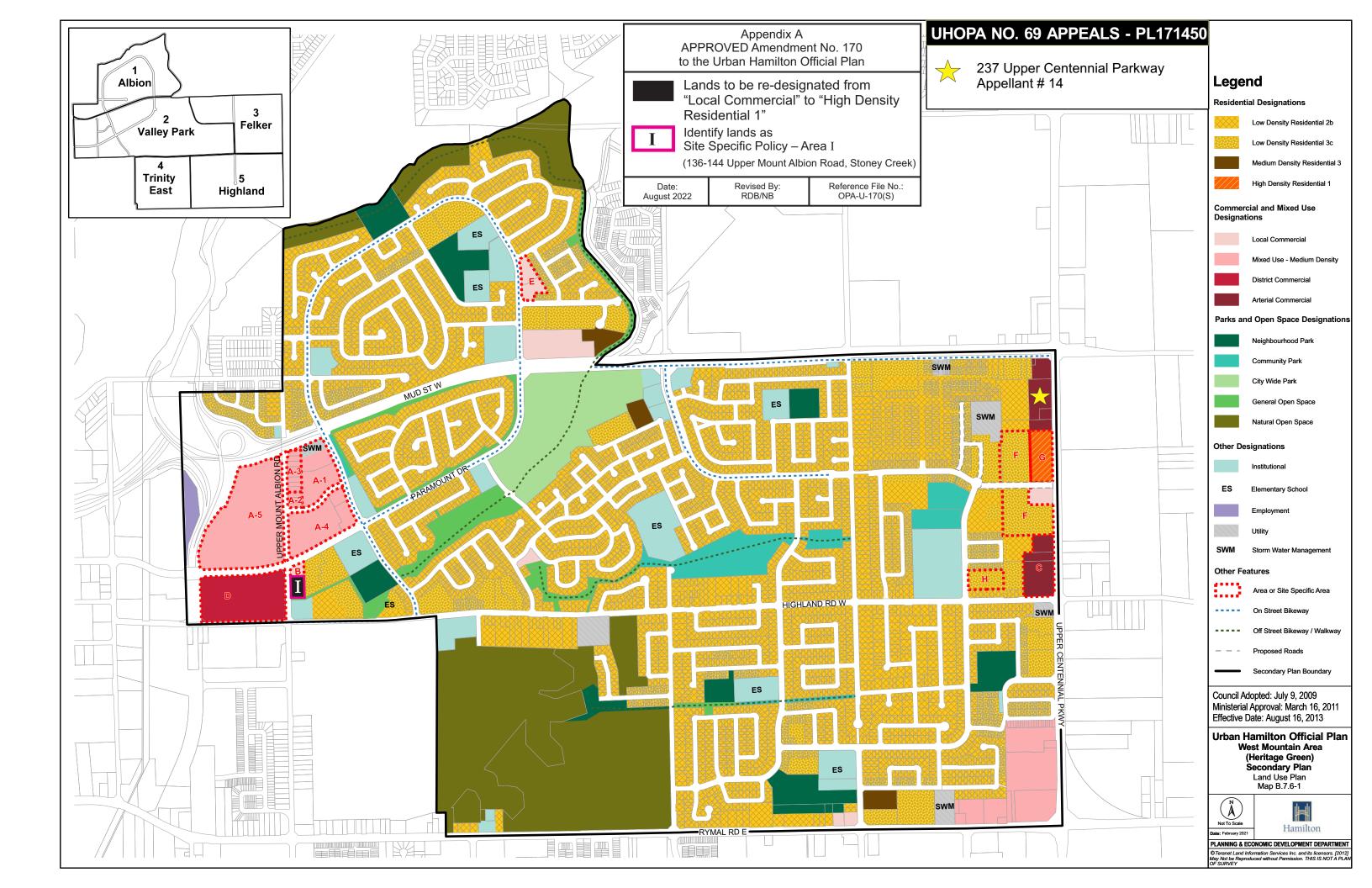
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

Urban Hamilton Official Plan	Page	H
Amendment No. 170	2 of 3	<u>Hamilton</u>

This Official Plan Amendment is Schedule "I" to By-law No. 22-206 passed on the  $12^{th}$  day of August, 2022.

	1	īhe
City	of	Hamilton

F. Eisenberger	A. Holland
Mayor	Clerk



**Authority:** Item 6, Planning Committee

Report 22-012 (PED22130) CM: August 12, 2022

Ward: 9

**Bill No. 207** 

#### CITY OF HAMILTON

#### **BY-LAW NO. 22-**

To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 136 and 144 Upper Mount Albion Road (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 municipality known as the "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. 05-200 was enacted on the 25th day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 22-012 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of August, 2022, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 170.

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

- 1. That Map No. 1502 to Schedule "A" Zoning Maps is hereby amended by changing from Community Commercial (C3, 304, 579, H82) Zone to Mixed Use Medium Density (C5, 813) Zone, for the lands shown on Schedule "A" to this Bylaw.
- 2. That Schedule C Special Exceptions is amended adding the following Special Exception:

- "813. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1502 of Schedule "A" Zoning Maps and described as 136 and 144 Upper Mount Albion Road the following special provisions shall apply:
  - a) Notwithstanding Section 4.6 d) the following regulations shall apply:
    - i) An exterior staircase or deck may be located 1.2 metres from an interior lot line.
  - b) Notwithstanding Section 5.1 a) v) b) and c), the following regulation shall apply:
    - i) A planting strip is not required between the atgrade surface parking spaces and the street line.
  - c) Notwithstanding Section 10.5.3 a) i), 10.5.3 c), 10.5.3 d) ii), 10.5.3 g) vii) 1., 10.5.3 i) and 10.5.3 j) the following regulations shall apply:

i) Building Setback from a Street Line

0.0 metres for a building with residential units on the ground floor facing a street.

ii) Minimum Interior Side Yard

2.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

iii) Building Height

Maximum 24.0 metres.

iv) Built form for New Development

The principal entrance to the ground floor lobby of the multiple building is permitted to be located on the portion of the façade that is not setback closest to Upper Mount Albion

Road.

v) Planting Strip

A planting strip shall not be

required.

### To Amend Zoning By-law No. 05-200, Respecting Lands Located at 136 and 144 Upper Mount Albion Road (Stoney Creek)

Page 3 of 4

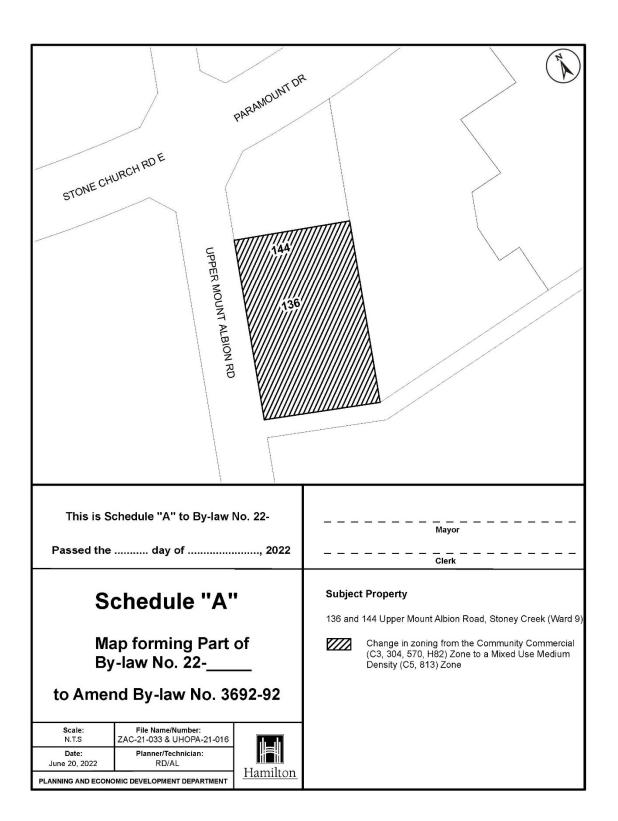
vi) Visual Barrier

A visual barrier shall not be required along the southerly lot line adjacent to a public trail.

3. That this By-law No. 22-207 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this by-law or as otherwise provided by the said Sub-section.

<b>PASSED</b> this 12 <sup>th</sup> day of August, 2022.	
F. Eisenberger Mayor	A. Holland Clerk

ZAC-21-033



Authority: Item 9, Public Works Committee

Report 07-016 (PW07153) CM: December 12, 2007

Ward: 1, 2, 3, 5

**Bill No. 208** 

### CITY OF HAMILTON

#### **BY-LAW NO. 22-**

# To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215.

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

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" (Stoney Creek) thereof the following items, namely:

Lake Avenue North	Queenston Road	Barton Street East	40
Lake Avenue Drive	King Street West	Queenston Road	40

2. Schedule 9 (No Right Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following items, namely;

King Street East	Westbound	Glendale Avenue North	Anytime
Glendale Avenue North	Southbound	King Street East	Anytime
King Street East	Westbound	Gage Avenue North	Anytime
Gage Avenue North	Southbound	King Street East	Anytime
King Street East	Westbound	Melrose Avenue North	Anytime
Melrose Avenue North	Southbound	King Street East	Anytime
King Street East	Westbound	Barnesdale Avenue North	Anytime
Barnesdale Avenue North	Southbound	King Street East	Anytime
King Street East	Westbound	Sherman Avenue North	Anytime
Sherman Avenue North	Southbound	King Street East	Anytime
King Street East	Westbound	Holton Avenue North	Anytime

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King Street East	Westbound	Sanford Avenue	Anytime
King Street East	Westbound	Wentworth Street North	Anytime
Wentworth Street North	Southbound	King Street East	Anytime
King Street East	Westbound	Tisdale Street North	Anytime
Tisdale Street North	Southbound	King Street East	Anytime
King Street East	Westbound	Emerald Street North	Anytime
Emerald Street North	Southbound	King Street East	Anytime
King Street East	Westbound	East Avenue North	Anytime
East Avenue North	Southbound	King Street East	Anytime
King Street East	Westbound	Victoria Avenue North	Anytime
Wellington Street North	Southbound	King Street East	Anytime
King Street East	Westbound	Walnut Street North	Anytime
King Street East	Westbound	Mary Street	Anytime
King Street West	Westbound	Bay Street North	Anytime
Caroline Street North	Southbound	King Street West	Anytime
King Street West	Westbound	Hess Street North	Anytime
Queen Street North	Southbound	King Street West	Anytime
King Street West	Westbound	Pearl Street North	Anytime
Pearl Street North	Southbound	King Street West	Anytime
King Street West	Westbound	Locke Street North	Anytime
Locke Street North	Southbound	King Street West	Anytime
King Street West	Westbound	Strathcona Avenue North	Anytime
Strathcona Avenue North	Southbound	King Street West	Anytime
King Street West	Westbound	Dundurn Street North	Anytime
Main Street East	Eastbound	Ferguson Avenue South	Anytime
Ferguson Avenue South	Northbound	Main Street East	Anytime
Hughson Street South	Northbound	Main Street East	Anytime
			-

3. Schedule 11 (No Left Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following items, namely;

Victoria Avenue South	Northbound	King Street East	Anytime
Catharine Street South	Southbound	Main Street East	Anytime
Wellington Street South	Southbound	Main Street East	Anytime

4. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following items, namely:

Main Street West	30 metres west of Dundurn Street South to Dundurn Street South	South curb lane	Anytime	Easterly to Southerly
Main Street West	30 metres west of Locke Street South to Locke Street South	North curb lane	Anytime	Easterly to Northerly

#### To Amend By-law No. 01-215 Being a By-law to Regulate Traffic

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Main Street West	30 metres west of Bay Street South to Bay Street South	North curb lane	Anytime	Easterly to Northerly
Main Street East	30 metres west of John Street South to John Street South	North curb lane	Anytime	Easterly to Northerly
Main Street East	20 metres west Victoria Avenue South to Victoria Avenue South	North curb lane	Anytime	Easterly to Northerly
Main Street East	30 metres west of Wentworth Street South to Wentworth Street South	North curb lane	Anytime	Easterly to Northerly
Main Street East	30 metres west of Sanford Avenue South to Sanford Avenue South	North curb lane	Anytime	Easterly to Northerly

- 5. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
- 6. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 12<sup>th</sup> day of August, 2022.

F. Eisenberger	A. Holland
Mayor	City Clerk

**Authority:** Item 4, General Issues Committee

Report 22-015 (PED20009(c))

CM: August 12, 2022 Ward: City Wide

**Bill No. 209** 

#### CITY OF HAMILTON

#### **BY-LAW NO. 22-**

#### A By-law to Establish a Municipal Accommodation Tax

**WHEREAS** section 400.1(1) of the *Municipal Act*, 2001, S.O 2001, c.25, (the "Act") provides that a local municipality may, by by-law, impose a direct tax in respect of the purchase of transient accommodation within the municipality; and,

**WHEREAS** pursuant to section 400.1 of the Act and Ontario Regulation 435/17, the Council of the City of Hamilton wishes to establish a municipal transient accommodation tax rate to levy on the purchase of transient accommodation within the City of Hamilton; and,

**WHEREAS** pursuant to sections 400.1(3) of the Act, Council can establish enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due.

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

#### **DEFINITIONS**

- 1. In this By-law,
  - a. "Accommodation" means Lodging, and the right to use Lodging, that is provided for consideration, whether or not the Lodging is actually used;
  - b. "By-law" means this by-law and any amendments made thereto;
  - c. "City" means the City of Hamilton;
  - d. "Council" means the Council of the City of Hamilton;
  - e. "Eligible Tourism Entity" has the meaning given to it in Ontario Regulation 435/17, as amended;
  - f. "Establishment" means the physical location, a building or part of a building that provides Accommodation;
  - g. "Lodging" includes:

- (i) the use of a bedroom, a suite of rooms containing a bedroom, or the use of a bed within a bedroom, domicile or other physical location;
- (ii) the use of one or more additional beds or cots in a bedroom or suite.
- h. "Multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;
- i. "Municipal Accommodation Tax" or "MAT" means the tax imposed under this By-law;
- j. "Provider" means a person or an entity that sells, offers for sale, or otherwise provides Accommodation, and includes agents, hosts or any others who sell, offers for sale or otherwise provides Accommodation;
- k. "Purchaser" means a person who purchases Accommodation;
- I. "Purchase Price" means the price for which Accommodation is purchased, including the price paid, and/or other consideration accepted by the Provider in return for the Accommodation provided, including all fees and surcharges for additional occupants and beds, but does not include the goods and services tax imposed by the Government of Canada or by the Province of Ontario; and
- m. "Treasurer" means the City's General Manager, Finance and Corporate Services, or his/her designate.

#### **APPLICATION**

- 2. A Purchaser shall, at the time of purchasing Accommodation, pay the Municipal Accommodation Tax in the amount of 4% cent of the Purchase Price of Accommodation provided for any continuous period of 29 days or less provided in a hotel, motel, condo hotel, club, portion of a multi-use complex used as a hotel, motor hotel, hostel, lodge, inn, bed and breakfast, dwelling unit, domicile or any place in which Accommodation is provided.
  - a. For greater certainty, the continuous period referred to above in Section 2 is not disrupted by the purchase of different rooms, suites, beds or other Lodging in the same Establishment in the course of the continuous period.

#### **EXEMPTIONS**

- 3. The Municipal Accommodation Tax imposed under this By-law does not apply to:
  - a. The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office, or organization of persons a majority of whose Directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council:
  - b. Every board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2;

- c. Every university and every college of applied arts and technology or post-secondary institution whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating operating grant entitlements from the Crown;
- d. Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, and every community health facility within the meaning of the *Oversight of Health Facilities and Devices Act*, 2017, c.25, Sched.9, that was formerly licensed under the *Private Hospitals Act*, R.S.O. 1990, c. P24;
- e. Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Homes Act*, 2007, S.O. 2007, c. 8;
- f. Accommodations provided by the City or its agents for shelter purposes;
- g. Accommodations provided by treatment centers that receives Provincial aid under the *Ministry of Community and Social Services Act*, R.S.O. 1990, c.M.20;
- h. Accommodations provided by a house of refuge, or Lodging for the reformation of offenders;
- i. Accommodations provided by a charitable, non-profit philanthropic Corporation organized as a shelter for the relief of the poor or for emergency purposes;
- j. Accommodations provided by tent or trailer sites supplied by a campground, tourist camp or trailer park;
- k. Accommodations supplied by employers to their employees in premises operated by the employer; and
- I. Accommodations provided by hospitality rooms in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining.

#### TAX COLLECTED AND STATEMENT SUBMITTED

- 4. A Provider shall collect the MAT from the Purchaser at the time the Accommodation is purchased.
- The amount of the MAT shall be identified as a separate item or charge on a bill, receipt, invoice or similar document issued by the Provider in respect of the Accommodation on which the tax is imposed and the item shall be identified as "Municipal Accommodation Tax".
- 6. A Provider shall, on or before the last day of every month, remit to the City, or its designate as the case may be, the amount of the MAT collected for the previous month and submit the monthly statements in the form required by the City detailing the number of Accommodations sold, the purchase price of each Accommodation, the MAT amount collected and any other information as required by the City for the purposes of administrating and enforcing this By-law.

#### **DELEGATION OF AUTHORITY**

- 7. The Treasurer, or their designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with another person or entity as agent for the City, providing for the implementation and collection of the MAT, all in a form satisfactory to the City Solicitor.
- 8. The Treasurer, or their designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with Eligible Tourism Entity(ies) that receive(s) an amount of the MAT respecting reasonable financial accountability matters in order to ensure that amounts paid to the entity are used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the City Solicitor.
- The Treasurer, or their designate, shall be responsible for the administration of this By-law, including but not limited to approvals, appeals, enforcement, collection, and for instructing the City Solicitor to take such legal action as may be considered appropriate.

#### INTEREST PENALTIES

- 10. That a percentage charge of 1.25% of the amount of the MAT due and unpaid be imposed as a penalty for the non-payment of taxes on the first day of default based on the full occupancy of the Establishment unless the actual amount of the MAT owing can be determined by the City, in that case, the percentage charge of 1.25% of the actual amount of the MAT will be imposed.
- 11. That an interest charge of 1.25% each month of the amount of the MAT due and unpaid, be imposed for the non-payment of taxes on the first day of each month and subsequent months following the first day of default until the MAT, including all charges and interest owing, is paid in full.
- 12. A fee shall be charged in respect of all payment remittances that are not honoured bythe financial institution upon which it is drawn in an amount as set out in the City of Hamilton User Fee By-law.

#### **LIENS**

13. All MAT penalties and interest that are past due shall be deemed to be in arrears, and may be added to the tax roll for any real property in the City of Hamilton registered in the name of the Provider to be collected in like manner as property taxes and shall constitute a lien upon the lands, but such lien shall not be a priority lien for the purposes of subsections 1(2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.

#### **AUDIT AND INSPECTION**

14. The Provider shall keep all books, accounts, invoices, financial statements, records, electronic and such other documents sufficient to furnish the City or its agent with the

- necessary particulars of sales of Accommodations, amount of MAT collected, payable and remitted, for no less than seven years.
- 15. The City or its agent may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are or should be kept and inspect and audit all books, records, documents, transactions and accounts of Providers and require Providers to produce copies of any documents or records required for the purposes of administering and enforcing this By-law, as required.
- 16. The City or its agent may require a Provider to:
  - i. Give the City all reasonable assistance with its audit or inspection;
  - ii. Answer all questions relating to the audit or inspection either orally or, if the City requires, in writing, on oath or by statutory declaration; and
  - iii. Attend at the premises or place with the City representative or agent for the purposes of giving reasonable assistance and answering questions relating to the audit or inspection.
- 17. The City or its agent may serve on a Provider a written demand for information or for the production on oath or otherwise of books, accounts, records, letters, invoices, financial statements, electronic and such other documents as the City or its agent considers necessary to determine compliance with this By-law. A Provider in receipt of such a demand shall comply with the demand within the time specified in the demand.

#### **DETERMINATION OF AMOUNT**

- 18. The City may make a determination of an amount of tax required to be remitted, together with any interest imposed upon any tax outstanding, if a Provider responsible for the payment or remittance of tax fails to pay, as required.
- 19. The City may assess or reassess for any tax payable by the Provider within three years from the day the tax was remittable, except that where the City establishes that a Provider has made any misrepresentation that is attributable to neglect, carelessness or willful default, or has committed any fraud in supplying any information under this By-law, or in omitting to disclose any information, then the City may assess or reassess, for any time the City considers reasonable, the tax payable.
- 20. The City shall send by mail or registered mail or deliver by hand, a notice of the calculation made under Section 18 herein to the Provider at the Providers' last known address, and that the amount determined is payable within 30 days from the date of mailing of the notice.
- 21. Liability to pay an amount is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.
- 22. The City is not bound by any information delivered by or on behalf of a Provider responsible for the payment of tax and may, notwithstanding any information that has been delivered or if no information has been delivered, assess the tax payable.

23. This calculation, subject to being varied or adjusted due to an objection or appeal and subject to a recalculation, shall be deemed to be valid and binding despite any error, defect or omission in the assessment or in any proceeding related to it.

#### **OFFENCES AND PENALTIES**

- 24. Every person is guilty of an offence under this By-law who:
  - a. Makes, participates in, assents to or contributes in the making of false or deceptive statements in a report, statement, form or other document prepared, submitted or filed under or for the purposes of this By-law;
  - b. Destroys, alters, mutilates, hides or otherwise disposes of any records or books of account, in order to evade payment or remittance of tax;
  - c. Makes, assents to or contributes in the making of false or deceptive entries, or assents to or contributes in the omission to enter a material, in any records or books of account;
  - d. Hinders, molests or interferes with any audit or inspection conducted by the City or its agent pursuant to Section 15 herein;
  - e. Willfully, in any manner, evades or attempts to evade:
    - (i) Paying tax;
    - (ii) Remitting tax; or
    - (iii) Otherwise complying with this By-law; or
  - f. Conspires with any person to commit an offence described in subsection 24 (a)through (e) herein.
- 25. Pursuant to the authority granted under the Act, any Provider who contravenes or fails to comply with any provision of this By-law is guilty of an offence and is liable to such penalties set forth in this By-law and recoverable under the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
- 26. Any Provider who is guilty of an offence is liable as follows:
  - a. Upon a first conviction, a fine of not less than \$300 and not more than \$50 k if the Provider is an individual, and not less than \$500 and not more than \$100 k if the Provider is a Corporation;
  - b. Upon a second or subsequent conviction for the same offence, a fine of not less than \$500 and not more than \$100 k;
  - c. Upon conviction for a continuing offence, a fine of not less than \$500 and not more than \$10 k for each day or part of a day that the offence continues. Notwithstanding subparagraph 26(a) herein, the total of all of the daily fines for the offence is not limited to \$100 k;

d. Upon conviction for multiple offences, for each offence included in the multiple offence, a fine of not less than \$500 and not more than \$10 k. Notwithstanding sub-paragraph 26(a) herein, the total of all fines for each included offence is not limited to \$100 k.

#### **GENERAL**

- 27. This By-law shall come into force and effect on January 1, 2023.
- 28. If any section or portion of this By-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council that all remaining sections and portions of this By-law continue in force and effect.
- 29. This By-law may be referred to as "The Municipal Accommodation TaxBy-law".

<b>PASSED</b> this 12 <sup>th</sup> day of August, 2022.	
F. Eisenberger Mayor	A. Holland City Clerk

**Authority:** Item 2, Public Works Committee

Report 19-003 (PW19016) CM: February 27, 2019

Ward: 2

Bill No. 210

#### **CITY OF HAMILTON**

#### **BY-LAW NO. 22-**

Being a By-law to Permanently Close a Portion of Public Unassumed Alley Abutting 46 Ferguson Avenue South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21195, being Part of PIN 17169-0382 (LT), City of Hamilton

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways;

**AND WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

**AND WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** at its meeting of February 27, 2019, the Council approved Item 2 of Public Works Committee Report 19-003, and authorized the City to permanently close and sell a portion of Public Unassumed Alley Abutting 46 Ferguson Avenue South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21195, being Part of PIN 17169-0382 (LT), City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25 as amended.

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

1. That the portion of the unassumed alley, set out as:

Part of the Alleyway, South Side of Main Street between Walnut Street and Ferguson Avenue on Registered Plan 48, in the City of Hamilton, designated as Part 2 on Plan 62R-21195, being Part of PIN 17169-0382 (LT)

is hereby permanently closed.

Being a By-law to Permanently Close a Portion of Public Unassumed Alley Abutting 46 Ferguson Avenue South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21195, being Part of PIN 17169-0382 (LT), City of Hamilton Page 2 of 2

- 2. That the soil and freehold of Part 2 on Reference Plan 62R-21195, hereby permanently closed, be sold to Radigan Bros. Limited for the sum of Two Hundred and Ninety-Six Thousand Dollars (\$296,000.00).
- 3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

<b>PASSED</b> on this 12 <sup>th</sup> day of August, 2022.	
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F. Eisenberger	A. Holland	
Mayor	City Clerk	

**Authority:** Item 4, Planning Committee

Report: 22-013 (PED22157)

CM: August 12, 2022

Ward: 14

Bill No. 211

# CITY OF HAMILTON BY-LAW NO. 22-

A By-law to Deem a Part of a Subdivision Not to Be Registered Blocks 131, 132, 133 and 134, inclusive, of Registered Plan No. 62M-1085

**WHEREAS** Subsection 50(4) of the *Planning Act* R.S.O. 1190, Chapter 13, as amended, provides that the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*;

**AND WHEREAS** Registered Plan 62M-1085 was registered in the Land Registry Office on the 19<sup>th</sup> day of July 2007;

**AND WHEREAS** Blocks 131, 132, 133 and 134, inclusive, Registered Plan 62M-1085, City of Hamilton are within a Plan of Subdivision registered for more than eight (8) years;

**AND WHEREAS** it is desirable to deem Blocks 131, 132, 133 and 134, inclusive, of Registered Plan 62M-1085 not be part of a Registered Plan of Subdivision;

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

1. That the following lands are designated and deemed not to be a Registered Plan of Subdivision for the purpose of Subsection 50(3) of the *Planning Act*:

Blocks 131-134, inclusive, Registered Plan 62M-1085, City of Hamilton

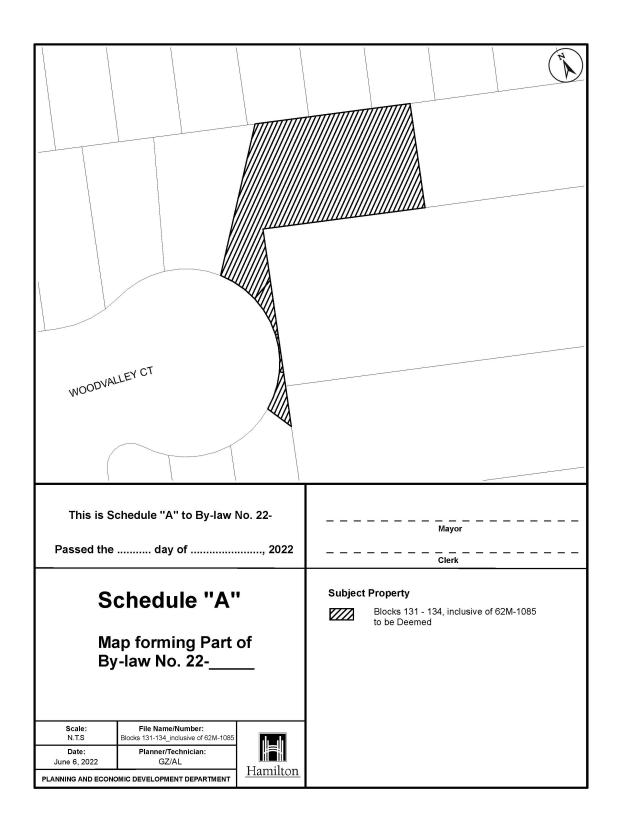
- 2. The City Clerk is hereby authorized and directed to:
  - (a) lodge a copy of this By-law with the Minister of Municipal Affairs and Housing;
  - (b) register a certified copy or duplicate copy of this deeming By-law against the title to the lands in the proper registry office, and this By-law shall not take effect until this requirement has been complied with; and,
  - (c) send by registered mail, notice of passing of this By-law to be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law

Page 2 of 3

applies, which notice shall be sent to the last known address of each such person.

3. That notwithstanding S.50(27) of the *Planning Act*, this By-law No. shall come into force and take effect when registered in the Land Registry Office.

PASSED this 12 <sup>th</sup> day of August, 202	2.	
F. Eisenberger	A. Holland	
Mayor	City Clerk	



**Authority:** Item 5, Planning Committee

Report 22-013 (PED22165)

CM: August 12, 2022 Ward: 12

Bill No. 212

# CITY OF HAMILTON BY-LAW NO. 22-

To Amend Zoning By-law No. 87-57, Respecting Lands Located at 154 Wilson Street East, Ancaster

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 22-013 of the Planning Committee at its meeting held on the 12<sup>th</sup> day of August 2022, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

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

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

- 1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Existing Residential "ER" Zone to a Residential Multiple "RM4-715" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
- 2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

#### RM4 - 715

That notwithstanding the provisions of Sections 7.11(a), 7.12(c), 7.14(b)(i)(B), 9.8, 17.2 (a), (c), (e), (f), (g), (h), (i), and (j) the following special provisions shall apply to the lands zoned "RM4-715":

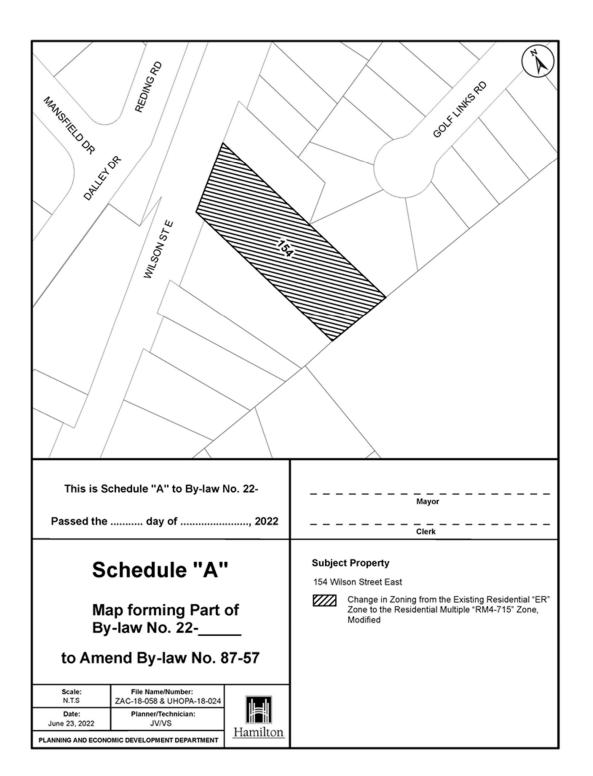
#### REGULATIONS

0.35 hectares

Minimum Lot Area

a)

Minimum Lot Frontage b) 38 metres c) Maximum Lot Coverage: 33% of the lot area d) Minimum Front Yard: 1.95 metres to Wilson Street East e) i. Minimum Side Yard: 6.0 metres ii. Minimum Rear Yard: 2.95 metres Maximum Height: 12.5 metres f) 30 % of the lot area Minimum Landscaping: g) h) Planting Strip: A minimum of 2.0 metres in width along each lot line shall be provided. i) Parking: 2 parking spaces for each dwelling unit. j) Yard Encroachment for May project a maximum of 1.85 metres into a required side yard. Balcony: k) Section 7.11 (a) shall not apply. I) Section 9.8 shall not apply. 3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM4" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law. 4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act. **PASSED** this 12<sup>th</sup> day of August, 2022. A. Holland F. Eisenberger Mayor City Clerk ZAC-18-058/UHOPA-18-024



**Authority:** Item 6, Planning Committee

Report: 22-013 (PED22171) CM: August 12, 2022

Ward: 6

**Bill No. 213** 

# CITY OF HAMILTON BY-LAW NO. 22-

To Adopt:

# Official Plan Amendment No. 172 to the Urban Hamilton Official Plan

Respecting:

#### 705 and 713 Rymal Road East

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

1. Amendment No. 172 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of August, 2022.

F. Eisenberger A. Holland
Mayor City Clerk

## Urban Hamilton Official Plan Amendment No. 172

The following text, together with Appendix "A" – Volume 3: Map 2 – Urban Site Specific Key Map attached hereto, constitutes Official Plan Amendment No. "172" to the Urban Hamilton Official Plan.

#### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish an Urban Site Specific Policy to permit a noise barrier adjacent to a Secondary Corridor and to permit a minimum net residential density of 50 units per hectare within a medium density residential area of the Neighbourhoods Designation.

#### 2.0 Location:

The lands affected by this Amendment are known municipally as 705 and 713 Rymal Road East in the former City of Hamilton.

#### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development is consistent with the Neighbourhoods policies of the Urban Hamilton Official Plan, save and except the scale policies for net residential density for Medium Density Residential areas;
- The proposed development is compatible with existing and planned development in the immediate area, implements the Residential Greenfield Design policies of the Urban Hamilton Official Plan, and contributes to the development of a range of housing forms;
- The proposed development has demonstrated that the use of noise mitigation measures other than a noise barrier is impractical and unfeasible, and that the required noise barrier will be consistent with the design policies of the Urban Hamilton Official Plan and will be compatible with existing and planned development in the immediate area; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and

Urban Hamilton Official Plan Amendment No. 172	Page 1 of 3	Hamilton
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conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### 4.0 Actual Changes:

# 4.1 <u>Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific</u> Policies

#### Text

- 4.1.1 Chapter C Urban Site Specific Policies
- a. That Volume 3, Chapter C Urban Site Specific Policies Hamilton Neighbourhoods be amended by adding a new Site Specific Policy, as follows:

#### "UHN-35 705 and 713 Rymal Road East, former City of Hamilton

- 1.0 For the lands located at 705 and 713 Rymal Road East, former City of Hamilton, designated "Neighbourhoods" and identified as Site Specific Area UHN-35, the following policies shall also apply:
  - a) Notwithstanding Policy B.3.6.3.11 c) of Volume 1, the use of a noise barrier shall be permitted adjacent to a Secondary Corridor designated on Schedule E Urban Structure, provided that sections a), b), and d) of Policy B.3.6.3.11 are satisfied.
  - b) Notwithstanding Policy E.3.5.7 of Volume 1, for medium density residential uses, the *net residential density* shall be greater than 50 units per hectare and not greater than 100 units per hectare."

#### **Maps and Appendices**

#### 4.1.2 <u>Map</u>

a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-35, as shown on Appendix "A", attached to this Amendment.

Urban Hamilton Official Plan Amendment No. 172	Page 2 of 3	Hamilton
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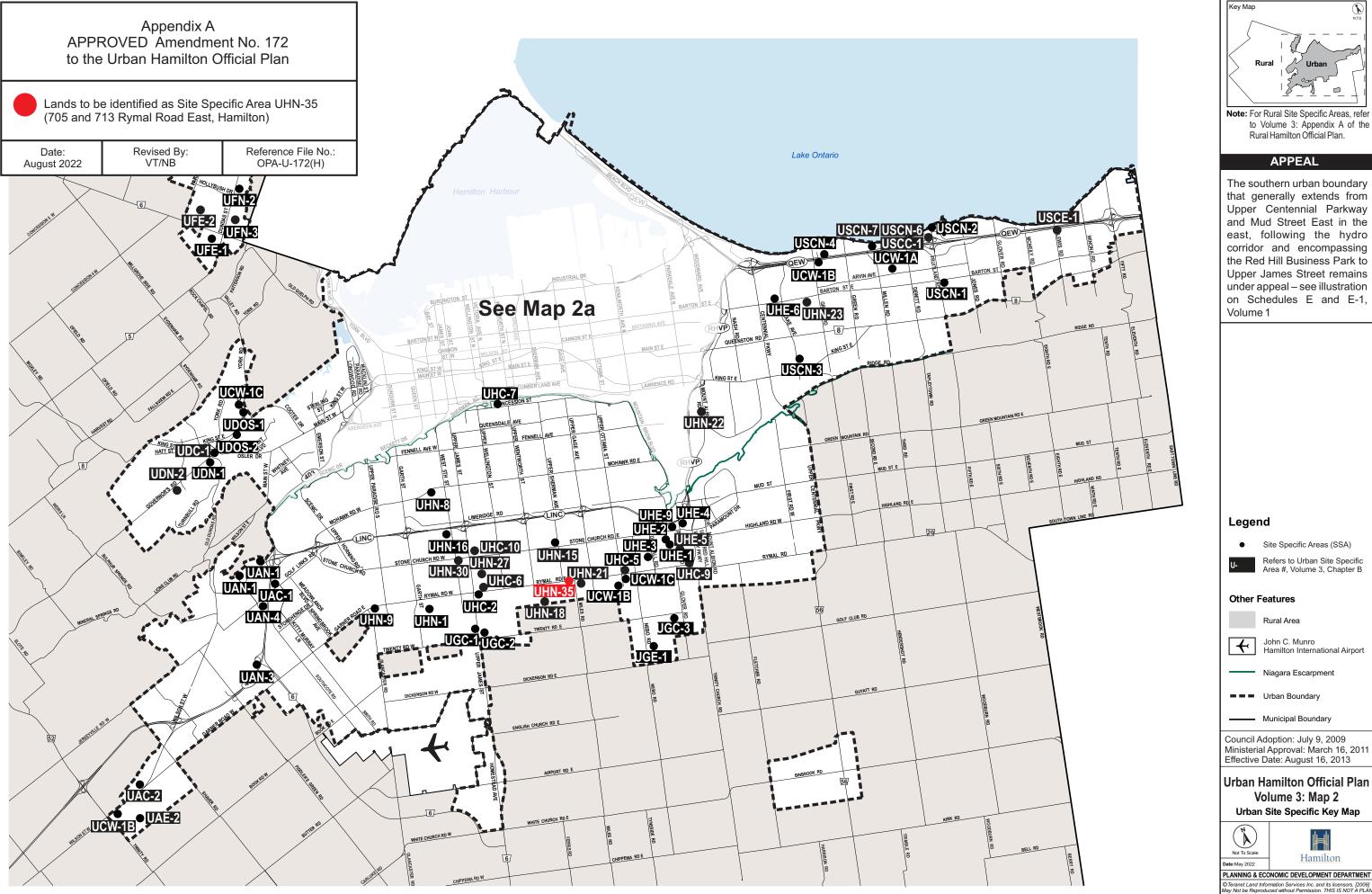
## 5.0 <u>Implementation</u>:

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. 22-213 passed on the  $12^{th}$  day of August, 2022.

	The City of Hamilton	
F. Eisenberger Mayor	A. Holland City Clerk	







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Authority: Item 6, Planning Committee

Report 22-013 (PED22171) CM: August 12, 2022

Mord: 6

Ward: 6

**Bill No. 214** 

# CITY OF HAMILTON BY-LAW NO. 22To Amend Zoning By-law No. 6593, Respecting Lands Located at 705 and 713 Rymal 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 6 of Report 22-013 of the Planning Committee at its meeting held on the 12<sup>th</sup> day of August, 2022, which recommended that Zoning By-law No. 6593, be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 172.

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

- 1. That Sheet No. E38d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
  - a) By changing the zoning from the "AA" (Agricultural) District to the "RT-30/S-RT-30/S-1824" (Street Townhouse) District, Modified; the lands comprised of Block 1; and,
  - b) By changing the zoning from the "C" (Urban Protected Residential, Etc.)
     District to the "RT-30/S-1824" (Street Townhouse) District, Modified; the lands comprised of Block 2;

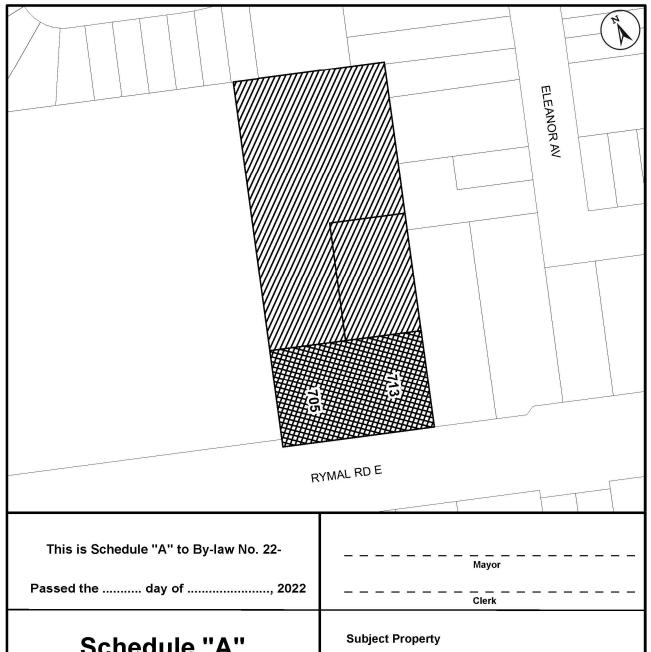
the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

- 2. That the "RT-30" (Street Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks 1 and 2, be modified to include the following special requirements:
  - a) For the purpose of this By-law, a common element condominium road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping, waste collection areas, community mailboxes, and other similar ancillary uses are permitted uses within the private roads;
  - b) Notwithstanding any provision of this By-law, for the purpose of this By-law, the lot line abutting a common element condominium road is deemed to be the front lot line;
  - c) Notwithstanding Subsection 10F (3), no building shall exceed two storeys, and no structure shall exceed 10.5 metres in height;
  - d) Notwithstanding Subsection 10F (4) (a), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 2.8 metres;
  - e) Notwithstanding Subsection 10F (4) (b), a rear yard depth of at least 6.0 metres;
  - f) Notwithstanding Subsection 10F (4) (c), a side yard abutting a wall that is not a party wall, along each side lot line be a width of not less than 1.5 metres, except for a side yard abutting Rymal Road East and the north property line the depth shall be at least 3.0 metres:
  - g) Notwithstanding Subsection 10F (5) (b), the distance between two end walls shall not be less than 2.4 metres;
  - h) Notwithstanding Subsection 10F (6) (i), there shall be provided a lot area of not less than 150.0 square metres;
  - i) In addition to Subsection 18 (3) (vi) (d), a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required side yard to a distance of not more than 2.0 metres, and every such projecting porch shall be distant at least 1.3 metres from the nearest street line;
  - j) Notwithstanding Subsection 18 (4) (v) (a), a transformer or transformers may be permitted within a required front yard;

- k) Notwithstanding Subsection 18A. (1) (b), the minimum visitor parking ratio required for a Street Townhouse Dwelling shall be 0.25 spaces per unit;
- I) Notwithstanding Subsection 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long;
- m) Notwithstanding Subsection 18A. (9), for the purposes of this By-law, required visitor parking spaces are permitted to be located off-site within the common element condominium road; and,
- n) Subsections 18A. (7b), (12), and (14g) shall not apply;
- 3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" (Street Townhouse) District provisions subject to the special requirements referred to in Section 2 of this By-law;
- 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedules S-1824;
- 5. That Sheet No. E38d of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1824; and,
- 6. 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*.

<b>PASSED</b> this 12 <sup>th</sup> day of August, 2022.	
F. Eisenberger	A. Holland
Mayor	City Clerk

ZAC-21-026



# Schedule "A"

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

to Amend By-law No. 6593

<b>S</b> cale:	File Name/Number:
N.T.S	ZAC-21-026 & UHOPA-21-012
<b>Date:</b>	Planner/Technician:
July 4, 2022	TV/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



705 - 713 Rymal Road East, Hamilton

Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1824" (Street – Townhouse) District, Modified

 $\bowtie$ 

Block 2 - Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1824" (Street – Townhouse) District, Modified

**Authority:** Item 8, Planning Committee

Report: 22-013 (PED22112(c))

CM: August 12, 2022 Ward: City Wide

**Bill No. 215** 

# CITY OF HAMILTON BY-LAW NO. 22-

To Adopt:

# Official Plan Amendment No. 175 to the Urban Hamilton Official Plan

Respecting:

#### Bill 13 & Bill 109 Implementation

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

1.	Amendment No. 175 to the Urban Hamilton Official Plan consisting of Schedule "1"
	hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of August, 2022.

F. Eisenberger	A. Holland	
Mayor	City Clerk	

## Urban Hamilton Official Plan Amendment No. 175

The following text, together with Appendix "A" – Volume 1, Chapter F – Implementation, constitutes Official Plan Amendment No. 175 to the Urban Hamilton Official Plan.

#### 1.0 Purpose and Effect:

The purpose of and effect of this Amendment is to:

- Amend existing policies and add new policies to the Urban Hamilton
   Official Plan to respond to Planning Act legislation changes which
   implement Ontario's More Homes for Everyone Act, 2022 ("Bill 109"), and
   Supporting People and Businesses Act, 2021 ("Bill 13"); and,
- The effect of the amendments is to respond to legislative changes to the Planning Act intended to expedite the development approvals process with the stated goal of increasing the supply of housing units. The Planning Act changes require municipalities to refund Application Fees for Official Plan Amendments, Zoning By-law Amendments and/or Site Plan approvals if Prescribed Timeframes are exceeded.

#### 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:

 To update the Urban Hamilton Official Plan to reflect updated policy direction of the <u>Planning Act, R.S.O., 1990 c. P.13</u> due to Provincial Bill 109, More Homes for Everyone Act, 2022 and Bill 13, Supporting People and Businesses Act, 2021.



#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

#### Text

#### 4.1.1 Chapter F – Implementation

- a. That the following policies of Volume 1: Chapter F Implementation be amended, added or deleted, as outlined in Appendix "A", attached to this amendment:
  - F.1.5.8 (new)
  - F.1.5.9 (new)
  - F.1.8.5 (new)
  - F.1.11.1
- F.1.11.4
- F.1.11.6 (new)
- F.1.17.2
- F.1.17.3
- F.1.17.7
- F.1.19.3
- F.1.19.5F.1.19.6
- F.1.19.6 –
- Table F.1.19.1
- F.1.19.7
- F.1.19.11 (new)
- F.3.2.10
- F.3.2.10.1

#### 5.0 Implementation:

An amendment to the City's Formal Consultation By-law, new delegation by-laws for certain minor zoning amendments, new Guidelines and Terms of Reference documents, and changes to application processing procedures will give effect to the Amendments.

This Official Plan Amendment is Schedule "1" to By-law No. 22-215 passed on the 12<sup>th</sup> day of August, 2022.

# The City of Hamilton

F. Eisenberger	A. Holland
Mayor	City Clerk





# Appendix "A" – Volume 1, Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy	
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Insert new Policy F.1.5.8, as follows:  A Minor Zoning By-law Amendment includes any or all of the following circumstances:  a) To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;  b) To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application;  c) To amend an existing Holding Provision;  d) To establish a new Holding Provision;  e) To add a use permitted by the Official Plan; and,  f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect.	<ul> <li>A Minor Zoning By-law Amendment includes any or all of the following circumstances:</li> <li>a) To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;</li> <li>b) To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application;</li> <li>c) To amend an existing Holding Provision;</li> <li>d) To establish a new Holding Provision;</li> <li>e) To add a use permitted by the Official Plans; and,</li> <li>f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect.</li> </ul>	
Insert new Policy F.1.5.9, as follows: F.1.5.9 Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.8.  Insert new Policy F.1.8.5, as follows:	F.1.5.9 Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.8.  F.1.8.5 Council may, by By-law, delegate to	
<ul> <li>F.1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:</li> <li>a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or,</li> <li>b) the Holding Provision applies to lands</li> </ul>	the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:  a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or, b) the Holding Provision applies to lands within a Council-approved Secondary Plan.	
within a Council-approved Secondary Plan.		



Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
1.11.1 Council may adopt #Temporary #Use By-laws provided the use complies with the permitted uses in Section Chapter E – Urban Systems and Designations, to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning By-law. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use By-laws.	1.11.1 Council may adopt Temporary Use Bylaws provided the use complies with the permitted uses in Chapter E – Urban Systems and Designations, to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning Bylaw. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use Bylaws.
F.1.11.4 A *Temporary **uuse b*By-law may be permitted for a period of time which shall not exceed three years, except for garden suites which shall not exceed ten years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each, during which the temporary use is authorized, in accordance with policy F.1.11.3.	F.1.11.4 A Temporary Use By-law may be permitted for a period of time which shall not exceed three years, except for garden suites which shall not exceed ten years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each, during which the temporary use is authorized, in accordance with policy F.1.11.3.
Insert new Policy F.1.11.6, as follows: F.1.11.6 The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4.	F.1.11.6 The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4.
F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, draft plan of condominium as required by the <u>Planning Act</u> , and Community Improvement Plans shall be given to the public at least 17 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u> , <u>R.S.O., 1990 c. P.13</u> regulations. (OPA 155)	F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, draft plan of condominium as required by the <u>Planning Act</u> , and Community Improvement Plans shall be given to the public at least 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u> , <u>R.S.O., 1990 c. P.13</u> regulations. (OPA 155)

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
F.1.17.3 Council decisions shall take place no sooner than a minimum of 17 days from the time the first notification is given, for Planning Act, R.S.O., 1990 c. P.13 applications/procedures identified in Section F.1.17.2.	F.1.17.3 Council decisions shall take place no sooner than a minimum of 7 days from the time the first notification is given, for <u>Planning Act, R.S.O., 1990 c. P.13</u> applications/procedures identified in Section F.1.17.2.
F.1.17.7 Public meetings under the <u>Planning</u> <u>Act</u> shall not be required for minor amendments to this Plan or the Zoning By-law, such as format changes, typographical errors, grammatical errors, <b>mapping errors</b> and policy or regulation number changes.	F.1.17.7 Public meetings under the <u>Planning</u> <u>Act</u> shall not be required for minor amendments to this Plan or the Zoning By-law, such as format changes, typographical errors, grammatical errors, mapping errors and policy or regulation number changes.
F.1.19.3 Notwithstanding Policy F.1.19.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. If the requirement for formal consultation is waived, the City shall provide the applicant with a form waiver letter from the formal consultation process that identifies the any necessary other information and materials to be submitted with the application(s) to deem it complete.	F.1.19.3 Notwithstanding Policy F.1.19.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. If the requirement for formal consultation is waived, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary other information and materials to be submitted with the application(s) to deem it complete.
F.1.19.5 A <u>Planning Act, R.S.O., 1990 c. P.13</u> application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the <b>other</b> <i>information and materials</i> listed in Table 1.19.1 as determined by the procedures of Policy F.1.19.1 or F.1.19.3.	F.1.19.5 A <u>Planning Act, R.S.O., 1990 c. P.13</u> application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the other information and materials listed in Table 1.19.1 as determined by the procedures of Policy F.1.19.1 or F.1.19.3.



Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
F.1.19.6 Table F.1.19.1 identifies the other information and materials which may be required to deem Planning Act, R.S.O., 1990 c. P.13 applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete:	F.1.19.6 Table F.1.19.1 identifies the other information and materials which may be required to deem <u>Planning Act</u> , R.S.O., 1990 <u>c. P.13</u> applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete:
Repeal and replace Table F.1.19.1 (as part of Policy F.1.19.6) with the table contained at the end of Appendix "A" to the Amendment	See new table at the end of Appendix "A"
F.1.19.7 <b>Other</b> information and materials submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete:	F.1.19.7 Other information and materials submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete:
a) The other information and materials submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant.	a) The other information and materials submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant.
b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.	b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.
c) The City may refuse <b>any</b> other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory <b>and is not considered to be in accordance with the applicable Terms of Reference or Guideline</b>	c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline



Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Insert new Policy F.1.19.11, as follows:  Prior to the submission of a complete <u>Planning Act</u> application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:  a) amend the formal consultation or waiver letter; or b) require a new formal consultation.	Prior to the submission of a complete <u>Planning Act</u> application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:  a) amend the formal consultation or waiver letter; or b) require a new formal consultation.
F.3.2.10 Public Consultation Strategy (OPA 49)	F.3.2.10 Public Consultation
F.3.2.10.1 Council has adopted Public Consultation Strategy Guidelines which shall be used by proponents when preparing conducting public consultation and producing a summary and response to comments received, as a strategy that is may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment, Zoning Bylaw Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Strategy Guidelines from time to time.	F.3.2.10.1 Council has adopted Public Consultation Guidelines which shall be used by proponents when conducting public consultation and producing a summary and response to comments received, as may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Guidelines from time to time.

### Volume 1: Chapter F – Implementation – Table F.1.19.1

Repeal and replace existing table with the following:

**(Bolded text** = New study/material being added, strikethrough = revised title of existing study/material)

Table F.1.19.1 Other Information and Materials

					Plan Appli	ning catio	1
Stu	dy/Material Name			Official Plan Amendment	Zoning By-law Amendment	Draft Plan of Subdivision	Site Plan Control
1	Affordable Housing Report/Rental Conversion Assessment				1		√ V
2	2 Aggregate Resource Assessment						
3	Aggregate/Mineral Resource Analysis						
4	4 Agricultural Impact Assessment				$\sqrt{}$		$\sqrt{}$
5	5 Air Quality Study				1	1	
6	Archaeological Assessment				V	1	1
7	Channel Design and Geofluvial Assessment				1	1	
8	Chloride Impact Study				$\sqrt{}$	1	
9	Concept Plan				<b>V</b>	1	1
10	10 Construction Management Plan					1	V
11	11 Contaminant Management Plan				1	1	1
12	Cost Recovery Agreemer	nt		$\sqrt{}$	1	<b>V</b>	1
	an Hamilton Official Plan	Page					

8 of 12

Amendment No. 175

13	Cultural Heritage Assessment - Documentation and Salvage Plan	1	1	1	<b>√</b>
14	Cultural Heritage Impact Assessment (for Heritage Resources and/or Cultural Heritage Landscapes)	1	<b>V</b>	1	
15	Cut and Fill Analysis	$\checkmark$	$\sqrt{}$	$\checkmark$	√
16	Cycling Route Analysis	$\sqrt{}$		$\checkmark$	
17	Draft Official Plan Amendment/ Draft Zoning By-law Amendment	1	1		
18	Dust Impact Analysis	$\checkmark$	$\sqrt{}$	$\checkmark$	√
19	Energy and Environmental Assessment Report	<b>√</b>	<b>√</b>	√	√
20	Environmental Impact Statement (EIS) and Summary of Environmentally Significant Areas Impact Evaluation Group Comments (where applicable)		V	V	<b>V</b>
21	Environmental Site Assessment and/or Record of Site Condition	1	1	1	
22	Erosion and Sediment Control Plan		<b>√</b>	√	√
23	Erosion Hazard Assessment			√	√
24	Farm Economics Report		$\sqrt{}$		
25	Financial Impact Analysis	$\sqrt{}$	$\sqrt{}$		
26	Fish Habitat Assessment	$\sqrt{}$	$\sqrt{}$	$\checkmark$	
27	Floodline Delineation Study/ Hydraulic Analysis	$\sqrt{}$	$\sqrt{}$	$\checkmark$	
28	Full Disclosure Report	$\sqrt{}$	$\sqrt{}$		
29	Functional Servicing Feasibility Report	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$	
30	General Vegetation Inventory	$\sqrt{}$	$\sqrt{}$	$\checkmark$	
31	Grading Plan		$\sqrt{}$	$\checkmark$	
32	Housing Report			$\checkmark$	
33	Hydrogeological Study	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$	√
34	Impact Assessment for new Private Waste Disposal Sites		1		<b>√</b>
35	Karst Assessment/Karst Contingency Plan	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$	√
36	Land Use Compatibility Study	$\sqrt{}$			1

Urban	Hamilton	Official	Plan
Amen	dment No	o. 175	



37	Land Use in the Vicinity of Existing Pipelines Study	V	V	$\sqrt{}$	$\sqrt{}$
38	Land Use/ Commercial Needs <b>and Impact</b> Assessment	V			
39	Landfill Impact <del>Study</del> <b>Assessment</b>	V	$\sqrt{}$	<b>V</b>	
40	Landscape Plan			√	$\sqrt{}$
41	Demarcation of top of bank, limit of wetland, limit of natural hazard, Limit of Environmentally Significant Area, or Limit of Conservation Authority Regulated Area	√	<b>√</b>	<b>V</b>	V
42	Linkage Assessment	V	V	√	$\sqrt{}$
43	Market Impact Study	V	V		
44	Master Drainage Plan	V	V	<b>V</b>	$\sqrt{}$
45	Materials Palette or Imagery			<b>V</b>	$\sqrt{}$
46	Meander Belt Assessment	V	V	<b>V</b>	$\sqrt{}$
47	Minimum Distance Separation Calculation		$\sqrt{}$		$\sqrt{}$
48	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval	√	$\sqrt{}$		
49	Modern Roundabout and Neighbourhood Roundabout Analysis		<b>√</b>	<b>√</b>	
50	Neighbourhood Traffic Calming Options Report	V	V	V	
51	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)	V	V	<b>V</b>	√
52	Nutrient Management Study	V	$\sqrt{}$	<b>V</b>	$\sqrt{}$
53	Odour Impact Assessment	1	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
54	Odour, Dust <b>and/or</b> Light <b>Impact</b> Assessment	1	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
55	Parking Analysis/Study	1	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
56	Pedestrian Route and Sidewalk Analysis		$\sqrt{}$	$\sqrt{}$	
57	Planning Justification Report	1	V	$\sqrt{}$	
58	Pre-Technical Conservation Authority Review	1	V	V	$\sqrt{}$
59	Public Consultation <b>Summary and Comment Response Report</b>	√	$\sqrt{}$	√	
60	Recreation Feasibility Study	1	V		

