



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 23-001  
**Date:** January 17, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

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

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**Pages**

**1. CEREMONIAL ACTIVITIES**

**2. APPROVAL OF AGENDA**

(Added Items, if applicable, will be noted with \*)

**3. DECLARATIONS OF INTEREST**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING**

4.1 November 29, 2022

3

**5. COMMUNICATIONS**

**6. DELEGATION REQUESTS**

6.1 Delegation Requests respecting Short Term Rental Licensing (Item 11.1)  
(For today's meeting)

- (i) Laura Qusen (in-person)
- (ii) Cayley Stephenson (in-person)
- (iii) Mark Krikke (in-person)

6.2 Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning  
(For the January 31st meeting)

<b>7.</b>	<b>STAFF PRESENTATIONS</b>	
<b>8.</b>	<b>DELEGATIONS</b>	
<b>9.</b>	<b>CONSENT ITEMS</b>	
9.1	To Extend and Open a Portion of Lands as Public Highway being Nashville Circle by By-Law (PED23025) (Ward 5)	41
<b>10.</b>	<b>PUBLIC HEARINGS</b>	
10.1	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11)	47
10.2	Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9)	106
<b>11.</b>	<b>DISCUSSION ITEMS</b>	
11.1	Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide (Outstanding Business List Item)	199
	a. Written Submissions:	242
	(i) Lilli Jones	
	(ii) Norah McIntyre	
<b>12.</b>	<b>MOTIONS</b>	
<b>13.</b>	<b>NOTICES OF MOTION</b>	
<b>14.</b>	<b>GENERAL INFORMATION / OTHER BUSINESS</b>	
<b>15.</b>	<b>PRIVATE AND CONFIDENTIAL</b>	
<b>16.</b>	<b>ADJOURNMENT</b>	



## **PLANNING COMMITTEE MINUTES**

### **22-016**

**November 29, 2022**

**9:30 a.m.**

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

**Present:** Councillor M. Wilson. (Chair)  
Councillor J.P. Danko (1<sup>st</sup> Vice Chair)  
Councillor T. Hwang (2<sup>nd</sup> Vice Chair)  
Councillors J. Beattie, C. Cassar, E. Pauls, M. Francis,  
C. Kroetsch, N. Nann, T. McMeekin, M. Spadafora, M. Tadeson,  
A. Wilson

**Also in Attendance:** Mayor A. Horwath, Councillor B. Clark

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

#### **1. Appointment of Chair and Vice-Chairs for 2022 - 2023 (Item 1.1)**

##### **(Nann/Cassar)**

- (a) That Councillor M. Wilson, be appointed as Chair of the Planning Committee for the 2022-2023 year.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
YES – Ward 15 Councillor T. McMeekin

**(Pauls/Nann)**

- (b) That Councillor J.P. Danko, be appointed as 1<sup>st</sup> Vice Chair of the Planning Committee for the 2022-2023 year.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
YES – Ward 15 Councillor T. McMeekin

**(McMeekin/Nann)**

- (c) That Councillor T. Hwang, be appointed as 2<sup>nd</sup> Vice Chair of the Planning Committee for the 2022-2023 year.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
YES – Ward 15 Councillor T. McMeekin

**2. Appointment By-law under the *Building Code Act*, 1992 (PED22205) (City Wide) (Item 9.1)**

**(Hwang/Tadeson)**

- (a) That the draft By-law attached as Appendix “A” to Report PED22205, respecting the appointment of a Chief Building Official, Deputies and Inspectors, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted; and
- (b) That By-law 22-112, being a by-law respecting the Appointments of a Chief Building Official, Deputies and Inspectors be repealed.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**3. Hearing Officer Appointment By-law for Administrative Penalty System (PED22200) (City Wide) (Item 9.2)**

**(Beattie/Spadafora)**

- (a) That the Hearing Officer By-law, being a by-law to appoint Hearing Officers in accordance with the Administrative Penalty By-law No. 17-225, attached as Appendix “A” to Report PED22200, which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That the General Manager of the Planning and Economic Development Department be granted delegated authority to sign and execute Hearing Officer Agreements, in a form satisfactory to the City Solicitor.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch

YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**4. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED22197) (City Wide) (Item 9.3)**

**(Pauls/Nann)**

That Report PED22197 respecting the Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 NOT PRESENT – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**5. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-009 and Zoning By-law Amendment Application ZAC-22-018 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 651 Queenston Road, Hamilton (PED22184) (Ward 5) (Item 9.4)**

**(Francis/Hwang)**

That Report PED22184 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-009 and Zoning By-law Amendment Application ZAC-22-018 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 651 Queenston Road, Hamilton, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 NOT PRESENT – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**6. Appeal of Zoning By-law Amendment Application ZAC-21-003 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 125 Pirie Drive, Dundas (PED22145(a)) (Ward 13) (Item 9.5)**

**(Nann/McMeekin)**

That Report PED22145(a) respecting Appeal of Zoning By-law Amendment Application ZAC-21-003 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 125 Pirie Drive, Dundas, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**7. Hamilton Municipal Heritage Committee Report 22-010 (Item 9.6)****(Kroetsch/Hwang)****(a) Recommendation to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the Ontario Heritage Act (PED22208) (Ward 2) (Item 8.1) (attached hereto as Appendix "A" to Report 22-010) (Item 8.1)**

- (i) That City Council state its intention to designate 66-68 Charlton Avenue West, Hamilton, shown in Appendix "A" attached to Report PED22208, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report 22-010;
- (ii) That the City Clerk be directed to give notice of intention to designate the property of cultural heritage value or interest in Recommendation (a) of Report PED22208, in accordance with the requirements of Section 29 of the Ontario Heritage Act, subject to the following:
  - (1) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
  - (2) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

**(b) Heritage Permit Application HP2022-026, Under Section 33 of the Ontario Heritage Act, for the Removal of the Contemporary Rear Addition, Construction of a New Rear Addition and Rehabilitation of the Pinehurst Building at 163 Jackson Street West, Hamilton (PED22195) (Ward 2) (Item 8.2)**

- (i) That Heritage Permit Application HP2022-026, under Section 33 of the Ontario Heritage Act, for the removal of the contemporary rear addition, construction of a new addition and rehabilitation of the Pinehurst building located at 163 Jackson Street West, Hamilton



(the "Property"), be approved in accordance with the submitted Heritage Permit Application, subject to the following conditions:

- (1) That the recommendations from the revised Conservation Plan dated November 3, 2022, attached as Appendix "E" to Report PED22195, submitted in support of the application be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of a final Occupancy Permit for the Pinehurst building;
- (2) That the following conditions with respect to cost estimates and security shall be satisfied prior to the issuance of a Building Permit for removal of the rear addition:
  - (a) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of four years and the total cost of restoration and protective enclosure of the retained designated portions. Such cost estimates shall be in the form satisfactory to the Director of Planning and Chief Planner, or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering;
  - (b) The applicant shall calculate the lump sum security payment satisfactory to the City Solicitor for works to the satisfaction of the City's Director of Planning and Chief Planner;
  - (c) The applicant shall provide a Financial Instrument for the security that is satisfactory to the City Solicitor such as the Letter of Credit (Policy), Surety Bond (Policy), or Certified Cheque/Bank Draft to the Director of Planning and Chief Planner for 100% of the total estimated cost as per condition (1) in a form satisfactory to the City's Finance Department (Development Officer, Development Charges, Programs and Policies) to be held by the City as security for the completion of the on-site development works required in these conditions. Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with condition (2) above;

- (d) The Security shall be kept in force, whether or not the ownership of 163 Jackson Street West, Hamilton, changes at any time, until the completion of the required site development works in conformity with this Heritage Permit, securities may be reduced in accordance with the approved Financial Instrument Policies by the City Solicitor. If the Security is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a replacement or renewal of the Security forthwith;
  - (e) In the event that the Owner fails to complete, to the satisfaction of the City's Director of Planning and Chief Planner, the required site development works in conformity with this Heritage Permit within the time required, then the Owner shall permit the City, its employees, agents or contractors, at the City's sole option and in addition to any other remedies that the City may have, to enter on the lands and so complete the required site development works to the extent of monies received as Security. The cost of completion of such works shall be deducted from the monies obtained from the Security. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes and the Owner shall enter an agreement with the City to give effect to this Condition (5) and shall register this Agreement on title to the Property at the Owner's own expense;
- (3) That the applicant submit the final details for the implementation of temporary occupancy of the Pinehurst building as an office, including but not limited to the reconnection of services, installation of ductwork and placement of air conditioning units, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of any alterations impacting the heritage attributes of the property not already addressed in

the revised Conservation Plan, dated November 3, 2022, submitted with this Heritage Permit Application;

- (4) That the applicant shall provide the City with copies of any monitoring reports of the Pinehurst building prepared in accordance with the revised Conservation Plan, dated November 3, 2022, until the time of project completion, and that the scope of any remedial actions required to be taken shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner prior to implementation;
  - (5) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
  - (6) That should a Building Permit for the demolition of the contemporary rear addition, in accordance with this approval, not be obtained and acted upon by September 30, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
  - (7) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in condition (vi) of this approval, if that request is submitted prior to the expiry and if progress is being made;
- (ii) That the Director of Planning and Chief Planner be authorized to execute an Agreement with the owner(s) of 163 Jackson Street West satisfactory to the City Solicitor, to be registered on title by the owner(s) and to give effect to Recommendation (a) (ii) (5) of Report PED22195;
  - (iii) That the Director of Planning and Chief Planner is authorized to execute any required Agreements with the owner(s) and other necessary parties with respect to the security required by Recommendation (a) (ii) of Report PED22195.

**(c) Inventory & Research Working Group Meetings Notes – October 26, 2022 (Item 10.1)**

- (i) 66-68 Charlton Avenue West, Hamilton (Item 1) That the information respecting 66-68 Charlton Avenue West, Hamilton, be received)
- (ii) Osler House - 30 South Street West, Dundas
  - (1) That 30 South Street, Dundas, be added to the Municipal Heritage Register as a non-Designated Built Heritage Property; and
  - (2) That 30 South Street, Dundas, be added to Staff's Designation Work Plan.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**8. Rental Housing Licensing Pilot Program and Implementation Update (PED21097(c)) (Wards 1, 8 and parts of Ward 14) (Item 9.7)**

**(Danko/Spadafora)**

- (a) That Report PED21097(c) respecting Rental Housing Licensing Pilot Program and Implementation Update (PED21097(c)) (Wards 1, 8 and parts of Ward 14), be received.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**9. Increase to Building Permit Fees (PED22206) (City Wide) (Item 10.1)**

**(Hwang/Cassar)**

- (a) That the By-law, attached as Appendix “A” to Report PED22206 to amend City of Hamilton By-law No. 15-058, the Building By-law, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**10. Application for a Zoning By-law Amendment for Lands Located at 11 Springside Drive, Hamilton (PED22198) (Ward 8) (Item 10.2)**

**(Danko/Spadafora)**

- (a) That Revised Zoning By-law Amendment Application ZAC-19-056 by GSP Group Inc. c/o Brenda Khes on behalf of 2634334 Ontario Inc. for a change in zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the "RT-30/H" (Street - Townhouse) District, Holding, to permit seven street townhouses on the subject lands located at 11 Springside Drive as shown on Appendix “A” attached to Report PED22198, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B”, ***as amended***, to Report PED22198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP);
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 11 Springside Drive as shown on Schedule “A” of Appendix “B” attached to Report PED22198;

The Holding Provision "RT-30/H" (Street - Townhouse) District, Holding be removed conditional upon:

- (1) The submission and approval of a Noise Feasibility Study which provides recommendations for appropriate noise mitigation measures in accordance with Ministry of the Environment, Conservation and Parks (MECP) standards and to the satisfaction of the Director of Planning and Chief Planner;

**Result: Main Motion, As Amended, CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**11. Application for a Zoning By-law Amendment for Lands Located at 1020 Upper James Street, Hamilton (PED22199) (Ward 8) (Item 10.3)****(Danko/Nann)**

- (a) That Zoning By-law Amendment Application ZAC-19-017 by Wellings Planning Consultants Inc. on behalf of Royal Living Development Group c/o Alex Arbab, owner, for a change in zoning from the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 822, H131) Zone, to permit the lands to be developed for an eight storey mixed use building on lands located at 1020 Upper James Street, as shown on Appendix "A" attached to Report PED22199, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED22199, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP);
- (b) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by adding the Holding symbol H131 to Schedule D of City of Hamilton Zoning By-law No. 05-200; and, that it shall be lifted upon completion of the following:
- (i) That the Owner submit a Functional Servicing Report to demonstrate the storm water 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;
  - (ii) That the Owner enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at 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 Water Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**12. Sign Variance Appeal SV-21-002 for the property known as 1632 Upper James Street, Hamilton, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED22120) (Ward 8) (Item 11.1)**

**(Danko/Hwang)**

(a) That the Appeal of Sign Variance Application, SV-21-002, for the property known as 1632 Upper James Street, Hamilton (refer to Appendix “A” attached to Report PED22120), by the Owners 1632 Upper James Inc., which seeks relief from Section 5.10A of Sign By-Law No. 10-197 to permit the construction of a digital billboard sign with a height of 9.5 m to be located 0.3 m from the northern interior side lot line of the property; be Denied, on the following basis:

- (i) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197;
- (ii) That the requested variances do not meet the tests stipulated in Sign By-law No. 10-197.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie



YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**13. Interim Terms of References, Guidelines and Guideline Summaries for Complete Application Materials in Response to Bill 109 (PED22112(d)) (City Wide) (Item 11.2)**

**(Cassar/Hwang)**

- (a) That Council approve the interim terms of references, guidelines, and guideline summaries, as attached in Appendices “A” and “B1” to “B39” to Report PED22112(d), for use as part of a complete *Planning Act* Application;
- (b) That the General Manager of Planning and Economic Development Department, or their designate, be granted the authority to make minor modifications to the interim terms of references, guidelines and guideline summaries, contained in Appendices “B1” to “B39” attached to Report PED22112(d);
- (c) That Planning Division staff be directed to utilize the interim terms of references, guidelines and guideline summaries contained in Appendices “B1” to “B39” attached to Report PED22112(d), and based on feedback received on the interim guidelines from the general public and stakeholders to report back in Q2 2023 on any modifications and updates that may be needed to the draft terms of references, guidelines and guideline summaries, contained in Appendices “B1” to “B39” attached to Report PED22112(d) prior to finalization.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora

YES – Ward 15 Councillor T. McMeekin

14. **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 for Lands Located at 186 Hunter Street East, Hamilton (LS22032/PED22190(a)) (Ward 2) (Item 15.2)**

**(Beattie/Tadeson)**

- (a) That the directions to staff in closed session respecting Report LS22032/PED22190(a) be released to the public, following approval by Council; and,
- (b) That the balance of Report LS22032/PED22190(a) remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

15. **Appeal of Zoning By-law Amendment Application to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 125 Pirie Drive, Dundas (LS22034/PED22145(b)) (Ward 13) (Item 15.3)**

**(Hwang/Cassar)**

- (a) That the directions to staff in closed session respecting Report LS22034 / PED22145(b) be released to the public, following approval by Council; and
- (b) That the balance of Report LS22034/PED22145(b) remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
NOT PRESENT – Ward 7 Councillor E. Pauls  
NOT PRESENT – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
YES – Ward 15 Councillor T. McMeekin

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

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

**1. COMMUNICATIONS (Item 5)**

## 5.1 Taxicab Licensing

- (i) Ijaz Ahmad
- (ii) Iftikhar Ahmed

**2. DELEGATION REQUESTS (Item 6)**6.1 David Falletta respecting 163 Jackson St W (Item 9.6) -  
WITHDRAWN6.2 Sarah MacLellan respecting a Permit for a new Deck and Gazebo  
(For the January 17, 2023 meeting)6.3 Various Delegations respecting Bill 23 (Item 11.3) (For today's  
agenda)

- (i) Kojo Dampney, Hamilton Centre for Civic Inclusion (in person)
- (ii) Karl Andrus, Hamilton Community Benefits Network (in person)
- (iii) Anica Rak, ACORN (pre-recorded)
- (iv) Gord Smyth, ACORN (pre-recorded)
- (v) Marnie Schurter, ACORN (pre-recorded)

6.4 Alex Shepherd respecting 163 Jackson St W (Item 9.6) (virtual)  
(For today's meeting)

- 6.5 Matt Johnston, Urban Solutions, respecting 66-68 Charlton Ave W (Item 9.6) (For today's meeting)

**3. DELEGATIONS (Item 8)**

- 8.2 Ryan Reid respecting Sunday Gun Hunting in Flamborough - WITHDRAWN

**4. CONSENT ITEMS (Item 9)**

- 9.6 Hamilton Municipal Heritage Committee Report 22-010

- a. Added Written Submissions:

- (iii) Idan Erez  
(iv) Geoff Roche, Durand Neighbourhood Association

**5. PUBLIC HEARINGS (Item 10)**

- 10.2 Application for a Zoning By-law Amendment for Lands Located at 11 Springside Drive, Hamilton (PED22198) (Ward 8)

- a. Added Written Submissions:

- (iv) Karen Gowan  
(v) Cathy Blancher  
(vi) Cecil Cooke  
(vii) Rick and Susan Biggley

**(Cassar/Beattie)**

That the agenda for the November 29, 2022 Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

- YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

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

The were no declarations of interest.

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

**(i) September 20, 2022 (Item 4.1)**

**(Danko/M. Wilson)**

That the Minutes of the September 20, 2022 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

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

**(i) Taxicab Licensing (Added Item 5.1)**

**(Pauls/McMeekin)**

That the following communications be received:

- (i) Ijaz Ahmed
- (ii) Iftikhar Ahmed

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

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

**(i) Sarah MacLellan respecting a Permit for a new Deck and Gazebo (For the January 17, 2023 meeting) (Item 6.2)**

**(Nann/A. Wilson)**

That the Delegation from Sarah MacLellan respecting a Permit for a new Deck and Gazebo for the January 17, 2023 meeting, be approved.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(ii) Various Delegations (Added Items 6.3, 6.4 and 6.5)**

**(Hwang/Beattie)**

That the following delegations, be approved for today's meeting:

(i) Various Delegations respecting Bill 23 (Item 11.3) (Added Item 6.3)

- (i) Kojo Dampthey, Hamilton Centre for Civic Inclusion
  - (ii) Karl Andrus, HCBN
  - (iii) Anica Rak, ACORN
  - (iv) Gord Smyth, ACORN
  - (v) Marnie Schurter, ACORN
- (ii) Alex Shepherd respecting 163 Jackson St W (Item 9.6) (Added Item 6.4)
  - (iii) Matt Johnston, Urban Solutions, respecting 66-68 Charlton Ave W (Item 9.6) (Added Item 6.5)

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

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

- (i) Aamir Shahzad respecting Taxicab By-laws and a Taxicab Advisory Committee (Approved at the September 20th meeting) (Item 8.1)**

The delegate was not in attendance when called upon.

- (ii) Various Delegations respecting Bill 23 (Item 11.3) (Added Item 6.3)**

The following Delegations addressed the Committee:

- (i) Kojo Dampthey, Hamilton Centre for Civic Inclusion
- (ii) Karl Andrus, Hamilton Community Benefits Network

**(McMeekin/Kroetsch)**

That the speaking time for Karl Andrus be extended by five minutes.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

(iii) Anica Rak, ACORN  
 (iv) Gord Smyth, ACORN  
 (v) Marnie Schurter, ACORN

**(Pauls/Tadeson)**

That the Delegations be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 NOT PRESENT – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(iii) Alex Shepherd respecting 163 Jackson St W (Item 9.6) (Added Item 6.4)**

Alex Shepherd addressed the Committee respecting 163 Jackson St W.



**(Hwang/Cassar)**

That the Delegation from Alex Shepherd respecting 163 Jackson St W, be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(iv) Matt Johnston, Urban Solutions, respecting 66-68 Charlton Ave W (Item 9.6) (Added Item 6.5)**

Matt Johnston, Urban Solutions, addressed the Committee respecting 66-68 Charlton Ave W.

**(Pauls/Beattie)**

That the speaking time for Matt Johnston be extended by five minutes.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 NOT PRESENT – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(Hwang/Cassar)**

That the Delegation from Matt Johnston, Urban Solutions, respecting 66-68 Charlton Ave W, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 NOT PRESENT – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(g) CONSENT ITEMS (Item 9)**

**(i) Hamilton Municipal Heritage Committee Report 22-010 (Item 9.6)**

**(Kroetsch/Cassar)**

That the following Written Submissions, be received:

- (i) J. Webster (Item 1)
- (ii) Izabel LAnglais (Item 1)
- (iii) Idan Erez (Item 1)
- (iv) Geoff Roche, Durand Neighbourhood Association (Item 1)

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora

YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 7.

**(h) PUBLIC HEARINGS (Item 10)**

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

In accordance with the provisions of the *Planning Act*, Chair M. Wilson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Increase to Building Permit Fees (PED22206) (City Wide) (Item 10.1)**

**(Hwang/Cassar)**

(a) That there were no public submissions received regarding this matter; and,

(b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson

NOT PRESENT – Ward 2 Councillor C. Kroetsch

YES – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls

NOT PRESENT – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora

YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 9.

**(ii) Application for a Zoning By-law Amendment for Lands Located at 11 Springside Drive, Hamilton (PED22198) (Ward 8) (Item 10.2)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

**(Nann/Pauls)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

Joseph Liberatore with GSP Group, was in attendance and indicated support for the staff report with a requested modification.

**(Danko/Tadeson)**

That the delegation from Joseph Liberatore with GSP Group, be received.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**Registered Delegations (Item 10.2(b)):**

The following delegations were not in attendance when called upon:

- (i) Matthew Ribau (Item 10.2 (b)(i))
- (ii) Jodi Campovari (Item 10.2 (b)(i))

**(Cassar/Beattie)**

(a) That the following written submissions (Item 10.2(a)), be received:

- (i) Jodi and A. Campovari, in Opposition to the application
- (ii) Helen Spring, in Opposition to the application
- (iii) Rick Hunter-Wolff, in Opposition to the application
- (iv) Karen Gowan, in Opposition to the application
- (v) Cathy Blancher, Concerns with application
- (vi) Cecil Cooke, in Opposition to the application
- (vii) Rick and Susan Biggley, in Opposition to the application

(b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(Danko/Spadafora)**

(a) That Revised Zoning By-law Amendment Application ZAC-19-056 by GSP Group Inc. c/o Brenda Khes on behalf of 2634334 Ontario Inc. for a change in zoning from the "B" (Suburban Agriculture and

Residential, Etc.) District to the "RT-30/H" (Street - Townhouse) District, Holding, to permit seven street townhouses on the subject lands located at 11 Springside Drive as shown on Appendix "A" attached to Report PED22198, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED22198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP);
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding 'H' as a suffix to the proposed zoning for 11 Springside Drive as shown on Schedule "A" of Appendix "B" attached to Report PED22198;

The Holding Provision "RT-30/H" (Street - Townhouse) District, Holding be removed conditional upon:

- (1) The submission and approval of a Noise Feasibility Study which provides recommendations for appropriate noise mitigation measures in accordance with Ministry of the Environment, Conservation and Parks (MECP) standards and to the satisfaction of the Director of Planning and Chief Planner;

**(Danko/Spadafora)**

That Appendix "B" to Report PED22198 be **amended** by changing the front lot line from Rymal Road East to be Springside Drive.

**Result: Amendment CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 10.

**(iii) Application for a Zoning By-law Amendment for Lands Located at 1020 Upper James Street, Hamilton (PED22199) (Ward 8) (Item 10.3)**

No members of the public were registered as Delegations.

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

**(McMeekin/Nann)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

Glenn Wellings with Wellings Planning Consultants, was in attendance and indicated support for the staff report.

**(Danko/Beattie)**

That the delegation from Glenn Wellings with Wellings Planning Consultants, be received.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(Danko/Hwang)**

- (a) That the written submissions (in the staff report) regarding this matter were received; and,
- (b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 11.

**(i) DISCUSSION ITEMS (Item 11)**

**(Pauls/Tadeson)**

That the Committee Recess from 12:20 p.m. to 12:50 p.m.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch



YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(i) Interim Terms of References, Guidelines and Guideline Summaries for Complete Application Materials in Response to Bill 109 (PED22112(d)) (City Wide) (Item 11.2)**

Tiffany Singh, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

**(Cassar/Hwang)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 13.

**(ii) Bill 23, Proposed More Homes Built Faster Act, 2022 (PED22207) (City Wide) (Item 11.3)**

Anita Fabac, Manager of Development Planning, Heritage and Design, addressed the Committee with the aid of a PowerPoint presentation.

**(Tadeson/Hwang)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

The following resolution was considered by Council at its special meeting of November 30, 2022:

**(Tadeson/Hwang)**

- (a) That Council adopt the submissions and recommendations as provided in Report PED22207 regarding Schedules 2, 4, 5, 6, 7, 8 and 9 of proposed Bill 23, *More Homes Built Faster Act, 2022*;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix “B” to Report PED22207;
- (c) That staff report back to Council should Bill 23, *More Homes Built Faster Act, 2022* be proclaimed on any required staffing, process, fee and By-law changes necessary to implement Bill 23, *More Homes Built Faster Act, 2022*;
- (d) That the Director of Planning and Chief Planner and the City Solicitor be authorized to make submissions on Bill 23, *More Homes Built Faster Act, 2022* and any associated regulations consistent with the comments and concerns raised in Report PED22207.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(iii) Minister’s Decision - Municipal Comprehensive Review / Official Plan Review – Phase 1 – Official Plan Amendment No. 167 to the Urban Hamilton Official Plan and Official Plan Amendment No 34 to the Rural Hamilton Official Plan (PED21067(c) (City Wide) (Outstanding Business List Item) (Item 11.4)**

Lauren Vraets, Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Spadafora/A. Wilson)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

The following resolution was considered by Council at its special meeting of November 30, 2022:

**(Tadeson/Cassar)**

That Report PED21067(c) respecting Minister's Decision - Municipal Comprehensive Review / Official Plan Review – Phase 1 – Official Plan Amendment No. 167 to the Urban Hamilton Official Plan and Official Plan Amendment No 34 to the Rural Hamilton Official Plan, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 NOT PRESENT – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(Kroetsch/Nann)**

That the Committee Recess from 3:45 p.m. to 4:00 p.m.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(iv) Proposed Amendments to the Greenbelt Plan - ERO Postings 019-6216 and 019-6217 - City of Hamilton Comments (PED22213) (City Wide) (Item 11.5)**

Heather Travis, Manager of Staging of Development and Legislative Approvals, addressed the Committee with the aid of a PowerPoint presentation.

**(Kroetsch/Cassar)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 NOT PRESENT – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

The following resolution was considered by Council at its special meeting of November 30, 2022

**(Tadeson/Beattie)**

- (a) That the City does not support the removal of lands from the Greenbelt Plan because removal of the lands contradicts the vision and goals of the Greenbelt Plan to provide permanent protection to the natural heritage and water resource systems that are crucial to sustain ecological and human health and build resilience to and mitigate climate change and the City has no requirement for additional lands to accommodate housing growth to 2051 given the recent expansions to the urban area approved through Official Plan Amendment No. 167, and further;
- (b) That Report PED22213 be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton's comments on Environmental Registry of Ontario (ERO) Postings #019-6216 and 019-6217 respecting proposed amendments to the Greenbelt Plan.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 NOT PRESENT – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

**(j) PRIVATE AND CONFIDENTIAL (Item 15)**

**(Hwang/Cassar)**

That Committee move into Closed Session pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 NOT PRESENT – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

- (i) **Municipal Comprehensive Review / Official Plan Review – OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Minister’s Decisions (LS22035) (City Wide) (Item 15.1)**

The following resolution was considered by Council at its special meeting of November 30, 2022:

**(Hwang/Cassar)**

That Report LS22035 respecting the Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan - Minister's Decisions and its Appendix "A", be received and remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NOT PRESENT – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 YES – Ward 15 Councillor T. McMeekin

- (ii) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 for Lands Located at 186 Hunter Street East, Hamilton (LS22032/PED22190(a)) (Ward 2) (Item 15.2)**

For disposition of this matter, refer to Item 14.

- (iii) **Appeal of Zoning By-law Amendment Application to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 125 Pirie Drive, Dundas (LS22034/PED22145(b)) (Ward 13) (Item 15.3)**

For disposition of this matter, refer to Item 15.

**(k) ADJOURNMENT (Item 16)**

**(McMeekin/Nann)**

That there being no further business, the Planning Committee be adjourned at 6:16 p.m.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
NOT PRESENT – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
NOT PRESENT – Ward 7 Councillor E. Pauls  
NOT PRESENT – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
YES – Ward 15 Councillor T. McMeekin

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Councillor M. Wilson  
Chair, Planning Committee


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Lisa Kelsey  
Legislative Coordinator





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 17, 2023
<b>SUBJECT/REPORT NO:</b>	To Extend and Open a Portion of Lands as Public Highway being Nashville Circle by By-Law (PED23025) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	George T. Zajac (905) 546-2424 Ext. 3933
<b>SUBMITTED BY:</b>	Ashraf Hanna Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the lands identified as Block 111 on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle;
- (b) That the By-Law to incorporate the lands to form part of Nashville Circle be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the City Solicitor, or designate, be authorized and directed to register the By-law.

### EXECUTIVE SUMMARY

The subject lands are shown on the attached Location Map, attached as Appendix "A" to Report PED23025. Block 111 of Registered M-Plan 62M-965, attached as Appendix "B" to Report PED23025, is to continue easterly to form part of Nashville Circle, but has not been registered as public highway, as it was not required until the future development of lands to the east (File No. 25T-85033, known as "Vienna Orchards").

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: To Extend and Open a Portion of Lands as Public Highway being  
Nashville Circle by By-Law (PED23025) (Ward 5) – Page 2 of 3**

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However, with the registration of Phase 1 of “Vienna Orchards” to the east, a portion of Nashville Circle (Block 111 on Registered Plan 62M-965) has been constructed, and therefore requires a by-law to open this portion of roadway as public highway.

**Alternatives for Consideration – See Page 3**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no financial implications arising from this report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-Law.

**HISTORICAL BACKGROUND**

As shown on Registered M-Plan 62M-965, attached as Appendix “B” to Report PED23025, Nashville Circle (Block 111) is to continue easterly, but was not registered as public highway through the approval of the Plan, as it was not required until the future development of lands to the east (File No. 25T-85033, known as “Vienna Orchards”).

However, the “Vienna Orchards” development to the east has subsequently been registered in phases, with Phase 1 of “Vienna Orchards” being registered as Plan 62M-1225 in 2016. A portion of Nashville Circle, being Block 111 on Registered Plan 62M-965, has been constructed to allow access for properties within the aforementioned “Vienna Orchards, Phase 1” and, therefore, requires a by-law to open this portion of roadway as public highway.

Accordingly, for Block 111 on Registered Plan 62M-965, a By-law is required for the proposed extension of Nashville Circle as a public highway. The By-law is attached as Appendix “C” to Report PED23025.

Of note, the remaining portions of Nashville Circle will be constructed and conveyed as public highway upon registration of Phase 2 of “Vienna Orchards”, 25T-85033.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

There are no related policy implications or legislated requirements.

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**SUBJECT: To Extend and Open a Portion of Lands as Public Highway being  
Nashville Circle by By-Law (PED23025) (Ward 5) – Page 3 of 3**

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**RELEVANT CONSULTATION**

- Geomatics and Corridor Management of the Public Works Department; and,
- Legal Services Division of the Corporate Services Department.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Provincial legislation requires a Municipal By-Law passed by Council to incorporate lands into the Municipal public highway system. This report follows the requirements of that legislation.

**ALTERNATIVES FOR CONSIDERATION**

Not incorporating Block 111 on Registered Plan 62M-965 into a public highway to form part of Nashville Circle would bar legal access for the existing residences and the proposed developments to the east from Nashville Circle.

Additionally, it is noted that this portion of Nashville Circle has been constructed and would pose a risk and liability by not opening it as public highway by By-law.

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

**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23025 – Location Map

Appendix “B” to Report PED23025 – Registered Plan 62M-965 being “Nash Orchards Heights South – Phase 1”

Appendix “C” to Report PED23025 – By-Law No. 23-XXX – To Incorporate Lands being Block 111 on Registered Plan 62M-965 as a Public Highway to extend Nashville Circle

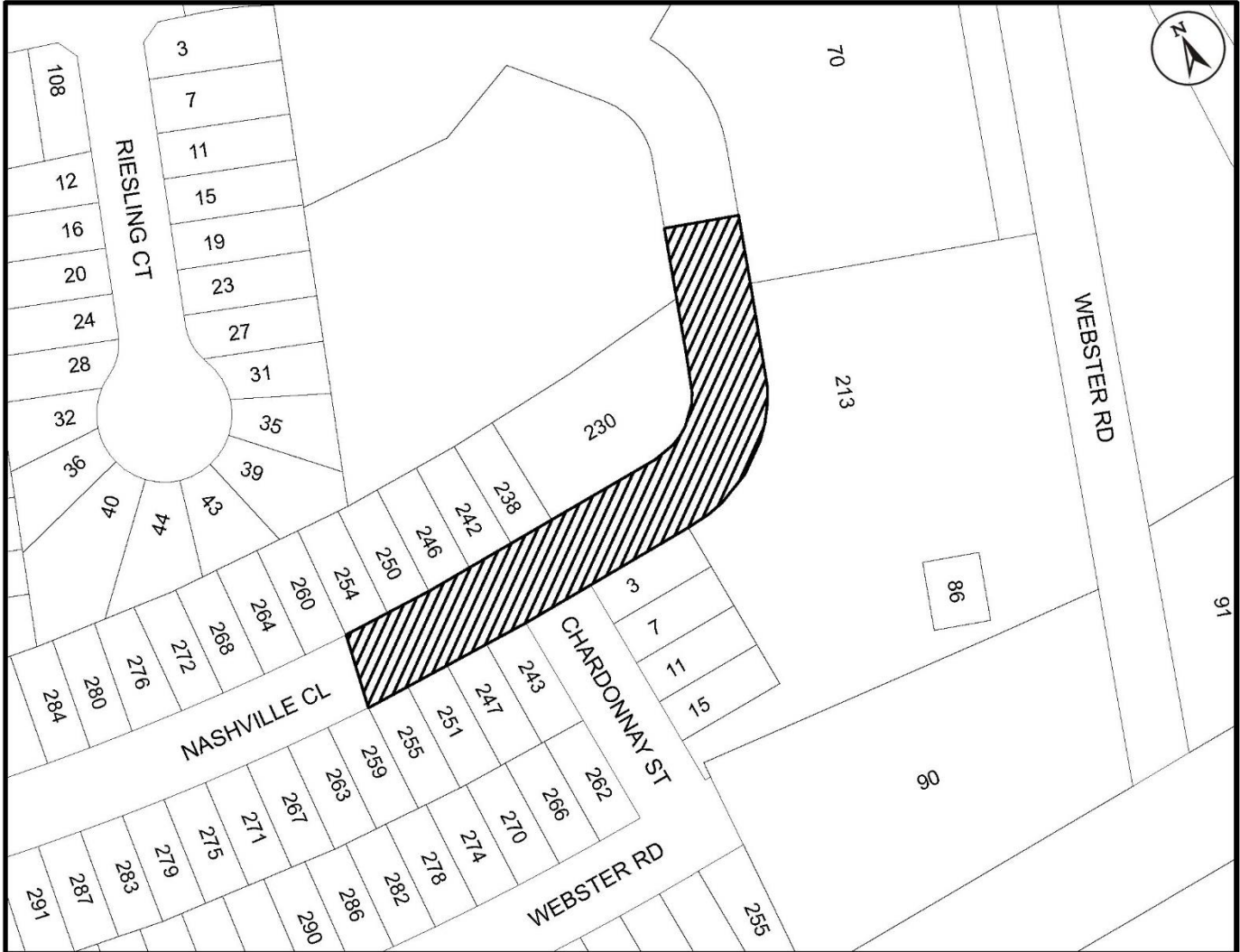
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OUR Vision: To be the best place to raise a child and age successfully.

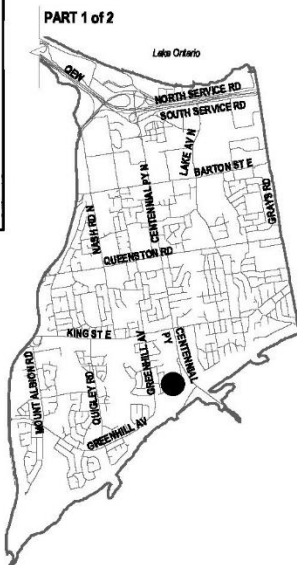
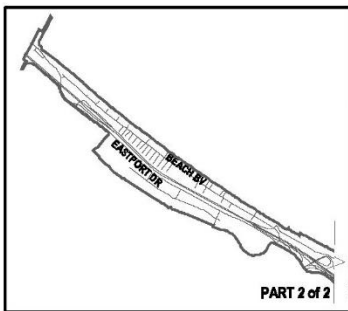
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

Appendix "A" to Report PED23025  
Page 1 of 1



● Site Location



Key Map - Ward 5

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25T-201502

Date:  
April 7, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
AC/VS

### Subject Property

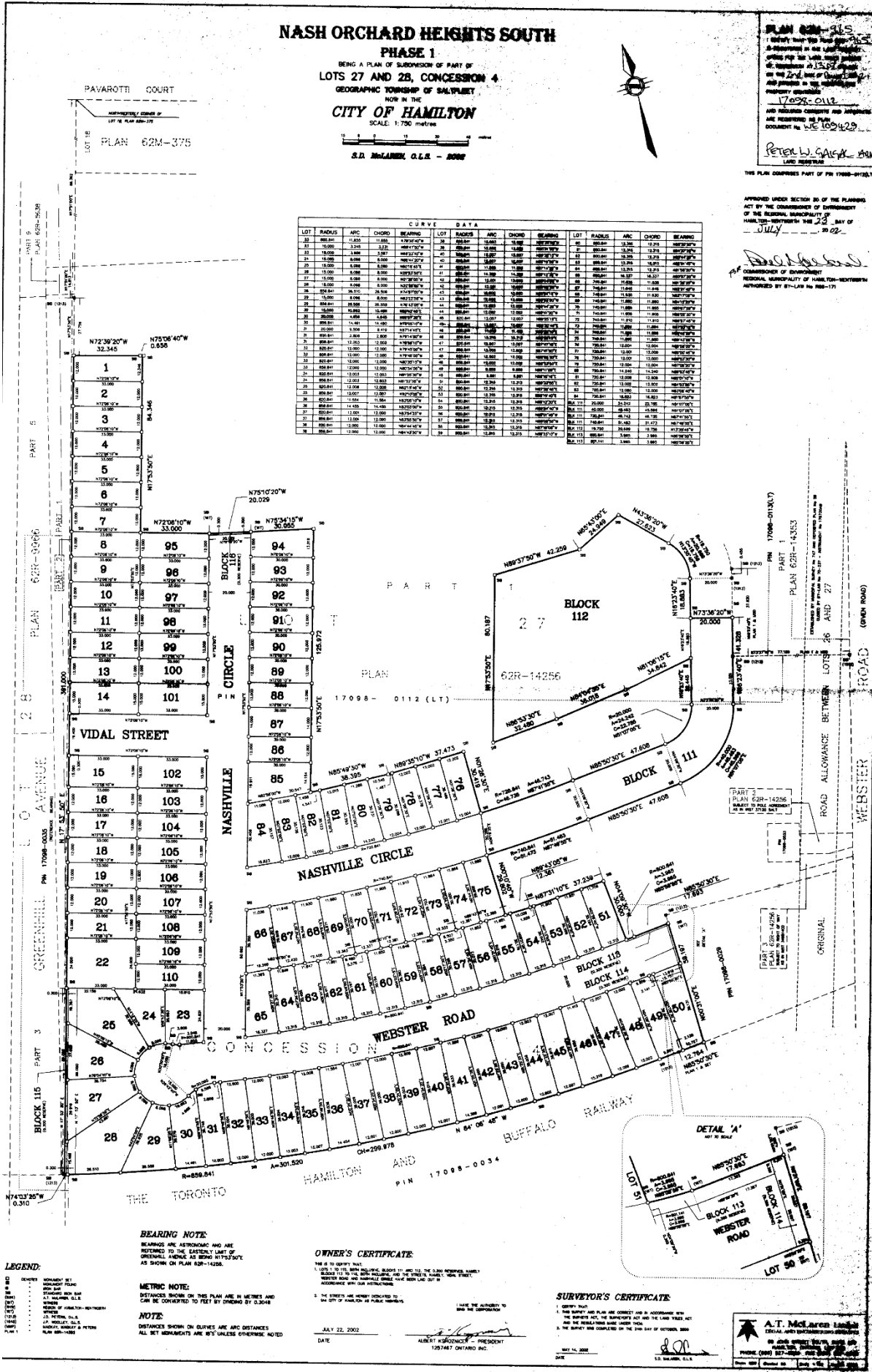


Lands to be incorporated and opened as  
Public Highway – Nashville Circle



# Appendix "B" to Report PED23025

Page 1 of 1



**Appendix "C" to Report PED23025**  
**Page 1 of 1**

**Authority:** Item [redacted], Planning Committee  
Report: xx-[redacted] (PED23025)  
CM: [redacted]

**Bill No.** [redacted]

**CITY OF HAMILTON**

**BY-LAW NO. 23-**

**To Establish City of Hamilton Land  
Described as Block 111, on Registered Plan 62M-965 as a Public Highway as part  
of Nashville Circle.**

**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 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 111, on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this            day of            , 2023.

---

Andrea Horwath  
Mayor

---

Andrea Holland  
City Clerk



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 17, 2023
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-22-010, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner)** to redesignate lands municipally known as 3250 Homestead Drive from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 in the Urban Hamilton Official Plan and from “District Commercial” to “Mixed Use – Medium Density” in the Mount Hope Secondary Plan, to permit a three storey, 40 unit multiple dwelling on the subject lands and abutting lands, known as 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23002, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 2 of 28**

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- (b) That **Zoning By-law Amendment Application ZAC-22-020, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner)** for a change in zoning from the District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone and from the Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone, to permit a three storey, 40 unit multiple dwelling for lands located at 3250 and 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The subject property is located on the southwest side of the Homestead Drive and Longview Drive intersection in Mount Hope. The Owner, 1333664 Ontario Inc., c/o Mike Valvasori has applied for amendments to the Urban Hamilton Official Plan (UHOP) and City of Hamilton Zoning By-law No. 05-200 to permit a three storey multiple dwelling containing 40 dwelling units. Fifty parking spaces and five bicycle parking spaces will be provided.

The purpose of the Official Plan Amendment (OPA) application is to redesignate the lands at 3250 Homestead Drive from the “District Commercial” designation to the “Mixed Use Medium Density” designation in the UHOP and to redesignate the lands at 3250 Homestead Drive from the “District Commercial” designation to the “Mixed Use Medium Density” designation in the Mount Hope Secondary Plan.

The purpose of the Zoning By-law Amendment application is to rezone both 3250 and 3260 Homestead Drive from the District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone to a Mixed Use Medium Density (C5, 823) Zone to allow for the comprehensive redevelopment of the subject lands for a three storey, 40 unit multiple dwelling. A site specific modification to the Mixed Use Medium Density



**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 3 of 28**

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(C5) Zone with respect to the location of the primary entrance has been requested to accommodate the proposed development.

The as of right land use permission for the District Commercial (C6, 344) Zone (3250 Homestead Drive) permits a variety of retail and commercial uses along with specific permission for a multiple dwelling containing up to 12 dwelling units. The as of right land use permission for the Mixed Use Medium Density (C5, 652, H102) Zone (3260 Homestead Drive) similarly allows for a variety of commercial and retail uses as well as stand alone multiple dwellings along with a specific permission for street townhouse dwellings and any existing single detached dwellings that existed at the date of passing of By-law No. 17-240.

The applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, (2019, as amended); and,
- They will comply with the general intent of the UHOP and Mount Hope Secondary Plan, upon approval of the OPA.

The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure within the urban boundary, and supporting public transit.

**Alternatives for Consideration – See Page 26**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Official Plan and Zoning By-law.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 4 of 28**

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## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Applicant/Owner:	1333664 Ontario Inc. c/o Mike Valvasori
File Number:	UHOPA-22-010 and ZAC-22-020
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The applications are for the development of a three storey multiple dwelling with 40 units with 50 surface parking spaces and five bicycle parking spaces.
<b>Property Details</b>	
Municipal Address:	3250 and 3260 Homestead Drive, Glanbrook.
Lot Area:	4,033.5 square metres (0.403 hectares).
Servicing:	Existing full municipal services.
Existing Use:	Single detached dwelling on each property at 3250 and 3260 Homestead Drive.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to the Growth Plan (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “District