



City of Hamilton

CITY COUNCIL ADDENDUM

22-020

Wednesday, September 14, 2022, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

5. COMMUNICATIONS

- *5.10. Correspondence from John Kozlowski respecting By-law 12-151 affecting Section 24 of East lawn cemetery in Hamilton.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- *5.11. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing notifying the City of Hamilton, pursuant to ss. 17(40.1) of the Planning Act, that the Minister has suspended the 120-day timeline for the amendments to the Urban

Hamilton Official Plan and Rural Hamilton Official Plan, which were adopted on June 8, 2022.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

8. NOTICES OF MOTIONS

- *8.1. Amendment to the 2022 Council / Committee Calendar

- *8.2. Amendment to the City of Hamilton Traffic By-law 01-215 to Identify Sewage and Water Vehicles as “Authorized Emergency Vehicles”
- *8.3. Connection to Municipal Services for 418 Upper Centennial Parkway, Stoney Creek

12. BY-LAWS AND CONFIRMING BY-LAW

- *12.8. 238

To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 619 Centre Road, in the Former Town of Flamborough, now in the City of Hamilton

Ward: 15

ZAH-22-043

- *12.9. 239

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 619 Centre Road, in the Former Town of Flamborough, now in the City of Hamilton

Ward: 15

ZAH-22-043

Pilon, Janet

Subject: Matter to be Reconsidered by Council

From: John Kozlowski

Sent: September 13, 2022 8:05 AM

To: clerk@hamilton.ca

Subject: Matter to be Reconsidered by Council

Dear City Council

We the citizens of Hamilton would like the by-law 12-151 affecting Section 24 of East lawn cemetery in Hamilton Ontario to be repealed.

We ask for a reconsideration of the city of Hamilton's decision on the section 24 only flat stone markers be allowed and that upright monuments be the survivors choose.

Its plot owners that have erected monuments not allowed by the by-laws on their loved ones graves to identify the flat markers. Some of these monuments get taken down in the spring, but they are all put back up again.

I inquired back in March about the monuments and at the time I was told the by-law decision was the director

Cynthia Graham, OALA, CSLA

Acting Director - Environmental Services Division

Public Works

City of Hamilton

Cynthia Graham said - What is important to note that the director (me) has a right to designate marker and monument placing and how sections are treated. by-laws are ratified by city council, as are changes to a by-law.

Pursuant to section 48 (1)(b) of the *Funeral, Burial and Cremation Services Act, 2002* (the "Act") "an interment rights holder..... has the right to erect a marker on the lot... to which the interment rights relate if doing so does not contravene the cemetery by-laws."

Under the Act, a marker is defined to include a monument, tombstone, plaque, headstone or other structure or ornament affixed to a burial lot.

In the City of Hamilton's By-law 12-151, as amended, being a By-law respecting the City of Hamilton's Cemeteries (the "**By-law**"), Schedule "A", Section 1.12 sets out the various requirements and permissions for the erection of a Monument.

Within the By-law a "*monument*" means any permanent tombstone, plaque, headstone, cornerstone or ornament that projects from the surface of the ground and is used to mark the location of a lot or plot, in contrast to the definition of "*marker*" which means any permanent

tombstone, plaque, headstone, cornerstone or ornament that is set flush with the surface of the ground and is used to mark the location of a grave.

Section 1.12 is reproduced below for ease of reference:

Monument Placement

1.12 Monument Installation

In addition to meeting the applicable requirements of Part 1 of this Schedule:

Monument Placement

- a. for a single-grave lot in locations designated by the Director or for a two-grave plot, no more than 1 monument shall be placed at the head of a lot or plot;

As you will see, for single-grave lots, such as the one you have purchased, Monuments may only be placed in locations designated by the Director. This is in contrast to the permissions for two-grave plots which allow 1 Monument as of right. Pursuant to section 1.12(a), if a single grave has not been designated by the Director to permit the placement of Monuments, then the placement of a Monument is prohibited and placement of a Monument in that location would be in contravention of the By-law.

The Cemetery Mapping for Section #24 provides that no upright Monuments are permitted. Therefore, Section #24 is not a location designated for Monuments as required pursuant to the By-law. To the contrary, only flat markers of a specified size are permitted in this section.

I inquired as to why a veterans upright monument was allowed to be erected in the section 24 and was told by

Cynthia Graham, OALA, CSLA

Acting Director - Environmental Services Division

Public Works

City of Hamilton

Since a flat marker is not an option for a veteran monument, this has been allowed by special exception. Since non-veteran burials have the option of a flat marker, the requirement for flat markers are enforced for those sections where applicable.

John Perrotta

Superintendent, Cemeteries

Public Works

Environmental Services, City of Hamilton

John Perrotta was asked as to why he thought people erected upright monuments at their loved ones graves he did agree that this was done to identify the plots.

In order to have a understanding as to who can make these monument, marker decisions, I have reached out to the Bereavement Authority of Ontario and Im waiting a response.

Let people choose how they want to remember/find their departed loved ones.

Thank You

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000

Ontario

234-2022-4000

September 12, 2022

Andrea Holland
City Clerk
City of Hamilton,
71 Main St W, 4th floor
Hamilton, Ontario L8P 4Y5
clerk@hamilton.ca

Dear Andrea Holland:

Bill 109, the *More Homes for Everyone Act, 2022* was passed by the Legislature and received Royal Assent on April 14, 2022. Schedule 5 of the Bill makes changes to the *Planning Act* to:

- expedite approvals and incent timely decisions for zoning, plan of subdivision and site plan applications, and
- ensure provincial housing policies are implemented and priority projects are expedited by providing the province with new tools to address dispute resolution.

One of the *Planning Act* changes provides a new discretionary authority for the Minister of Municipal Affairs and Housing to suspend the time period to make a decision on official plans and official plan amendments.

I am writing to notify you that I am using this authority, pursuant to ss. 17(40.1) of the *Planning Act*, to suspend the 120-day timeline for the amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, which were adopted on June 8, 2022.

You will be notified when the Minister takes further steps under the *Planning Act* in relation to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister

c. Steve Robichaud, Chief Planner and Director of Planning, City of Hamilton

CITY OF HAMILTON

NOTICE OF MOTION

Council: September 14, 2022

MOVED BY COUNCILLOR B. JOHNSON.....

Amendment to the City of Hamilton Traffic By-law 01-215 to Identify Sewage and Water Vehicles as “Authorized Emergency Vehicles”

- (a) That staff be directed to prepare an amendment to the City of Hamilton Traffic By-law 01-215 to identify sewage and water vehicles as “Authorized Emergency Vehicles” for an exemption from Section 56(2) of By-law 01-215, allowing these vehicles to travel on non-designated truck routes, within rural areas only; and
- (b) That the Hamilton Police Services Board be apprised of the amendment to the City of Hamilton Traffic By-law 01-215 to identify sewage and water vehicles as “Authorized Emergency Vehicles”.

CITY OF HAMILTON

NOTICE OF MOTION

Council: September 14, 2022

MOVED BY COUNCILLOR B. CLARK.....

Connection to Municipal Services for 418 Upper Centennial Parkway, Stoney Creek

WHEREAS, 418 Upper Centennial Parkway is located 20 meters (0.02 kilometers) outside the east urban boundary of the Upper Stoney Creek Settlement Area and therefore does not qualify for municipal sewer and water connection;

WHEREAS, a precedent has been set with other properties located outside the urban boundary that have been permitted to connect to municipal services at their cost; and

WHEREAS: a municipal waterline currently runs near the property;

THEREFORE BE IT RESOLVED:

That the Director, Growth Management with the City’s Planning and Economic Development Department be directed to issue a Water Permit for the connection of 418 Upper Centennial Parkway, Stoney Creek to the City Municipal Water, in a manner acceptable to the City of Hamilton, and subject to the following conditions:

- (i) That the municipal waterline that runs near 418 Upper Centennial Parkway, Stoney Creek, be evaluated to determine whether available water capacity exists for the proposed connection;
- (ii) That the owner of 418 Upper Centennial Parkway, Stoney Creek, applies and receives written permission from the City of Hamilton to enter into a Special Water Service Agreement for the water connection, as required by City’s Waterworks By-law R84-026;
- (iii) That the Special Water Service Agreement, if approved, be executed and registered on title for 418 Upper Centennial Parkway, Stoney Creek;
- (iv) That the owner of 418 Upper Centennial Parkway, Stoney Creek, agrees to pay the proportionate share of any future watermain construction within the Upper Centennial Parkway including abandonment of the proposed service connection.
- (v) That the owner of 418 Upper Centennial Parkway, Stoney Creek pay to the City of Hamilton all fees and charges set forth in the applicable City of Hamilton by-laws;

- (vi) That the water meter for the 418 Upper Centennial Parkway, Stoney Creek, water connection be installed in a sub-surface chamber as close to the existing municipal waterline as practical;
- (vii) That all costs for the permit(s), design and construction of the water connection in accordance with City standards, including any required supporting studies, reviews, or inspections be the responsibility of the owner of 418 Upper Centennial Parkway, Stoney Creek;
- (viii) That the direction provided by this Motion expire on December 31st, 2025 if the Water Permit has not been issued.

Authority: Item 31, Planning & Economic
Development Committee
Report 06-005
CM: April 12, 2006
Ward: 15

Bill No. 238

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 90-145-Z Respecting Lands located at 619 Centre Road, in the Former Town of Flamborough, now in the City of Hamilton

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

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

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

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1991;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-183 of the Planning and Economic Development Committee at its meeting held on the 2nd day of June 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding provision from By-laws where the conditions have been met;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Ontario Land Tribunal on August 16, 2013.

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

1. That Schedule "A-6" of Zoning By-law No. 90-145-Z (Flamborough) is amended by changing the zoning from the Urban Residential (Single Detached) "R1-34 (H)" Holding Zone and Medium Density Residential "R6-27(H)" Holding Zone, to the Urban Residential (Single Detached) "R1-34" Zone and Medium Density Residential "R6-27" Zone for the lands located at 619 Centre Road, Flamborough, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.

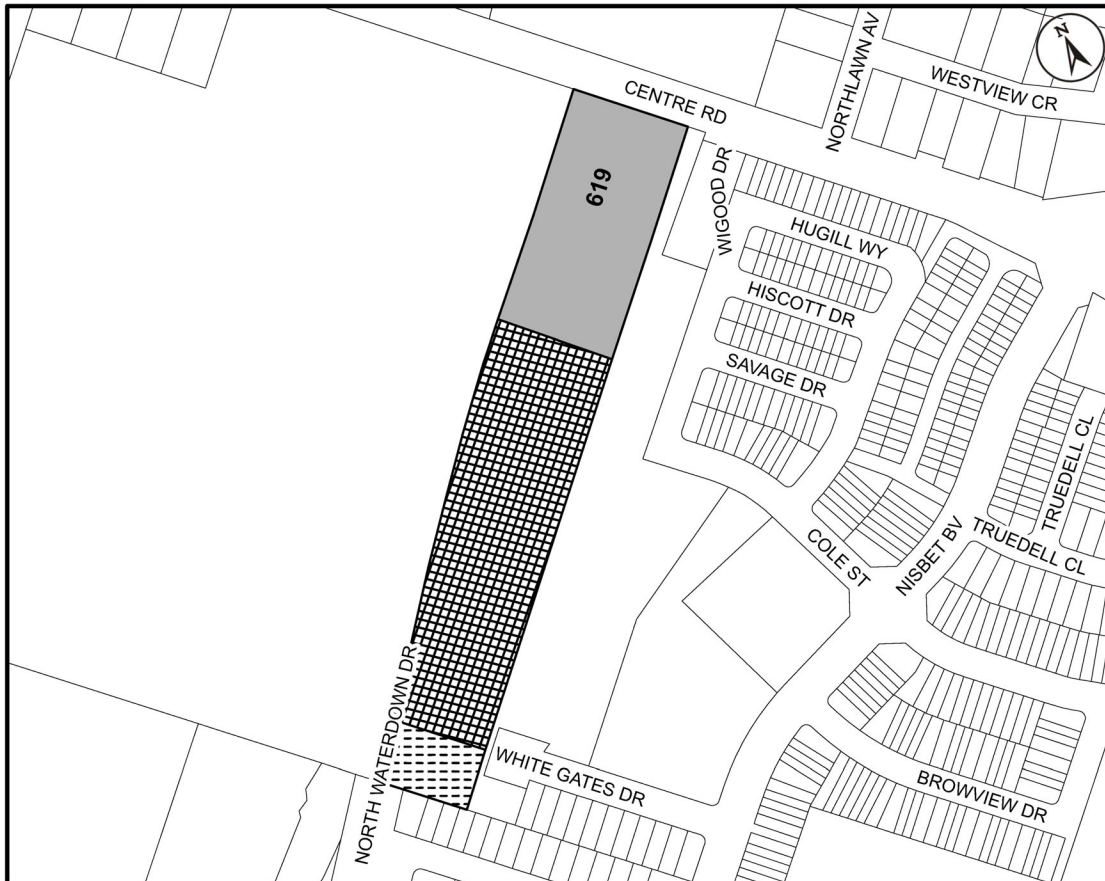
2. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 14th day of September 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAH-22-043



This is Schedule "A" to By-law No. 22-
 Passed the day of, 2022

 Mayor




 Clerk

Schedule "A"

**Map forming Part of
 By-law No. 22- _____**

to Amend By-law No. 90-145-Z

Subject Property
 619 Centre Road, Flamborough (Ward 15)

-  Change in zoning from the Medium Density Residential "R6-27(H)" Holding Zone to the Medium Density Residential "R6-27" Zone
-  Change in zoning from the Urban Residential (Single Detached) "R1-34 (H)" Holding Zone to the Urban Residential (Single Detached) "R1-34" Zone
-  Lands subject to By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAH-22-043
Date: September 9, 2022	Planner/Technician: MG/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



Authority: Item 31, Planning & Economic
Development Committee Report
06-005
CM: April 12, 2006
Ward: 15

Bill No. 239

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 619 Centre Road, in the Former Town of Flamborough, now in the City of Hamilton

WHEREAS the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25th day of May; and,

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-183 of the Planning and Economic Development Committee at its meeting held on the 2nd day of June 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding provision from By-laws where the conditions have been met;

AND WHEREAS the conditions of Holding Provision 91 for the lands located at 619 Centre Road have been satisfied;

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

1. That Map No. 445 of Schedule "A" – Zoning Maps is amended by changing the zoning from the District Commercial (C6, 583, H91) Zone to the District Commercial (C6, 583) Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "D" – Holding Provisions is amended by deleting Holding Provision 91.
3. 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 14th day of September 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 22- Passed the day of, 2022	----- <p style="text-align: center;">Mayor</p> ----- <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 22-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 444, 445</p>	<p>Subject Property 619 Centre Road, Flamborough (Ward 15)</p> <p> Change in zoning from the District Commercial (C6, 583, H91) Zone to the District Commercial (C6, 583) Zone</p> <p> Lands subject to By-law No. 464</p>
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Scale: N.T.S	File Name/Number: ZAH-22-043	
Date: September 8, 2022	Planner/Technician: MG/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		