Urban	Hamilton	Official	Plan
Amen	dment No	o. 175	



61	Recreation Needs Assessment	<b>√</b>	<b>√</b>		
62	Restoration Plan	<b>√</b>	<b>√</b>	<b>√</b>	<b>V</b>
63	Right of Way Impact Assessment (OPA 49)	<b>√</b>	<b>√</b>	<b>√</b>	<b>V</b>
64	Roadway/Development Safety Audit		$\sqrt{}$	$\checkmark$	
65	School Accommodation Issues Assessment		$\sqrt{}$		
66	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	1	1	1	
67	Servicing Options Report	$\sqrt{}$		$\sqrt{}$	
68	Shoreline Assessment Study/Coastal Engineers Study	$\sqrt{}$		$\sqrt{}$	$\sqrt{}$
69	Site Lighting Plan			$\sqrt{}$	$\sqrt{}$
70	Site Plan and Building Elevations	$\sqrt{}$		$\sqrt{}$	$\sqrt{}$
71	Slope Stability Study and Report		$\sqrt{}$	$\checkmark$	√
72	Soil Management Plan			$\sqrt{}$	√
73	Soils/Geotechnical Study			$\sqrt{}$	√
74	Species Habitat Assessment		$\sqrt{}$	$\sqrt{}$	√
75	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan	1	1	1	<b>√</b>
76	Sub-watershed Plan and/or update to an existing Sub- watershed Plan			<b>V</b>	<b>√</b>
77	Summary Response to Formal Consultation Comments	<b>√</b>	<b>V</b>	<b>√</b>	<b>√</b>
78	Sun/Shadow Study	<b>√</b>	$\sqrt{}$	<b>√</b>	<b>V</b>
79	Survey Plan	$\sqrt{}$		$\sqrt{}$	$\sqrt{}$
80	Traffic Impact Study	$\sqrt{}$		$\sqrt{}$	$\sqrt{}$
81	Transit Assessment	$\sqrt{}$		$\sqrt{}$	
82	Transportation Demand Management Options Report	$\sqrt{}$		$\sqrt{}$	$\sqrt{}$
83	Transportation Impact Study			$\sqrt{}$	
84	Tree Management Plan/Study	√	$\sqrt{}$	$\sqrt{}$	√
85	Tree Protection Plan	<b>√</b>	$\sqrt{}$	$\sqrt{}$	√
86	Urban Design and Architectural Guidelines			$\sqrt{}$	
87	Urban Design Report and Design Review Panel	√	√	√	

Urban	Hamilton	Official	Plan
Amen	dment No	o. 175	



	Summary of Advice and Response (where applicable)				
88	Vibration Study	$\checkmark$	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
89	Visual Impact Assessment	$\checkmark$	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
90	Water and Wastewater Servicing Study	$\checkmark$	$\sqrt{}$	$\sqrt{}$	
91	Watermain Hydraulic Analysis			$\sqrt{}$	$\sqrt{}$
92	Water Well Survey and Contingency Plan	$\checkmark$	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
93	Wildland Fire Assessment			$\sqrt{}$	$\sqrt{}$
94	Wind Study	$\checkmark$	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$
95	Zoning Compliance Review		√	√	√
96	3D Model	$\checkmark$	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$

**Authority:** Item 8, Planning Committee

Report: 22-013 (PED22112(c))

CM: August 12, 2022 Ward: City Wide

**Bill No. 216** 

# CITY OF HAMILTON BY-LAW NO. 22-

To Adopt:

# Official Plan Amendment No. 36 to the Rural Hamilton Official Plan

Respecting:

#### Bill 13 & Bill 109 Implementation

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

1.	Amendment No.	36 to the	Rural	Hamilton	Official	Plan	consisting	of Schedule	"1",
	hereto annexed a	and formin	g part d	of this by-l	aw, is h	ereby	adopted.		

PASSED this 12th day of August, 2022.

F. Eisenberger	A. Holland
Mayor	City Clerk

## Rural Hamilton Official Plan Amendment No. 36

The following text, together with Appendix "A" – Volume 1, Chapter F – Implementation, constitutes Official Plan Amendment No. 36 to the Rural Hamilton Official Plan.

#### 1.0 Purpose and Effect:

The purpose of and effect of this Amendment is to:

- Amend existing policies and add new policies to the Rural Hamilton Official Plan to respond to Planning Act legislation changes which implement Ontario's More Homes for Everyone Act, 2022 ("Bill 109"), and Supporting People and Businesses Act, 2021 ("Bill 13"); and,
- The effect of the amendments is to respond to legislative changes to the Planning Act intended to expedite the development approvals process with the stated goal of increasing the supply of housing units. The Planning Act changes require municipalities to refund Application Fees for Official Plan Amendments, Zoning By-law Amendments and/or Site Plan approvals if Prescribed Timeframes are exceeded.

#### 2.0 Location:

The lands affected by this Amendment are located within the Rural Area of the City of Hamilton.

#### 3.0 Basis:

The basis for permitting this Amendment is:

• To update the Rural Hamilton Official Plan to reflect updated policy direction of the <u>Planning Act, R.S.O., 1990 c. P.13</u> due to Provincial Bill 109, More Homes for Everyone Act, 2022 and Bill 13, Supporting People and Businesses Act, 2021.

Rural Hamilton Official Plan	Page	
Amendment No. 36	2 of 9	<u>Hamilton</u>

#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

#### Text

- 4.1.1 Chapter F Implementation
- a. That the following policies of Volume 1: Chapter F Implementation be amended, added or deleted, as outlined in Appendix "A", attached to this amendment:
  - F.1.5.5 (new) F.1.9.7 F.1.11.1 F.1.17.3 F.1.5.6 (new) F.1.9.7 Table F.1.11.4 F.1.17.7 F.1.9.1
  - F.1.8.5 (new)
    F.1.9.8
    F.1.11.6 (new)
    F.3.2.11
    F.1.9.3
    F.1.9.12 (new)
    F.1.17.2
    F.3.2.11.1

#### 5.0 <u>Implementation</u>:

An amendment to the City's Formal Consultation By-law, new delegation by-laws for certain minor zoning amendments, new Guidelines and Terms of Reference documents, and changes to application processing procedures will give effect to the Amendments.

This Official Plan Amendment is Schedule "1" to By-law No. 22-216 passed on the 12<sup>th</sup> day of August, 2022.

# The City of Hamilton

F. Eisenberger	A. Holland
Mayor	City Clerk

Rural Hamilton Official Plan	Page	H
Amendment No. 36	3 of 9	Hamilton

# Appendix "A" – Volume 1, Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Insert new Policy F.1.5.5, as follows: F.1.5.5 A Minor Zoning By-law Amendment includes any or all of the following circumstances:	F.1.5.5 A Minor Zoning By-law Amendment includes any or all of the following circumstances:  a) To prohibit development of a single
<ul> <li>a) To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;</li> <li>b) To recognize a reduced lot area as part of</li> </ul>	detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;  b) To recognize a reduced lot area as part
<ul> <li>a surplus farm dwelling approved through a Consent application;</li> <li>c) To amend an existing Holding Provision;</li> <li>d) To establish a new Holding Provision;</li> <li>e) To add a use permitted by the Official Plan; and,</li> <li>f) To remove an existing Site Specific Zoning</li> </ul>	of a surplus farm dwelling approved through a Consent application; c) To amend an existing Holding Provision; d) To establish a new Holding Provision; e) To add a use permitted by the Official Plans; and,
f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect.	f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect.
Insert new Policy F.1.5.6, as follows: F.1.5.6 Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.5.	F.1.5.6 Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.5.
Insert new Policy F.1.8.5, as follows: F.1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:	F.1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:
<ul> <li>a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or,</li> <li>b) the Holding Provision applies to lands within a Rural Settlement Area, in accordance with Section D.5.0 – Rural Settlement Areas.</li> </ul>	<ul> <li>a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or,</li> <li>b) the Holding Provision applies to lands within a Rural Settlement Area, in accordance with Section D.5.0 – Rural Settlement Areas.</li> </ul>

Rural	Hamilton	Official	Plan
Amer	ndment N	lo. 36	





Proposed Change	Proposed New / Revised Policy		
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added		
F.1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. If the requirement for formal consultation is waived, I the City shall provide the applicant with a form waiver letter from the formal consultation process that identifies the any necessary other information and materials to be submitted with the application(s) to deem it complete.	F.1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. If the requirement for formal consultation is waived, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary other information and materials to be submitted with the application(s) to deem it complete.		
F.1.9.7 Table F.1.9.1 identifies the other information and materials which may be required, to deem Planning Act applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete:  F.1.9.7 Repeal and replace Table F.1.9.1 with the table contained at the end of Appendix	F.1.9.7 Table F.1.9.1 identifies the other information and materials which may be required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete:  See new Table F.1.9.1 at the end of Appendix "A"		
<ul> <li>"A" to the Amendment</li> <li>F.1.9.8 Other information and materials submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete:</li> <li>a) The other information and materials submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with</li> </ul>	F.1.9.8 Other information and materials submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete:  a) The other information and materials submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in		
Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant.  b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional	accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional		

Rural	Hamilton	Official	Plan
Ame	ndment N	o. 36	





Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
consultant retained by the City, at the applicant's expense.  c) The City may refuse <b>any</b> other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory <b>and</b> is not considered to be in accordance with the applicable Terms of Reference or Guideline	consultant retained by the City, at the applicant's expense. c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline.
Insert new Policy F.1.9.12, as follows:  Prior to the submission of a complete <u>Planning Act</u> application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:  a) amend the formal consultation or waiver letter; or b) require a new formal consultation.	Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:  a) amend the formal consultation or waiver letter; or b) require a new formal consultation.
F.1.11.1 Council may adopt Temporary Use Bylaws without having to amend this Plan provided the use complies with the permitted uses in Chapter D – Rural Systems and Designations, to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning By-law. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use By-laws.	F.1.11.1 Council may adopt Temporary Use By-laws provided the use complies with the permitted uses in Chapter D – Rural Systems and Designations, to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning By-law. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use By-laws.
F.1.11.4 A Temporary Use By-law may be permitted for a period of time which shall not exceed three years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each during which the temporary use is authorized, in accordance with policy F.1.11.3.	F.1.11.4 A Temporary Use By-law may be permitted for a period of time which shall not exceed three years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each during which the temporary use is authorized, in accordance with policy F.1.11.3.

Rural	Hamilto	n O	fficial	Plan
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Proposed Change	Proposed New / Revised Policy		
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added		
Insert new Policy F.1.11.6, as follows: F.1.11.6 The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4.	F.1.11.6 The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4.		
F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, Plans of Subdivision, draft plan of condominium as required by the <u>Planning Act</u> , and Community Improvement Plans shall be given to the public at least 17 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u> regulations.	F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, Plans of Subdivision, draft plan of condominium as required by the <u>Planning Act</u> , and Community Improvement Plans shall be given to the public at least 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u> regulations.		
F.1.17.3 Council decisions shall take place a minimum of 17 7 days from the time the first notification is given, for Planning Act applications/procedures identified in Section F.1.17.2.	F.1.17.3 Council decisions shall take place a minimum of 17 7 days from the time the first notification is given, for <u>Planning Act</u> applications/procedures identified in Section F.1.17.2.		
F.1.17.7 Public meetings under the <u>Planning</u> <u>Act</u> shall not be required for minor amendments to this Plan or the Zoning By-law, such as format changes, typographical errors, grammatical errors, <b>mapping errors</b> and policy or regulation number changes.	F.1.17.7 Public meetings under the <u>Planning</u> <u>Act</u> shall not be required for minor amendments to this Plan or the Zoning By- law, such as format changes, typographical errors, grammatical errors, mapping errors and policy or regulation number changes.		
F.3.2.11 Public Consultation <del>Strategy</del>	F.3.2.11 Public Consultation		
F.3.2.11.1 Council has adopted Public Consultation Strategy Guidelines which shall be used by proponents when preparing a strategy that is conducting public consultation and producing a summary and response to comments received, as may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment,	F.3.2.11.1 Council has adopted Public Consultation Guidelines which shall be used by proponents when conducting public consultation and producing a summary and response to comments received, as may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment, Zoning By-law		

Rural	Hamilton	Official	Plan
Amen	dment N	lo. 36	



Proposed Change	Proposed New / Revised Policy		
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added		
Zoning By-law Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Strategy Guidelines from time to time.	Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Guidelines from time to time.		



### Volume 1: Chapter F – Implementation – Table F.1.9.1

Repeal and replace existing table with the following:

(Bolded text = New study/material being added, strikethrough = revised title of existing study/material)

Table F.1.9.1 Other Information and Materials

				Planning Application			
Stuc	dy/Material Name	Official Plan Amendment	Zoning By-law Amendment	Draft Plan of Subdivision	Site Plan Control		
1	Affordable Housing Report/Rental Conversion Assessment	√	1		√		
2	Aggregate Resource Assessment	√					
3	Aggregate/Mineral Resource Analysis	√					
4	Agricultural Impact Assessment	<b>√</b>	1	1	$\sqrt{}$		
5	Air Quality Study	√	1	<b>√</b>			
6	Archaeological Assessment	√	1	1	$\checkmark$		
7	Channel Design and Geofluvial Assessment	√	1	1			
8	Chloride Impact Study	√	1	1			
9	Concept Plan	1	1	1	$\checkmark$		
10	Construction Management Plan			√	<b>√</b>		
11	Contaminant Management Plan	√	<b>V</b>	<b>V</b>	√		
12	Cost Recovery Agreement	√	<b>V</b>	√	<b>√</b>		
13	Cultural Heritage Assessment - Documentation and Salvage Plan	√	<b>V</b>	√	<b>√</b>		
14	Cultural Heritage Impact Assessment (for Heritage Resources and/or Cultural Heritage Landscapes)	1	<b>√</b>	<b>V</b>	<b>V</b>		

Rural Hamilton Official Plan Amendment No. 36	Page 9 of 12	Hamilton

15	Cut and Fill Analysis	√	V	V	√
16	Cycling Route Analysis	√	V	V	
17	Draft Official Plan Amendment/ Draft Zoning By-law Amendment	√	V		
18	Dust Impact Analysis	√	V	V	1
19	Energy and Environmental Assessment Report	√	1	<b>V</b>	1
20	Environmental Impact Statement (EIS) and Summary of Environmentally Significant Areas Impact Evaluation Group Comments (where applicable)	V	1	1	<b>V</b>
21	Environmental Site Assessment and/or Record of Site Condition	√	√	V	<b>V</b>
22	Erosion and Sediment Control Plan	√	1	V	1
23	Erosion Hazard Assessment	√	√	V	<b>V</b>
24	Farm Economics Report	√	√		
25	Financial Impact Analysis	√	√		
26	Fish Habitat Assessment	√	1	V	1
27	Floodline Delineation Study/ Hydraulic Analysis	√	√	V	<b>V</b>
28	Full Disclosure Report	√	<b>V</b>		
29	Functional Servicing Feasibility Report	√	V	V	
30	General Vegetation Inventory	√	V	V	1
31	Grading Plan	√	V	V	1
32	Housing Report	√	√	V	√
33	Hydrogeological Study	√	<b>V</b>	V	√
34	Impact Assessment for new Private Waste Disposal Sites	√	1		1
35	Karst Assessment/Karst Contingency Plan	√	√	V	<b>V</b>
36	Land Use Compatibility Study	√	1		1
37	Land Use in the Vicinity of Existing Pipelines Study	√	1	$\sqrt{}$	1
38	Land Use/ Commercial Needs and Impact Assessment	<b>√</b>			
39	Landfill Impact Study Assessment	√	1	$\sqrt{}$	
40	Landscape Plan			√	√
41	Demarcation of top of bank, limit of wetland, limit of natural hazard, Limit of Environmentally Significant Area, or Limit of Conservation Authority Regulated Area	<b>√</b>	1	1	~
		4		T .	1
42	Linkage Assessment	$\sqrt{}$	√	V	1
42 43	Linkage Assessment  Market Impact Study	√ √	√ √	1	1

Rural Hamilton Official Plan Amendment No. 36 Page 10 of 12



45	Materials Palette or Imagery			√	$\sqrt{}$
46	Meander Belt Assessment	<b>V</b>	√	√	√
47	Minimum Distance Separation Calculation	$\sqrt{}$	<b>√</b>		<b>√</b>
48	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval	1	1	1	<b>V</b>
49	Modern Roundabout and Neighbourhood Roundabout Analysis	<b>V</b>	√	√	
50	Neighbourhood Traffic Calming Options Report	$\checkmark$	<b>√</b>	√	
51	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)	√	√	√	<b>√</b>
52	Nutrient Management Study	$\checkmark$	<b>√</b>	√	<b>V</b>
53	Odour Impact Assessment	$\checkmark$	<b>√</b>	√	<b>V</b>
54	Odour, Dust <b>and/or</b> Light <b>Impact</b> Assessment		<b>√</b>	√	<b>V</b>
55	Parking Analysis/Study	$\sqrt{}$	√	√	<b>V</b>
56	Pedestrian Route and Sidewalk Analysis	$\sqrt{}$	√	√	
57	Planning Justification Report	<b>√</b>	1	√	
58	Pre-Technical Conservation Authority Review		√	√	<b>V</b>
59	Public Consultation Summary and Comment Response Report	$\sqrt{}$	√	√	
60	Recreation Feasibility Study	$\sqrt{}$	<b>√</b>		
61	Recreation Needs Assessment	$\sqrt{}$	<b>√</b>	√	
62	Restoration Plan	$\sqrt{}$	<b>√</b>	√	<b>V</b>
63	Right of Way Impact Assessment <del>(OPA 49)</del>	$\sqrt{}$	<b>√</b>	√	<b>V</b>
64	Roadway/Development Safety Audit	$\sqrt{}$	<b>√</b>	√	
65	School Accommodation Issues Assessment	<b>√</b>	1		
66	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	1	1	1	
67	Servicing Options Report	<b>√</b>	1	√	
68	Shoreline Assessment Study/Coastal Engineers Study	<b>√</b>	1	√	<b>V</b>
69	Site Lighting Plan			√	<b>√</b>
70	Site Plan and Building Elevations	<b>√</b>	1	√	<b>V</b>
71	Slope Stability Study and Report	$\sqrt{}$	<b>√</b>	√	<b>V</b>
72	Soil Management Plan			√	<b>V</b>
73	Soils/Geotechnical Study			√	<b>V</b>
74	Species Habitat Assessment	1	√	√	<b>V</b>
75	Storm Water Management Report/Plan and/or update to an	<b>V</b>	√	√	<b>√</b>

Rural Hamilton Official Plan Amendment No. 36	Page 11 of 12	Hamilton	

	existing Storm Water Management Plan				
76	Sub-watershed Plan and/or update to an existing Sub-watershed Plan			<b>√</b>	V
77	Summary Response to Formal Consultation Comments	√	√	√	√
78	Sun/Shadow Study	√	<b>√</b>	$\sqrt{}$	√
79	Survey Plan	√	√	<b>V</b>	√
80	Traffic Impact Study	√	√	<b>V</b>	√
81	Transit Assessment	<b>√</b>	V	<b>V</b>	
82	Transportation Demand Management Options Report	√	√	<b>V</b>	√
83	Transportation Impact Study	<b>√</b>	V	<b>V</b>	
84	Tree Management Plan/Study	<b>√</b>	V	<b>V</b>	<b>V</b>
85	Tree Protection Plan	<b>√</b>	V	<b>V</b>	<b>V</b>
86	Urban Design and Architectural Guidelines			<b>V</b>	
87	Urban Design Report and Design Review Panel Summary of Advice and Response (where applicable)	√	1	√	√
88	Vibration Study	√	√	<b>V</b>	√
89	Visual Impact Assessment	√	√	√	√
90	Water and Wastewater Servicing Study	√	√	$\sqrt{}$	
91	Watermain Hydraulic Analysis			$\sqrt{}$	√
92	Water Well Survey and Contingency Plan	√	√	$\sqrt{}$	√
93	Wildland Fire Assessment			$\sqrt{}$	√
		1	V	1	V
94	Wind Study		V	$\sqrt{}$	V
94 95	Wind Study  Zoning Compliance Review	٧	√ √	\ \ √	√ √



Authority: Item 8, Planning Committee

Report 22-013 (PED22112(c))

CM: August 12, 2022 Ward: City Wide Bill No. 217

#### CITY OF HAMILTON BY-LAW NO. 22-

To Delegate Removal of a Holding Symbol, Approval and Extension of a Temporary Use By-law and Minor Zoning By-law Amendment

**WHEREAS** under the provisions of Subsection 39.2 (1) of the *Planning Act*, as amended by Bill 13, the *Supporting People and Businesses Act, 2021*, a council of a local municipality may, by by-law, delegate the authority to pass by-laws under Section 34 of the *Planning Act* that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality;

**And Whereas** under Subsection 39.2 (2) of the *Planning Act*, this authority does not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority;

**And Whereas** under Subsection 39.2 (3) of the *Planning Act*, without limiting the generality of the meaning of a by-law passed under Section 34 of the *Planning Act* that is of a minor nature, such by-laws may include, a by-law to remove a holding symbol; and a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1) of the *Planning Act*;

And Whereas Urban Hamilton Official Plan Amendment No. 175 and Rural Hamilton Official Plan Amendment No. 36 specify the types of by-laws in respect of which there may be a delegation of authority;

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

- 1. That the Director of Planning and Chief Planner, or their designate, be delegated the authority to pass a by-law to remove a Holding Symbol that forms part of any zone within the City of Hamilton Zoning By-law No. 05-200, 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, Township of Glanbrook Zoning By-Law No. 464, City of Hamilton Zoning By-Law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92, and any successor thereto.
- 2. That the Director of Planning and Chief Planner, or their designate, be delegated the authority to pass a by-law to establish a temporary use or extend an existing temporary use by-law that forms part of any zone within the City of Hamilton Zoning By-law No. 05-200, 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, Township of Glanbrook Zoning By-Law No. 464, City of Hamilton Zoning By-Law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92, and any successor thereto.

- 3. That the Director of Planning and Chief Planner, or their designate, be delegated the authority to pass a by-law that is of a minor nature, that forms part of any zone within the City of Hamilton Zoning By-law No. 05-200, 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, Township of Glanbrook Zoning By-Law No. 464, City of Hamilton Zoning By-Law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92, and any successor thereto.
- 4. In the event the Director of Planning and Chief Planner, or any successor, is absent for any reason, the said authority of Council is delegated to the Manager, Development Planning or any successor. Where both the said Director of Planning and Chief Planner and the said Manager, Development Planning are absent, the authority delegated pursuant to this By-law is hereby delegated to the person or persons designated in writing by the Director of Planning and Chief Planner, or any successor, to act as the said Director during their absence.
- 5. That this By-law shall come into force and take effect immediately upon the final passing thereof.

<b>PASSED</b> this 12 <sup>th</sup> day of August, 2022.	
F. Eisenberger	A. Holland
Mayor	City Clerk

Authority: Item 9, Planning Committee

Report 22-013 (PED22158) CM: August 12, 2022

Ward: City Wide

**Bill No. 218** 

### CITY OF HAMILTON BY-LAW NO. 22-

Being a By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land

**WHEREAS** sections 42 and 51.1 of the *Planning Act* provide that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands;

**WHEREAS** subsections 42(3) and 51.1(2) of the *Planning Act* provide for an alternate land conveyance rate for development or redevelopment of land for residential purposes of one hectare for each 300 dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such rate;

**WHEREAS** subsection 42(6.0.1) and 51.1(3.1) of the *Planning Act* permits the City to require a payment in lieu of land to be conveyed for development or redevelopment of land for residential purposes calculated by using a rate of one hectare for each 500 dwelling units proposed, or such lesser rate as may be determined by the City; and,

**WHEREAS** the Council of the City of Hamilton wishes to use these provisions to acquire land and cash to be used for park or other public recreational purposes.

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

#### **DEFINITIONS**

- **1.** In this By-law:
  - "Agricultural Use" as defined in Zoning By-law 05-200.
  - "Block Townhouse Dwelling" as defined in Zoning By-law 05-200.
  - "Consent" means the process referred to in section 53 of the Planning Act.
  - "Development" means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing of a commercial parking lot.

<sup>&</sup>quot;Dwelling Unit" as defined in Zoning By-law 05-200.

- **"Existing Use"** means the legally established use as per the City's Building Division records.
- "Gross Land Area" means the total area of all lands contained in the subdivision plan or development or redevelopment application including lands subject to easements.
- "Industrial Use" means the use of land, buildings or structures for, or in connection with:
  - manufacturing, processing, producing, storing or distributing of something;
  - ii. research or development in connection with manufacturing, producing or processing something;
  - iii. retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site which the manufacturing, production or processing takes place;
  - iv. offices for administrative purposes, if they are;
    - a. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and,
    - b. in or attached to the building or structure used for that manufacturing, producing or processing, storage or distribution.
- "Maisonette Dwelling" as defined in Zoning By-law 05-200.
- "Multiple Dwelling" as defined in Zoning By-law 05-200.
- "Natural Heritage Features" includes valley land, being lands located below the "top of bank" as defined by the appropriate Conservation Authority but does not include any buffer land above the top of bank; Provincially significant lands including Areas of Natural or Scientific Interest (ANSI); Wetlands; Environmentally Significant Areas (ESA); and Woodlands.
- "Net Land Area" means the "Gross Land Area" minus any storm water management facilities to be conveyed to the City, major utility corridors and easements and any "Natural Heritage Features". Notwithstanding the above, where water services, wastewater services, public roads, private roads and/or parking lots are located within the major utility corridor/easement or the "Natural Heritage Features", the respective portion of the lands where the improvements are located are included as part of the Net Land Area.

Page 3 of 15

- "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13.
- "Redevelopment" means the removal of a building or structure from land and the further development of the land, the substantial renovation of a building or structure, and a change in the use, character or the density of the use in connection therewith.
- "Residential" for the purposes of this By-law, residential refers to dwelling units.
- **"Secondary Dwelling Unit"** as defined in Zoning By-law No. 05-200, 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, Township 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.
- "Street Townhouse Dwelling" as defined in Zoning By-law 05-200.
- "Subdivision" means the process referred to in section 51 of the Planning Act.
- "Townhouse Dwelling" for the purposes of this By-law, townhouse dwellings include block townhouse, maisonette and street townhouse dwelling units but does not include stacked townhouse dwellings.

#### **SHORT TITLE**

2. This By-law may be cited as the Parkland Dedication By-law.

#### **APPLICATION**

**3.** This By-law shall apply to all lands within the City of Hamilton.

#### DEVELOPMENT, REDEVELOPMENT, SUBDIVISION OR CONSENT

- **4.** As a condition of development or redevelopment pursuant to section 42, or as a condition of subdivision plan approval pursuant to section 51.1, or the giving of a provisional Consent pursuant to section 53 of the *Planning Act*, the owner is required to convey to the City land for park or other public recreational purposes as follows:
  - (1) Development, Subdivision or Consent:
    - (a) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on the amount of 2.5% of a 0.405 hectare (1 acre) building lot (this section is not applicable to development within designated Rural Settlement Areas);

- (b) In the case of lands proposed to be developed or redeveloped for residential purposes:
  - at a density less than 20 units per hectare, dedication of land in the amount of 5% of the Net Land Area to be developed or redeveloped;
  - (ii) at a density of 20 units per hectare to 75 units per hectare, dedication of land at a rate of 1.0 hectare of the Net Land Area for each 300 dwelling units proposed;
  - (iii) at a density of 75 units per hectare to 120 units per hectare, dedication of land at a rate of 0.6 hectare of the Net Land Area for each 300 dwelling units proposed;
  - (iv) at a density greater than 120 units per hectare, dedication of land at a rate of 0.5 hectare of the Net Land Area for each 300 dwelling units proposed; and,
  - (v) notwithstanding subsections 4(1)(a) (ii), (iii) and (iv), a maximum parkland dedication of 5% of the Net Land Area will apply to developments of single and semi-detached lots, duplexes, street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision, and a maximum of six dwelling units above a commercial use in a building that existed as of March 8, 2017.
- (c) In the case of lands proposed for development or redevelopment for commercial purposes, including a golf course or driving range, land in the amount of 2% of the Net Land Area to be developed or redeveloped;
- (d) In the case of lands proposed for development or redevelopment for a use other than commercial and residential, land in the amount of 5% of Net Land Area to be developed or redeveloped; and,
- (e) In the case of lands proposed for development of more than one use, dwelling type and/or at varying residential densities, a prorating of the dedication rates defined in clauses 4(1) (b), (c) and (d), applicable to the respective use and/or density.

#### Expansion of Existing Buildings/Uses

(f) In the case of lands proposed for residential expansion, the parkland dedication calculation shall be based on the additional dwelling units proposed, which shall be the land area to be dedicated calculated under clause 4(1)(b) for the entire development, multiplied by the pro rata

proportion of the number of proposed additional dwelling units to the total number of units after development; and,

(g) In the case of lands proposed for commercial expansion, including a building addition or construction of additional free-standing buildings, where no land has been previously dedicated, the parkland dedication calculation shall be based on 2% of the Net Land Area multiplied by the pro rata proportion of the floor area of the new building addition to the total floor area after development.

#### (2) Redevelopment:

Conversion or Change of Density of an Existing Use and Demolition/New Construction

(a) Further to the expansions described above, redevelopment may involve a conversion of existing space to another use, a change of density of an Existing Use/space, or the demolition of existing space and construction of new replacement floor space. The same principles apply as noted above with regard to prorating new or converted space or dwelling units to the total floor space or number of dwelling units after construction;

#### Offsetting

- (b) Where land was not previously dedicated or cash-in-lieu paid and floor space and/or dwelling units have been eliminated through conversion or demolition, the parkland dedication for the newly created space and/or units is offset against the parkland dedication that is deemed to apply to the existing floor space and/or dwelling units, respectively, that is/are being eliminated for the same use;
- (c) Where land was previously been dedicated or cash-in-lieu was paid for existing development, then the parkland dedication attributable to the existing space being eliminated through conversion or demolition is offset against the parkland dedication required for the new floor space or dwelling units, regardless of use; and,
- (d) The offset for demolished buildings only applies if a building permit is issued for the new development or redevelopment within five years from the date the demolition permit was issued.

#### CASH-IN-LIEU OF PARKLAND DEDICATION

#### 5.

- (1) In lieu of requiring the conveyance referred to in section 4 above, the City may require the payment of money to the value of the lands required to be conveyed which shall be calculated based on a maximum dedication rate of one hectare for every 500 dwelling units;
- (2) "Development", "Redevelopment", "Subdivision" and "Consent" terms apply to the entire Net Land Area of the phase being registered for development proposed within an approved plan of subdivision; and to the entire Net Land Area of a Site Plan application for development proposed as part of an approved Site Plan, notwithstanding that building permits for development within the subdivision phase or site plan area may be issued in stages;
- (3) Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for Townhouse Dwellings shall be capped at the following dollar amounts per unit, subject to annual indexing as described in subsection 5(9);

Area (As outlined in Schedule "A")	Cap per Townhouse Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$16,336
Lower Hamilton (excluding Downtown Hamilton CIPA – see subsection 5(5))	\$14,702
Upper Hamilton, Stoney Creek, Glanbrook	\$13,069

(4) Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for Multiple Dwelling units shall be fixed at the following dollar amounts per unit, subject to annual indexing as described in subsection 5(9);

Area (As outlined in Schedule "A")	Fixed Rate per Multiple Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$13,069
Lower Hamilton (excluding Downtown Hamilton CIPA with the exception of portions of a development exceeding the maximum building heights identified in Schedule "D" – see subsection 5(5) and 5(6))	\$11,435
Upper Hamilton, Stoney Creek, Glanbrook	\$9,802

(5) Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for new residential development or redevelopment in the form of Multiple Dwellings located within the Downtown Hamilton Community Improvement Project Area (CIPA), as shown on Schedule "C", shall be fixed at the following dollar amount per unit, subject to annual indexing as described in subsection 5(9);

Area (As outlined in Schedule "C")	Fixed Rate per New Residential Unit or Multiple Dwelling Unit
Downtown Hamilton CIPA	\$5,000

(6) Notwithstanding subsection 5(5), each residential unit or Multiple Dwelling Unit provided in a portion of a development exceeding the stated maximum building heights identified in Schedule "D" shall be subject to the cash-in-lieu rate for "Lower Hamilton" contained in subsection 5(4).

For additional clarity, Schedule "D" identifies maximum heights as adopted by City Council on April 25, 2018. Subsequent amendments to Schedule "F" Figure 1 of Zoning By-Law 05-200, either through Ontario Land Tribunal (OLT) decisions or City Council approved site-specific modifications, shall not alter the maximum heights contained in Schedule "D" for the purposes of determining applicable cash-in-lieu rates as described herein;

- (7) Notwithstanding section 4, where one or two Secondary Dwelling Units are added to a single detached, semi-detached or block or street townhouse dwelling or lot, a cash-in-lieu fixed rate of \$1,420 applies for each Secondary Dwelling Unit, subject to annual indexing described in subsection 5(9);
- (8) Notwithstanding section 4, where additional dwelling units are created within a building that existed on March 8, 2017, and that building is designated or located within a heritage district under the *Ontario Heritage Act*, a cash-in lieu fixed rate of \$946 per unit applies, subject to annual indexing as described in subsection 5(9); and,
- (9) The caps and fixed rates referred to in subsections 5(3), (4), (5), (7) and (8) shall be adjusted annually on April 1 starting the year following the year this By-law is passed, in an amount equal to the January year-over-year price increase in Hamilton, as reported by the Teranet and National Bank of Canada House Price Index.

Page 8 of 15

#### **BROWNFIELD SITES**

6. Notwithstanding subsection 4(1)(b), for new residential development or redevelopment that qualify for financial assistance under the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE CIP) programs and which are located within Areas 2 and 3 of the ERASE Community Improvement Project Area (ERASE CIPA) as shown on Schedule "B", land shall be dedicated at a rate of 5% of the Net Land Area regardless of density.

#### **LOCATION OF PARKLAND**

7.

- (1) The location and configuration of land required to be conveyed shall be at the sole discretion of the City and all such conveyances shall be free and clear of all encumbrances; and,
- (2) Any conveyance or dedication of Natural Heritage Features, environmental buffer lands, walkways and trails, major utility corridors and easements, floodplain or storm water management facilities are not be considered a conveyance for park or other recreational purpose pursuant to the requirements of sections 4 or 6 above.

#### **VALUATION**

8.

- (1) Where the City requires the payment of money to the value of the land otherwise required to be conveyed, such payments shall be made prior to the issuance of the building permit for the land to be developed or redeveloped; and.
- (2) The value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or redevelopment, or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first building permit, which includes the foundation permit where applicable.

#### PREVIOUS LAND DEDICATION OR CASH-IN-LIEU

**9.** Land or cash-in-lieu equivalent required to be conveyed to the City for park or other public recreational purposes pursuant to sections 4, 5, and 6 shall be determined having regard to the amount of land conveyed or cash-in-lieu of parkland equivalent

previously paid to the City pursuant to sections 42, 51.1 or 53 of the *Planning Act* and no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will be required by the City in respect of subsequent development or redevelopment unless:

- (1) There is a change in the proposed development or redevelopment which would increase the density of development; or,
- (2) Land originally proposed for development or redevelopment for Commercial or Industrial purposes or uses exempted from parkland dedication under section 11, is now proposed for development or redevelopment for other purposes.

#### **EXEMPTIONS FROM PARKLAND OR CASH-IN-LIEU REQUIREMENTS**

- **10.** Notwithstanding any other provisions of this By-law, the parkland conveyance or cash-in-lieu requirements do not apply where:
  - (1) The proposed development or redevelopment is for an Industrial Use or and Agricultural Use;
  - (2) The development or redevelopment consists of an addition or alteration to a residential building provided the number of dwelling units within the residential building is not increased;
  - (3) The development or redevelopment consists of an addition or alteration to a commercial building and the building continues to be used for that purpose, as follows:
    - (a) If the building was constructed on or prior to July 9, 2003, a net increase of floor area up to a maximum of 50% of the gross floor area existing as of July 9, 2003 is exempt, whether constructed at one time or by cumulative expansions;
    - (b) If the existing building is a mixed-use building (i.e. commercial and residential), an expansion of the commercial portion is exempt if it is no more than 50% of the existing commercial floor area as of July 9, 2003, whether constructed at one time or by cumulative expansions; and,
    - (c) Where the expansion of the commercial floor area exceeds 50% of the existing floor area as of July 9, 2003, parkland dedication is based on the entire floor area of the addition pro-rated to the total floor area after construction.
  - (4) The development or redevelopment is on a school property, in the form of portable classrooms;

- (5) The development or redevelopment is on an existing golf course and is for continued golf course use;
- (6) The proposed development or redevelopment is for the following Institutional uses: a place of worship; college or university; public hospital; hospice; a nonprofit emergency shelter; public library; cemetery; mausoleum; columbarium or crematorium; or other charitable, non-profit uses, as may be deemed by Council;
- (7) Development or redevelopment is for eligible affordable housing projects as confirmed by the City of Hamilton Housing Services Division, Healthy and Safe Communities Department. Eligibility will be determined based on final confirmation by the Housing Services Division of funding approval from a Housing Program administered by the City; and,
- (8) In the case that the development or redevelopment contains more than one use such that subsections 10(1), 10(6) and 10(7) do not apply to a portion of the development or redevelopment, parkland dedication required pursuant to sections 4 and 5 shall be calculated based on the pro rata proportion of the non-exempt gross floor area to the total floor area of the building.

#### **EXCEPTIONS**

- **11.** Council may vary any of the requirements for parkland dedication or payment in lieu thereof set out in this By-law provided that such variance is:
  - (1) less onerous or stringent than the requirement set out herein;
  - (2) applicable for a temporary, specified period of time;
  - (3) applicable to a specified type or class of development or redevelopment; and,
  - (4) applicable to the whole of the City or a specified geographical area thereof.

The period of time specified pursuant to subsection 11(2) above may be extended once for an additional period of time not to exceed the period of time specified for the original variance.

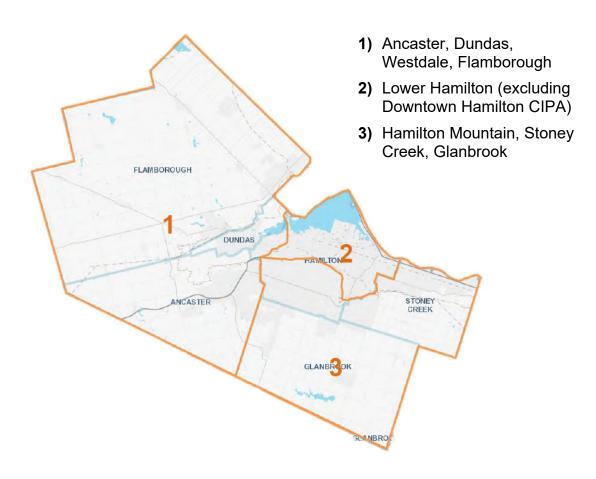
Page 11 of 15

#### **BY-LAWS REPEALED**

12.	2. The following By-laws are hereby repealed:		
	(1)	By-law 18-126; and,	
	(2)	By-law 21-078.	
PAS	SSEI	<b>D</b> this 12 <sup>th</sup> day of August, 2022.	
F.	Eiser	enberger A.	Holland
Ma	ayor	Ci	ty Clerk

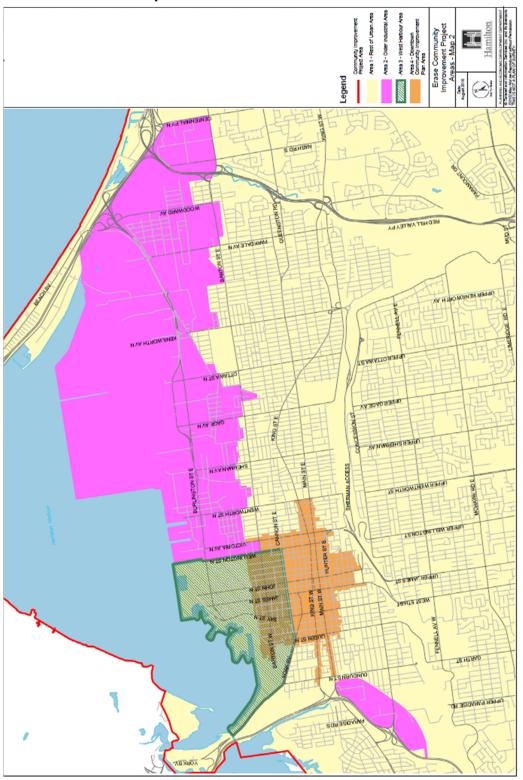
Page 12 of 15

# SCHEDULE "A" Map of Areas for Dedication Rates

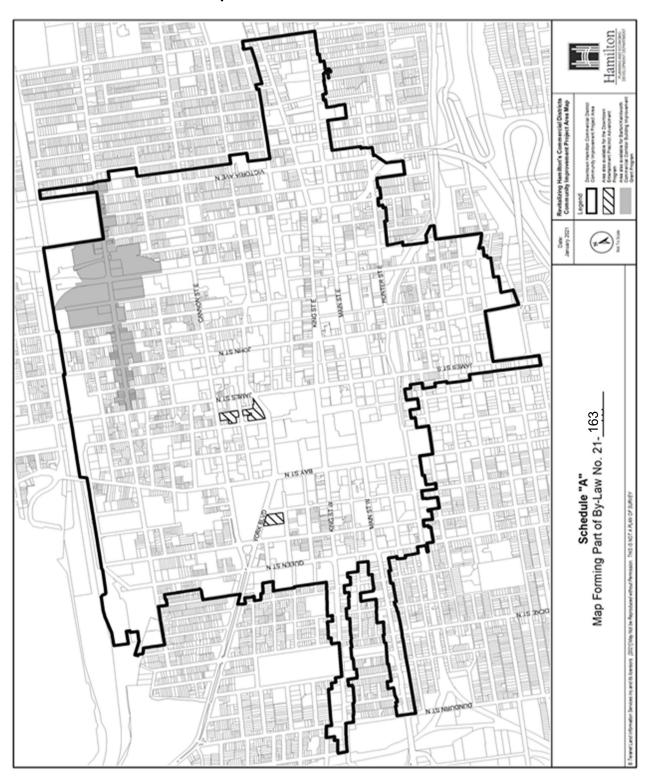


Page 13 of 15

# SCHEDULE "B" Map of ERASE CIPA Areas 2 and 3



# SCHEDULE "C" Map of Downtown Hamilton CIPA



SCHEDULE "D"

Maximum Heights Eligible for Downtown CIPA Cash-in-Lieu Rate



Authority: Item 10, Planning Committee

Report: 22-013 (PED22155) CM: August 12, 2022

Ward: 2

**Bill No. 219** 

# CITY OF HAMILTON BY-LAW NO. 22-

To Adopt:

## Official Plan Amendment No. 249 to the City of Hamilton Official Plan

Respecting:

# 405 James Street North (Hamilton)

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

1.	Amendment No. 249 to the City of Hamilton Official Plan consisting of Schedule "1"	,
	hereto annexed and forming part of this by-law, is hereby adopted.	

PASSED this 12" day of August, 2022.	
F. Eisenberger	A. Holland
Mayor	City Clerk

# Amendment No. 249 to the

### City of Hamilton Official Plan

The following text, together with:

Appendix "A"	Schedule M-2: General Land Use
Appendix "B"	Schedule M-4: Building Height

attached hereto, constitutes Official Plan Amendment No. 249 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 the subject lands from "Medium Density Residential 1" to "Medium Density Residential 2" and establishing a Special Policy Area to specify the location of commercial uses and building entrances, as well as permissions for building heights.

#### 2.0 Location:

The lands affected by this Amendment are located at 405 James Street North in the City of Hamilton.

#### 3.0 <u>Basis</u>:

The basis for permitting the Amendment is as follows:

- The proposed development efficiently utilizes existing infrastructure, positively contributes to the streetscape and makes use of underutilized lands;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan by providing intensification and affordable housing at a form and scale that is in keeping with the character of the surrounding neighbourhood and is in proximity to existing transit; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and

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

#### 4.0 Changes:

#### 4.1 Text Changes:

- 4.1.1 That Section A.6.3.3.1.14 be amended by adding Policy No. A.6.3.3.1.14.1 as follows:
  - "A.6.3.3.1.14.1 The following policies shall apply to lands known municipally as 405 James Street North, designated Medium Density Residential 2 and identified as Special Policy Area 14 on Schedule M-2: General Land Use of the West Harbour Secondary Plan:
    - i) In addition to Policy A.6.3.3.1.14 i), pedestrian oriented local commercial uses shall be permitted within the ground floor of a multiple dwelling;
    - ii) Notwithstanding Policy A.6.3.3.1.14 iii), the height of buildings shall range from 3 to 4 storeys, except where otherwise identified on Schedule "M-4"; and,
    - iii) In addition to Policy A.6.3.3.1.14 x), the main entrances to buildings shall also be permitted to face private streets or a pedestrian mews."

#### 4.2 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 subject lands from "Medium Density Residential 1" to "Medium Density Residential 2"; and,
  - b) identifying the subject lands as Special Policy Area 14, as shown on Appendix "A" to this Amendment.
- 4.2.2 That Schedule M-4: Building Heights, of the West Harbour (Setting

Sail) Secondary Plan is amended by:

- a) adding a new building height category of "5-7 Storeys" to the map legend;
- b) changing the building height category for portions of the subject lands from "2-4 Storeys" and "Height is governed by the Secondary Plan Policies" to "5-7 Storeys"; and,
- c) changing the building height category for a portion of the subject lands from "2-4 Storeys" to "Height is governed by the Secondary Plan Policies", as shown on Appendix "B" to this Amendment.

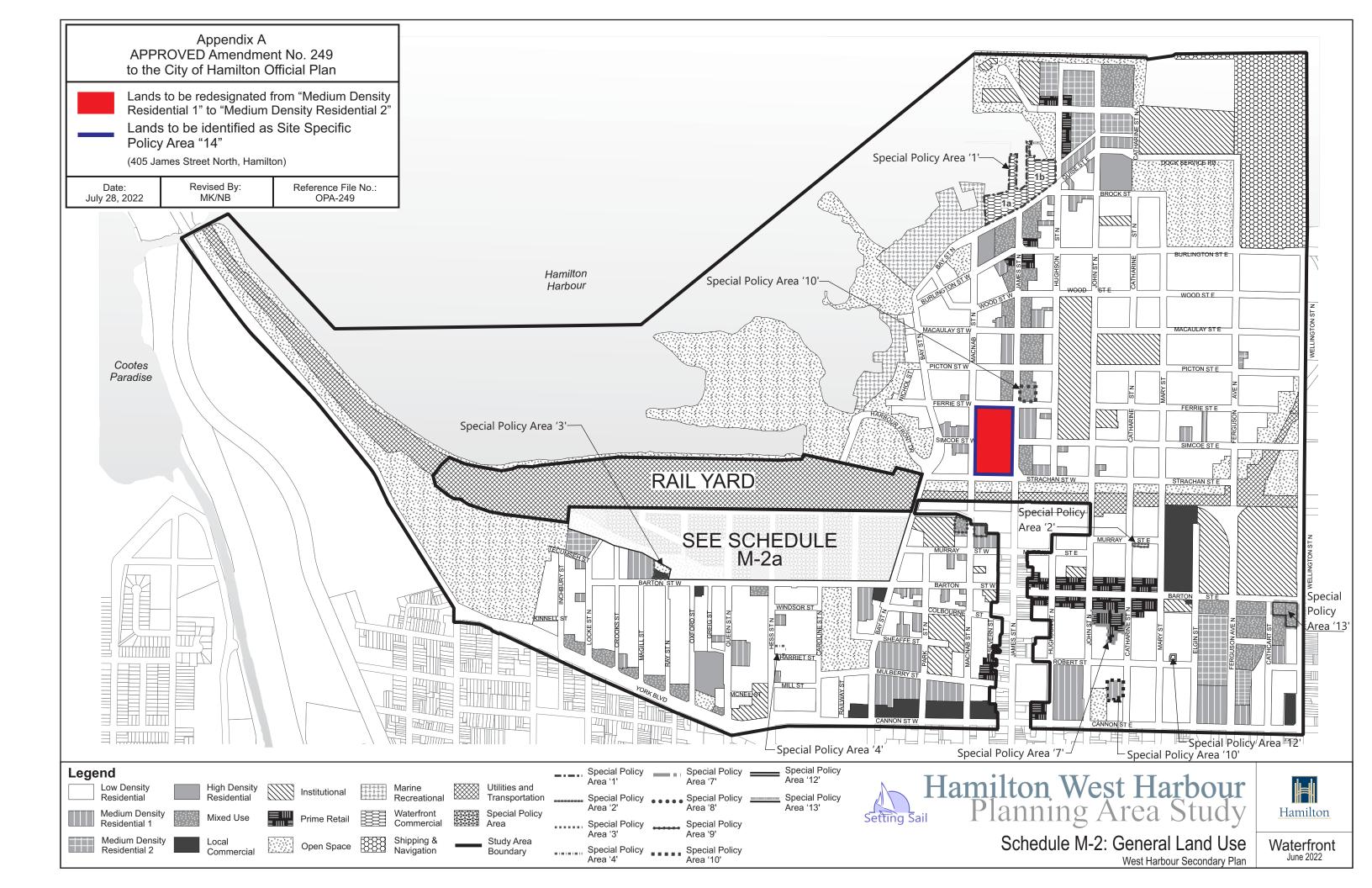
#### 5.0 <u>Implementation</u>:

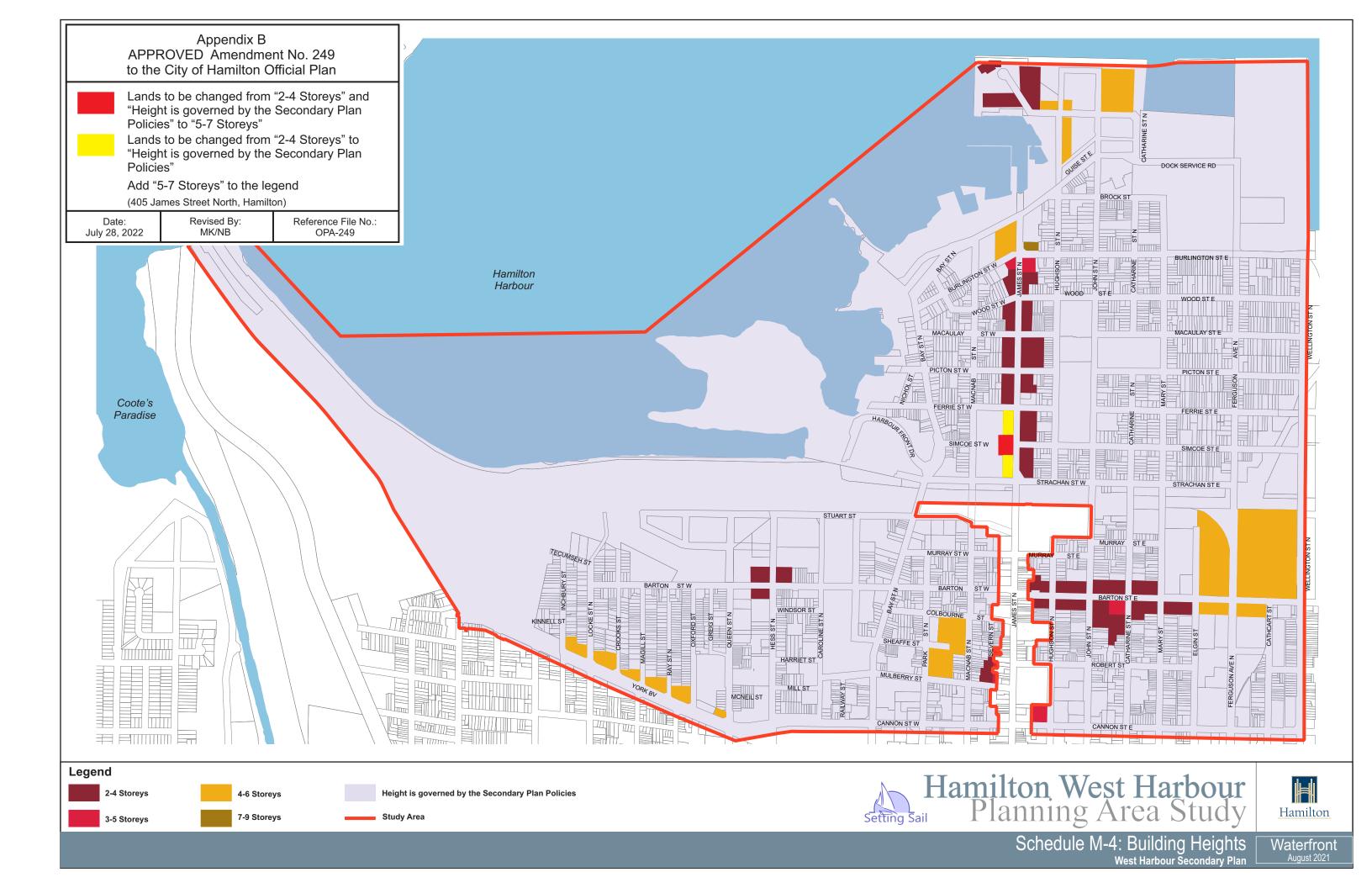
An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. 22-219\_passed on the 12th day of August, 2022.

The

	City of Hamilton	
F. Eisenberger	A. Holland	
Mayor	City Clerk	





**Authority:** Item 10, Planning Committee

Report 22-013 (PED22155)

CM: August 12, 2022

Ward: 2

Bill No. 220

### CITY OF HAMILTON BY-LAW NO. 22-

## To Amend Zoning By-law No. 05-200, Respecting Lands Located at 405 James Street North, Hamilton

**WHEREAS** Council approved Item 10 of Report 22-013 of the Planning Committee, at its meeting held on August 12, 2022;

**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. 249;

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

- 1. That Map 869 of Schedule "A" Zoning Maps of Zoning By-law No. 05-200 is amended by adding the lands as Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) 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:
  - "811. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone, identified on Map 869 of Schedule "A" Zoning Maps and described as 405 James Street, the following special provisions shall apply:
    - a) The lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 811) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, and not the individual property boundaries of any lots created by registration of Condominium Plan, Part Lot Control or Consent.
    - b) Sections 4.6 b) and d) shall not apply.
    - c) Notwithstanding 5.6 c) as it relates to parking for a Day Nursery, the following shall apply:

Day Nursery	1 for each 125 square metres of gross floor
	area in excess of 450 square metres which
	accommodates such use.

- d) In addition to Section 5.7 e), long term bicycle parking may include electric mobility device parking.
- e) Notwithstanding Sections 11.3.2 a) i), 11.3.2 e) iv), 11.3.2 f) v), the following shall apply:
  - i) Street Line

Building Setback from a Minimum 3.0 metres, except 1.2 metres to the hypotenuse of a daylight triangle.

ii) **Building Height**  In addition to the definition of Building Height, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:

- A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not exceed 30% of the floor area of the storey directly beneath;
- B. Section 11.3.2 iv) B. shall not apply;
- C. The wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.5 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
- Section 11.3.2 f) v) shall not apply.
- For the purposes of Special Exception No. 811, the following special provisions shall apply to Block "1" as shown on Figure 29 of Schedule "F" - Special Figures:

- i) Notwithstanding Section 5.7 c) as it relates to short term bicycle parking for Multiple Dwellings, a minimum of 20 short term bicycle parking spaces shall be provided.
- ii) Notwithstanding Section 11.3.2 e) ii) and iii), a maximum building height of 13.0 metres.
- iii) Section 11.3.2 h) iii) shall not apply.
- iv) In addition to Section 11.3.2, the following shall apply to groups of Multiple Dwellings on the same lot:
  - For the purposes of this By-law, "end wall" shall mean the two narrowest exterior main walls of a building and "rear or front wall" shall mean the other exterior main walls;
  - 2. A minimum distance of 3.0 metre shall be provided between end walls;
  - 3. A minimum distance of 7.0 metres shall be provided between an end wall and a rear or front wall; and,
  - 4. A minimum distance of 11.0 metres shall be provided between rear or front walls.
- g) For the purposes of Special Exception No. 811, the following special provisions shall apply to **Block "2"** as shown on Figure 29 of Schedule "F" Special Figures:
  - i) Notwithstanding Section 5.6 c) as it relates to parking for a Multiple Dwelling, a minimum of 0.24 parking spaces per unit shall be provided.
  - ii) In addition to Section 11.3.1 and notwithstanding Section 11.3.1.1ii), the following uses shall be permitted within the ground floor of a Multiple Dwelling:

Artist Studio
Catering Service
Commercial School
Communications Establishment
Craftperson Shop
Day Nursery
Financial Institution
Office
Performing Arts Theatre
Personal Services

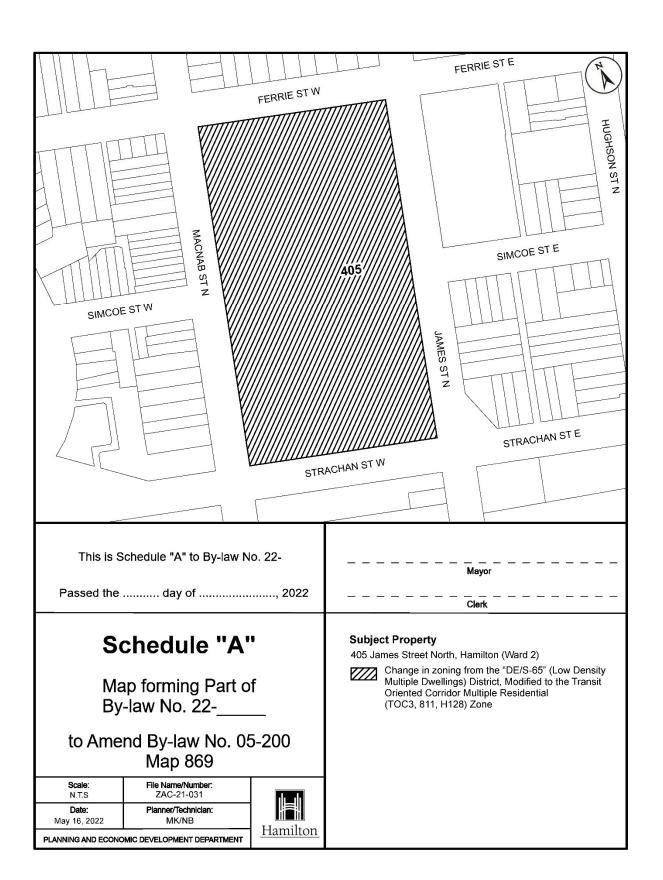
Restaurant Retail Tradeperson's Shop

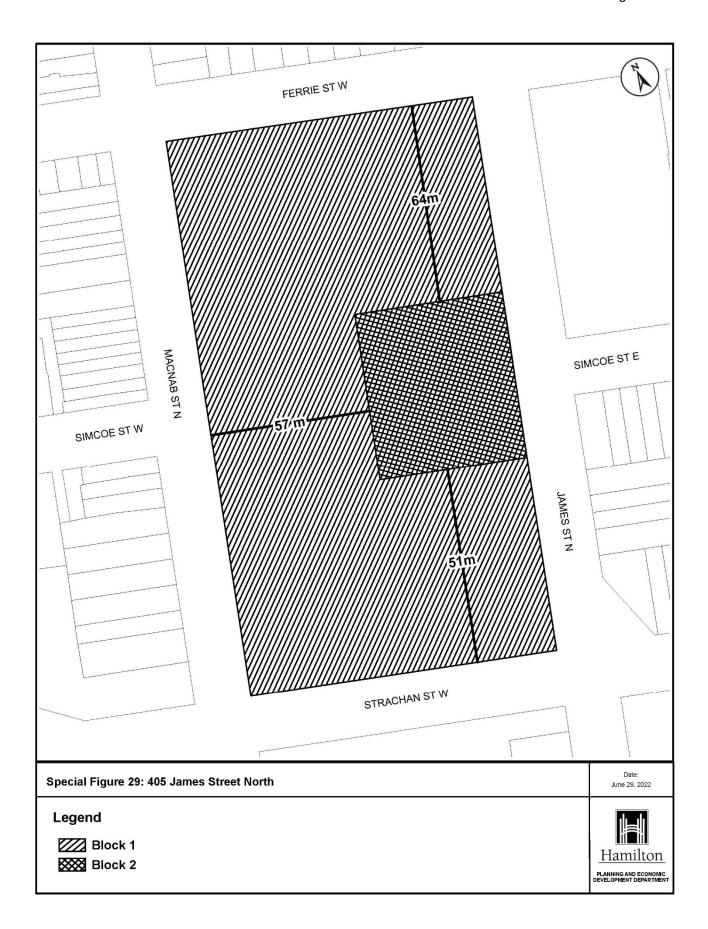
- iii) Section 11.3.1.1 i) 1. shall not apply.
- iv) Notwithstanding Section 11.3.2 e) ii) and iii), a maximum building height of 24.0 metres.
- v) In addition to Section 11.3.2, a minimum distance of 7.0 metres shall be provided between exterior walls on the same property.
- 3. That Schedule "D" Holding Provisions is amended by adding the following new provision:
  - "128. Notwithstanding Section 11.3 of this By-law, on those lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone, identified on Map 869 of Schedule "A" Zoning and described as 405 James Street North, no development shall be permitted until such time as:
    - i) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated March 9, 2022 by Valcoustics Canada Ltd., to the satisfaction of the Director of Planning and Chief Planner.
    - ii) 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.
    - iii) The Owner submit and receive approval of a Watermain Hydraulic Analysis to identify the required upgrades to the existing watermain on Ferrie Street West, to the satisfaction of the Manager of Development Engineering Approvals.
    - iv) 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 (MECP). 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."
- 4. That Schedule "F" Special Figures is amended by adding Special Figure 29: 405 James Street North.

- That no building or structure shall be erected, altered, extended or enlarged, nor 5. shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone, subject to the special provisions referred to in Section 2 of this By-law.
- 6. 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.

<b>PASSED</b> this 12 <sup>th</sup> day of August, 2022.	
F. Eisenberger	A. Holland
Mayor	City Clerk
74.0.04.004	

ZAC-21-031





**Authority:** 

Item 12, Planning Committee Report 22-013 (PED22167)

CM: August 12, 2022 Ward: City Wide

Bill No. 221

#### CITY OF HAMILTON

#### **BY-LAW NO. 22-**

## Delegation of Consent Authority and Constituting a Committee of Adjustment

**WHEREAS** Sections 50(I)(c) and 53(1) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to grant Consents;

ANDA WHEREAS Section 57(1) of the Planning Act R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to grant Certificates of Validation;

**AND WHEREAS** Sections 54(2.1), (5) and (7) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to delegate any part of that power to grant Consents to a Committee of Adjustment or an Appointed Officer;

**AND WHEREAS** Section 44 of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorizes a municipality to constitute a Committee of Adjustment;

**AND WHEREAS** Sections 54(5) and (7) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to delegate the power to grant Consents to an Appointed Officer;

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

- 1. By-law 07-300, as amended by By-law No. 21-151 are repealed.
- 2. (1) A Committee of Adjustment for the City of Hamilton, hereinafter "the Committee", is constituted.
  - (2) Members of the Committee who are members of Council shall be appointed annually.
  - (3) Members of the Committee who are not members of Council shall hold office for the term of Council that appointed them.
  - (4) Notwithstanding Sections 2(2) and 2(3), members of the Committee shall hold office until they are reappointed or their successors are appointed.

		Page 2 o
3.		bers of the Committee shall be compensated for their membership on the mittee as follows:
	(a) (b)	Payment of \$250.00 per meeting attended; and, Reimbursement for mileage costs incurred in accordance with City policy.
4.	(1) Mem	The Committee shall be composed of nine (9) members, who are not abers of Council.
	(2)	Not less than four (4) members of the Committee shall have knowledge and experience in rural planning and agricultural matters, as determined by Council.
5.	with P.13	Committee shall meet three (3) times/month, or as required, and shall deal those matters arising from Section 45 of the <i>Planning Act</i> R.S.O. 1990, c-, as amended, and arising from a delegation of power under Section 54(5) to <i>Planning Act</i> R.S.O. 1990, c-P113, as amended.
6.		Committee shall adopt its own procedures and rules, which shall de the holding of electronic hearings.
7.		authority of Council under Section 53 of the <i>Planning Act</i> R.S.O. ), c-P.13, as amended, is delegated to the Committee.
8.	R.S.	authority of Council under Section 53 and 57 of the <i>Planning Act</i> O. 1990, c-P.13, as amended, is further delegated to the Director of ning and Chief Planner for the following application types:
	(a) (b) (c) (d)	Consents for Leases over 21 years; Consents for Easements; Consents for Cancellation Certificates; and, Validation Certificates.
PAS	SED	this 12 <sup>th</sup> day of August, 2022.

A. Holland

City Clerk

F. Eisenberger

Mayor

**Authority:** Item 7, Planning Committee

Report: 22-013 (PED22139) CM: August 12, 2022

Ward: 4

**Bill No. 223** 

## CITY OF HAMILTON BY-LAW NO. 22-

To Adopt:

## Official Plan Amendment No. 174 to the Urban Hamilton Official Plan

Respecting:

#### **1842 King Street East**

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

1. Amendment No. 174 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of August, 2022.

F. Eisenberger A. Holland
Mayor City Clerk

## Urban Hamilton Official Plan Amendment No. 174

The following text, together with Appendix "A" – Volume 3: Map 2a – Urban Site Specific Key Map (Lower City), attached hereto, constitutes Official Plan Amendment No. 174 to the Urban Hamilton Official Plan.

#### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish a new Site Specific Policy to permit a maximum net residential density of 500 units per hectare within the high density residential category of the Neighbourhoods Designation, to permit local commercial uses to be located below grade, and to limit the maximum building height to 13 storeys.

#### 2.0 Location:

The lands affected by this Amendment are known municipally as 1842 King Street East, in the former City of Hamilton.

#### 3.0 <u>Basis</u>:

The basis for permitting this Amendment is:

- The proposal satisfies all characteristics and requirements of the high density residential policies, save and except the maximum residential density requirement;
- The proposed development is compatible with the existing and planned development in the immediate area;
- The proposed development is consistent with, and complementary to, the existing development in the immediate area and efficiently utilizes existing infrastructure and supports transit;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and

Urban Hamilton Official Plan Amendment No. 174	Page 1 of 3	Hamilton
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conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### 4.0 Actual Changes:

# 4.1 <u>Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies</u>

#### Text

- 4.1.1 Chapter C Urban Site Specific Policies
- a. That Volume 3: Chapter C Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

#### "UHN-36 Lands Located at 1842 King Street East, former City of Hamilton

- 1.0 For the lands located at 1842 King Street East, former City of Hamilton, designated Neighbourhoods, and identified as Site Specific Policy Area UHN-36, the following policies shall also apply:
  - a) Notwithstanding Policy E.3.6.6 b) of Volume 1, the *net* residential density for high density residential uses shall be greater than 100 units per hectare and not greater than 500 units per hectare.
  - b) Notwithstanding Policies E.3.8.4 d) and E.3.8.10 of Volume 1, local commercial uses may be permitted below the ground floor within multiple storey buildings with residential units above. Primary entrances to the local commercial space shall be through the principal façades of the buildings in which they are located.
  - c) For multiple dwellings, the maximum building height shall be 13 storeys."

#### **Maps and Appendices**

#### 4.1.2 <u>Map</u>

A	Urban Hamilton Official Plan Amendment No. 174	Page 2 of 3	Hamilton
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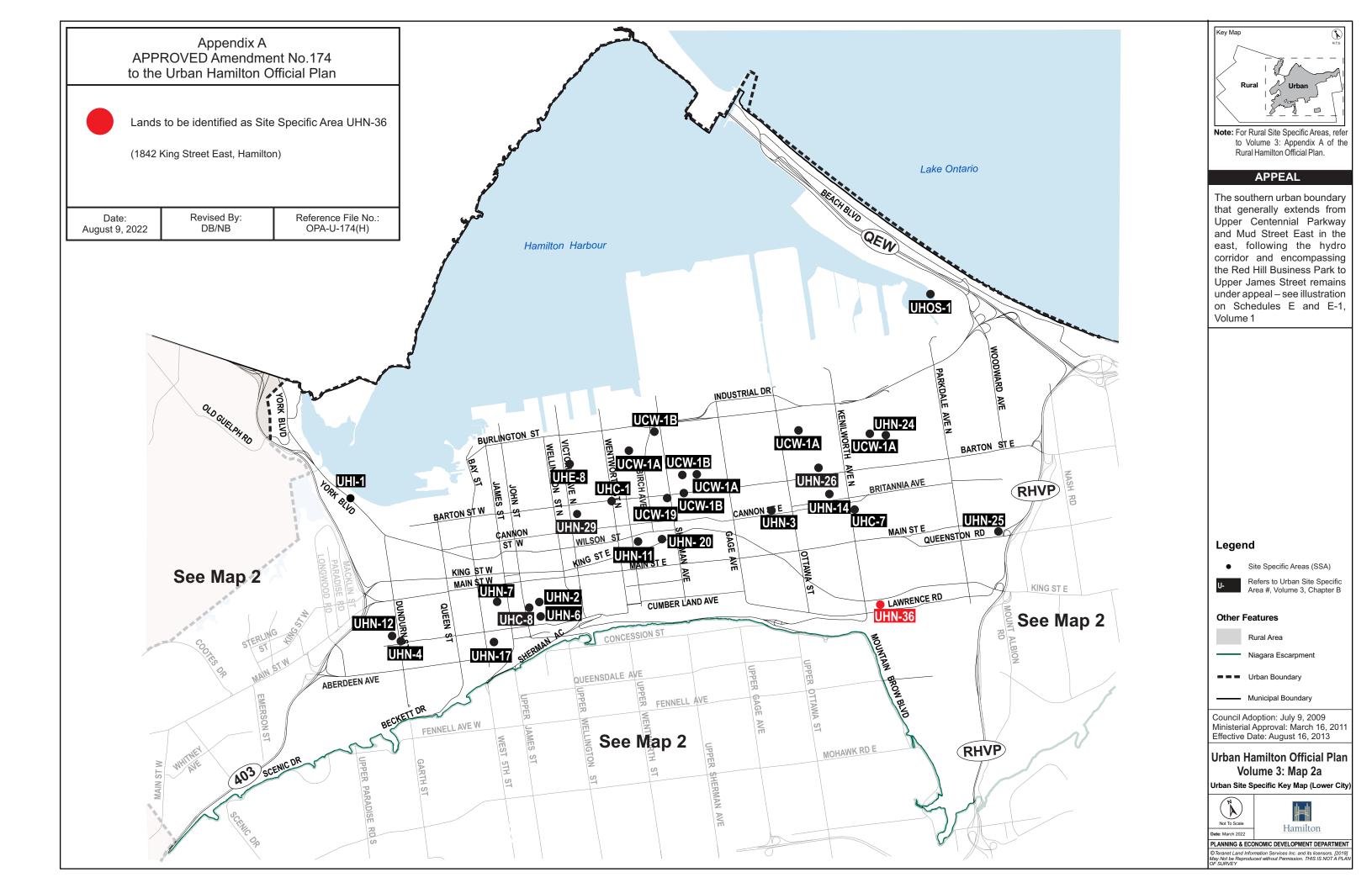
a. That Volume 3: Map 2a – Urban Site Specific Key Map (Lower City) be amended by identifying the subject lands as UHN-36, as shown on Appendix "A", attached to this Amendment.

#### 5.0 <u>Implementation</u>:

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. 22-222 passed on the 12<sup>th</sup> day of August, 2022.

	City of Hamilton		
F. Eisenberger Mayor	A. Holland City Clerk		



**Authority:** Item 7, Planning Committee

Report 22-013 (PED22139)

CM: August 12, 2022

Ward: 4 **Bill No. 224** 

### CITY OF HAMILTON

### **BY-LAW NO. 22-**

# To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1842 King Street East, in the City of Hamilton

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act*, 1999, S.O. 1999 Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 22-013 of the Planning Committee at its meeting held on the 12<sup>th</sup> day of August, 2022, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 174;

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

- 1. That Map No. 1139 of Schedule "A" Zoning Maps is hereby amended by changing the zoning from the Major Institutional (I3) Zone to the Mixed Use Medium Density (C5, 812, H76, H77) Zone for the lands shown on Schedule "A" to this By-law.
- 2. That Schedule C Special Exceptions is amended adding the following new Special Exception:
  - "812. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1139 of Schedule "A" – Zoning Maps and described as 1842 King Street East, the following special provisions shall apply:
  - a) Notwithstanding Section 5.7 c) i) and 5.7 e) i), the following shall apply:
    - i. A minimum of 0.5 long term bicycle parking spaces per unit;
    - ii. A minimum of 0.05 short term bicycle parking spaces per unit.
    - b) Notwithstanding Sections 10.5.1.1 i) 1, 10.5.3 d) ii), iii), and in addition to 10.5.3.a) i) and ii) 10.5.3 c), 10.5.3 i) and 10.5.3 j) the following regulations shall apply:

a) Minimum Building
Setback from a Street
Line

- i) A minimum setback of 6.0 metres shall be provided for any portion of a building exceeding 7.5 metres in height.
- ii) A minimum setback of 18.0 metres shall be provided along King Street East and Lawrence Road lot lines for any portion of a building exceeding 28.0 metres in height.
- b) Maximum Building
  Setback from a Street
  Line

In accordance with Figure 31 of Schedule F – Special Figures of Zoning By-law 05-200.

- c) Interior Side Yard Setback i)
- Minimum 7.5 metres.
- ii) Notwithstanding c) i) above, the following additional setbacks shall be provided:
  - A minimum setback of 9.0 metres shall be provided for any portion of a building exceeding 7.5 metres in height.
  - B) Notwithstanding c) i) A) above, a minimum setback of 7.5 metres shall be provided for any portion of a building setback more than 30.0 metres from a street line, up to a maximum height of 14.0 metres.
  - C) A minimum setback of 25.5 metres from the westerly lot line for any portion of the building exceeding 22.0 metres in height.
  - D) A minimum setback of 18.0 metres from the easterly lot

line for any portion of the building exceeding 22.0 metres in height.

- E) A minimum setback of 65.0 metres from the westerly lot line for any portion of the building exceeding 28.0 metres in height.
- F) A minimum setback of 55.0 metres from the easterly lot line for any portion of the building exceeding 28.0 metres in height.
- d) Building Height

   i) Maximum 44.0 metres.

   e) Landscaped Area

   Minimum 40% of the total lot area.

   f) Planting Strip

   Minimum 3.0 metre wide planting strip along the easterly and westerly side lot lines.
- g) Visual Barrier Minimum 1.8 metre high visual barrier along the easterly and westerly side lot line.
- 3. That Schedule "D" Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
  - H76 Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 812) Zone on Map No. 1139 on Schedule "A" Zoning Maps, and described as 1842 King Street East, Hamilton, no development shall be permitted until such time as:
    - a. 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 Condition. 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;
    - b. That the Owner submit a Functional Servicing Report to demonstrate the stormwater management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has

adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;

- c. That the Owner make satisfactory arrangements with City's Growth Management Division and enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study (TIS) and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;
- d. A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director or Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library; and.
- e. An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.
- H77 Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 812) Zone on Map No. 1139 on Schedule "A" Zoning Maps, and described as 1842 King Street Eat, Hamilton, development shall be restricted in accordance with the following:
  - a. Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (C5, 812) Zones except where in conflict with the following:

- i) No development exceeding a maximum of 1,341 dwelling units.
- b. Conditions for Holding Provision Removal

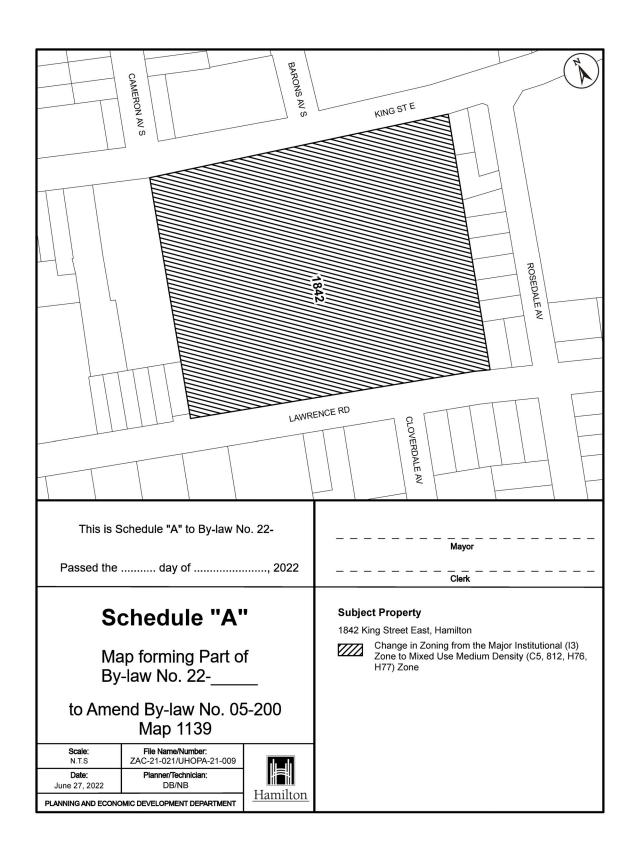
The Holding Provision shall, upon application by the landowner, be removed by way of an amendment Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

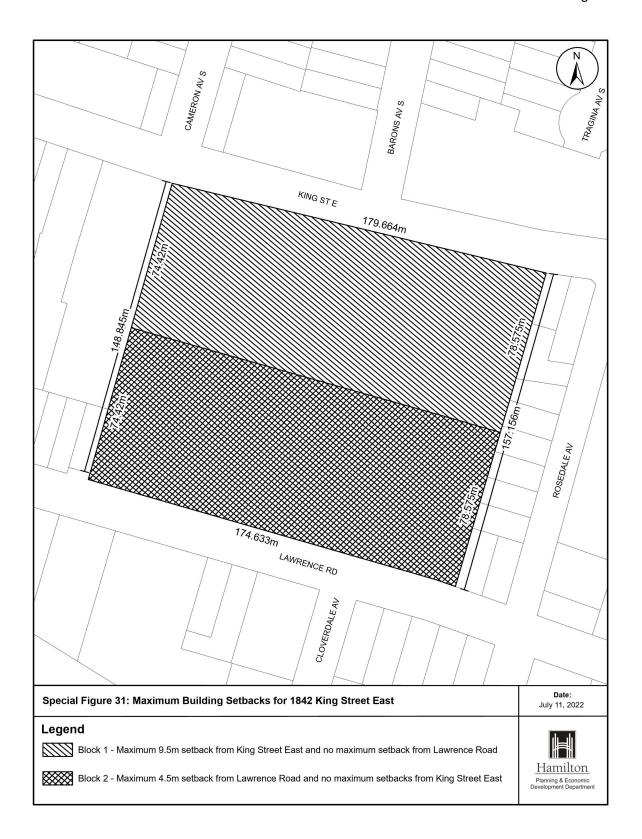
 That the Owner submit and receive approval of an updated Transportation Impact Study where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Transportation Planning.

- ii) That the Owner submit and receive approval of an updated Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management.
- 4. That Schedule F: Special Figures of By-law 05-200 is hereby amended by adding Figure 31: Maximum Building Setbacks for 1842 King Street East.
- 5. The By-law No. 05-200 is amended by adding this by-law to Section No. 812 as Schedule "C";
- 6. 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*.

<b>PASSED</b> this 12 <sup>th</sup> day of August, 2022.	
F. Eisenberger	A. Holland
Mayor	City Clerk

ZAC-21-021





Authority: Item 13, Planning Committee

Report: 22-013 (PED22129) CM: August 12, 2022

Ward: 5

Bill No. 225

# BY-LAW NO. 22-

To Adopt:

## Official Plan Amendment No. 176 to the Urban Hamilton Official Plan

Respecting:

# 510 Centennial Parkway North (Hamilton)

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

1. Amendment No. 176 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of August, 2022.

F. Eisenberger A. Holland
Mayor City Clerk

## Urban Hamilton Official Plan Amendment No. 176

The following text, attached hereto, constitutes Official Plan Amendment No. 176 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to modify Site Specific Policy – Area D of the Centennial Neighbourhood Secondary Plan to permit a mini storage facility use with a maximum gross floor area of 12,900 square metres.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 510 Centennial Parkway North, in the former City of Hamilton.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment reflects the commercial development trends for the area;
- The proposed land use is compatible with existing and approved development in the immediate area; 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 2 – Secondary Plans

#### Text

# 4.1.1 <u>Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.7 – Centennial Neighbourhood Secondary Plan</u>

Urban Hamilton Official Plan Amendment No. 176	Page 1 of 3	Hamilton
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- a. That Policy B.6.7.18.4 be amended by adding a new paragraph i), as follows:
  - "i) For the lands known municipally as 510 Centennial Parkway North, designated District Commercial, shown as Site Specific Policy Area D 1 on Map B.6.7-4 Centennial Neighbourhood Secondary Plan Area and Site Specific Policy Area Map, the following policies shall also apply:
    - i) That in addition to Policy B.6.7.18.4 b) i) of Volume 2, the use of a warehouse, including a maximum of one mini storage multi-storey facility shall also be permitted;
    - ii) That notwithstanding Policy B.6.7.18.4 d) i) of Volume 2, the maximum gross floor area for all development shall not exceed 45,058 square metres. The gross floor area for a mini storage facility shall be excluded from the maximum total gross floor area; and,
    - iii) That notwithstanding Policy E.4.7.3 c) of Volume 1, a single use over 10,000 square metres in gross floor area shall be prohibited, except for one multi-storey warehouse (mini storage facility), which shall not exceed a maximum total gross floor area of 12,900 square metres, shall also be permitted."

### Maps

### 4.2.1 Map

a. That Volume 2: Map B.6.7-4 – Centennial Neighbourhood Secondary Plan – Area and Site Specific Policy Area Map, be amended by adding Site Specific Policy – Area D - 1 identification to the subject lands, as shown on Appendix "A", attached to this Amendment.

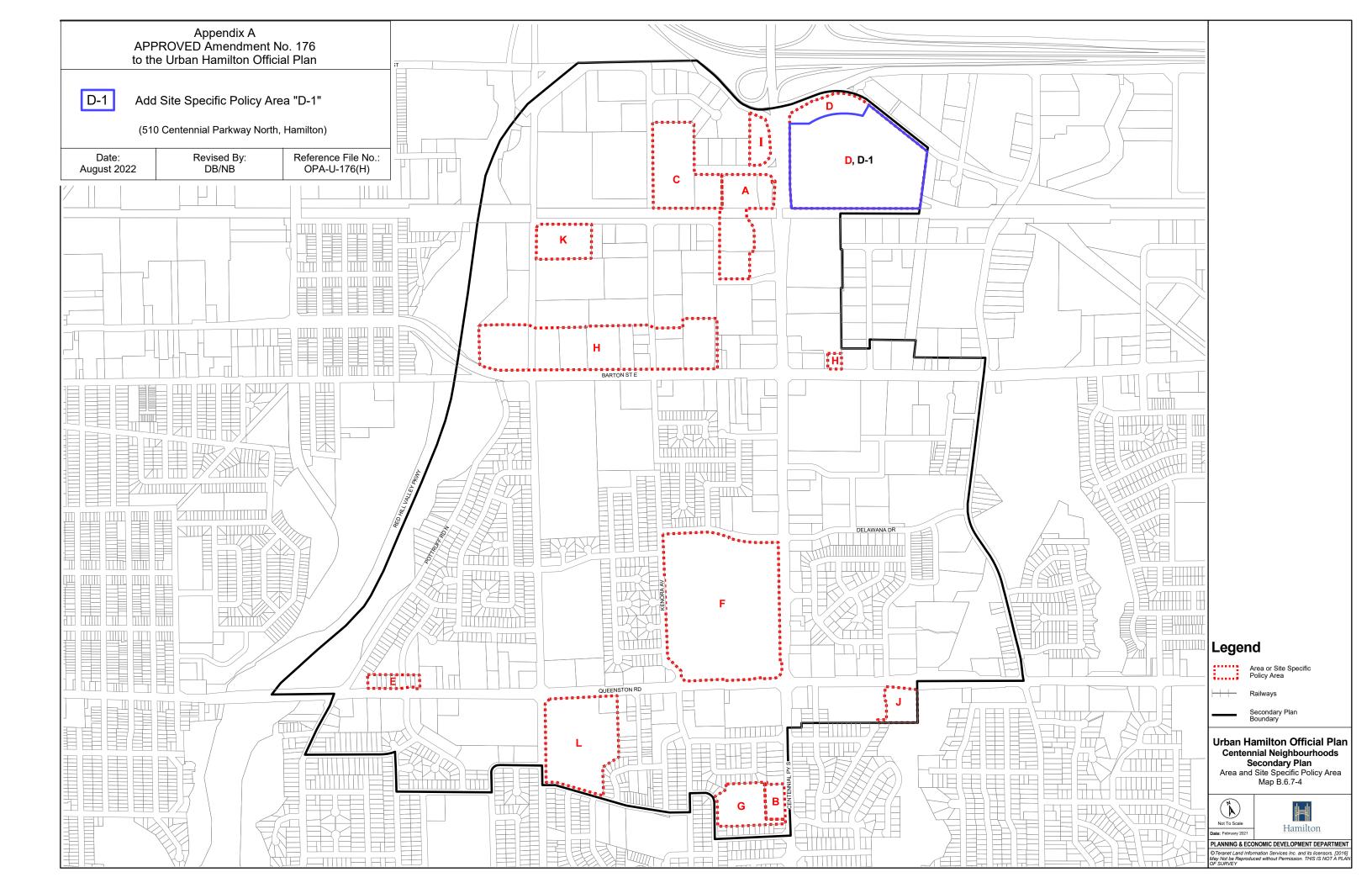
### 5.0 <u>Implementation</u>:

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. 22-225 passed on the  $12^{th}$  day of August, 2022.

	The City of Hamilton	
F. Eisenberger	A. Holland	-
Mayor	City Clerk	





**Authority:** Item 13, Planning Committee

Report 22-013 (PED22129) CM: August 12, 2022

Ward: 5

Bill No. 226

## CITY OF HAMILTON BY-LAW NO. 22-

To Amend Zoning By-law No. 6593 (Hamilton) as amended, Respecting Lands Located at 510 Centennial Parkway North, Hamilton

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 13 of Report 22-013 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of August, 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 upon adoption of the Official Plan Amendment No. 176.

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

- 1. That Sheet No. E-112 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by modifying the zoning from the "G-1/S-1613" (Designated Shopping Centre) District, Modified to the "G-1/S-1613a" (Designated Shopping Centre) District, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
- 2. That the "G-1/S-1613a" (Designated Shopping Centre) District, Modified provisions as contained in Section 13A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That the provisions of the "G-1/S-1613" (Designated Shopping Centre) District, Modified shall apply except where they differ from section 2. b) through g) of this By-law.
- b) That notwithstanding Section 2.3 (a) of By-law No. 10-081, a maximum total gross floor area of 45,058 square metres is permitted, however the gross floor area of a Warehouse (Mini Storage Facility) shall not be included in the maximum gross floor area calculation.
- c) That in addition to Section 2.3 (a) of By-law No. 10-081 and Section 2 b) of this By-law, a Warehouse (Mini Storage Facility) shall be restricted a maximum of one Mini Storage Facility and to a maximum total gross floor area of 12,900 square metres and maximum ground floor area of 3,500 square metres.
- d) That in addition to Section 2.3 (e) of By-law No. 10-081, a Warehouse (Mini Storage Facility) shall be setback a minimum of 50.0 metres from a street line.
- e) That Section 2.3 (i) of By-law No. 10-081 shall not apply in respect to Section 17F.(2)(e)1(i) and (ii).
- f) That the definition of Warehouse in Section 2.3 (j) of By-law No. 10-081 be amended to include a Mini Storage Facility, and to be read as follows:

### Warehouse

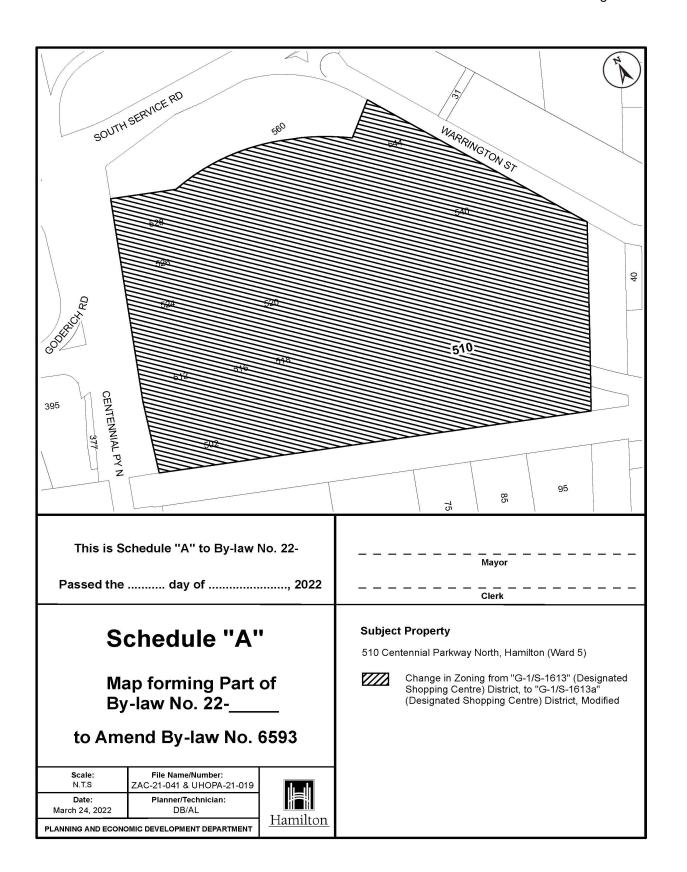
Shall mean the use of land, building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse may include a Mini Storage Facility but shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.

- g) That notwithstanding Section 18A (1) (a), a minimum of 1 parking space per 30 square metres of floor area for the office component of a Warehouse (Mini Storage Facility) shall be required.
- h) That notwithstanding Section 18A (1) (d), a loading space for a Warehouse (Mini Storage Facility) shall have a depth of 10.5 metres, a width of 3.7 metres and a clearance height of 3.9 metres.
- 3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-1/S-1613a" District provisions, subject to the special requirements in Section 2 of this By-law.
- 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1613a.

- 5. That Sheet No. E-112 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1613a.
- 6. 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 12<sup>th</sup> day of August, 2022.

F. Eisenberger	 A. Holland
Mayor	City Clerk
ZAC-21-041	



Authority: Item 9, Emergency & Community

Services Committee Report 22-012 (HSC22050/FCS22073)

CM: August 12, 2022

Ward: 8

**Bill No. 227** 

### CITY OF HAMILTON

### **BY-LAW NO. 22-**

### Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law

**WHEREAS** under section 110 of the *Municipal Act, 2001* the City may enter into agreements for the provision of municipal capital facilities;

**WHEREAS** under section 110 of the *Municipal Act, 2001* the City may provide financial or other assistance to any person who has entered into an agreement to provide municipal capital facilities;

**WHEREAS** Ontario Regulation 603/06 prescribes municipal housing project facilities as eligible municipal capital facilities;

**WHEREAS** Ontario Regulation 603/06 requires that the City enact a municipal housing facility by-law in order for the City to enter into municipal capital facility agreements for the provision of municipal housing project facilities;

**WHEREAS** Council for the City passed By-law No. 16-233, a municipal housing facilities by-law, on August 12, 2016;

**WHEREAS** By-law No. 16-233 provides that the City may enter into agreements for the provision of affordable housing as a Municipal Housing Project Facility and that the City may give or lend money to any person who has entered into an agreement to provide a Municipal Housing Project Facility;

**WHEREAS** subsection 110(5) of the *Municipal Act, 2001* requires that for each municipal capital facility agreement entered into by the City, Council must pass a by-law authorizing it to enter into a municipal capital facility agreement for the provision of a municipal capital facility; and

WHEREAS Council approved item 5.1(d) on May 20, 2020 and thereby authorized the disposition of 60 Caledon Avenue with a contribution of value by the City in the form of a forgivable Vendor Take Back Mortgage to secure the construction and operation for a twenty-year term of a minimum of 30 affordable housing rental units comprising the Municipal Housing Project Facility owned and operated by Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or by a business entity to

be created by the foregoing entities, located at the property municipally known as 60 Caledon Avenue;

#### **NOW THEREFORE** Council enacts as follows:

1. In this by-law;

"Affordable Housing - Rental Housing Units" has the meaning ascribed to it in subsection 1(a) of By-law No. 16-233;

"Municipal Housing Project Facility" shall have the same meaning as "Municipal Housing Project Facility" in By-law No. 16-233 s. 1.;

"Property" means the property municipally known as 60 Caledon Avenue, in the City of Hamilton and more particularly described on Schedule "A"; and,

"Agreement" has the meaning ascribed to it in section 2 of this By-law.

- 2. The City is authorized to enter into an Agreement under section 110 of the Municipal Act, 2001 with Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing, for the provision of a Municipal Housing Project Facility in the form of a minimum of 30 Affordable Housing Rental Housing Units at the Premises which meet the requirements of By-law No. 16-233, subject to the terms and conditions provided for in item 5.1(d) approved by Council on May 20, 2020 (the "Agreement"). The General Manager of the Healthy and Safe Communities Department is authorized and directed to execute the Agreement and any ancillary documents thereto in a form satisfactory to the City Solicitor. The Agreement shall provide a forgivable loan in the amount of FIVE MILLION SEVENTY-THREE THOUSAND DOLLARS (\$5,073,000.00), provided the Premises are used as a Municipal Housing Project Facility for Affordable Housing Rental Housing Units as defined in By-law No. 16-233.
- 3. This By-law shall remain in force until the earlier of:
  - (a) the date Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing, ceases to own the Property without having transferred the Property and assigned the Agreement to a person approved by the City in accordance with the Agreement; OR
  - (b) the date Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing ceases to provide a minimum of 30 Affordable Housing Rental Housing Units in accordance with the requirements of By-law 16-233 and the Agreement; OR

- (c) the date the Agreement is terminated for any reason whatsoever or is in default of the Agreement; OR
- (d) the date that is twenty years from the effective date of the Agreement.
- 4. This By-law may be referred to as the Hamilton 60 Caledon Avenue Municipal Housing Project Facilities By-law.
- 5. This By-law comes into force on the day it is passed.
- 6. The Affordable Housing Rental Housing Units on the Property described in Schedule "A" to By-law 22-227 shall be added to the list of Municipal Housing Project Facilities.

<b>PASSED</b> this 12 <sup>th</sup> day of August, 20	022.	
F. Eisenberger	A. Holland	
Mayor	City Clerk	

### Schedule "A" to By-law 22-227 - Property Description

17467-1428 (LT)

PROPERTY DESCRIPTION:

Lot 14, Registrar's Compiled Plan 1469 and Part of Lot 13, on Register's Compiled Plan 1469, designated as Part 7 on plan 62R-6761; Except Part 1 on 62R-20611

OWNERS NAMES: Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., or a business entity created by the foregoing.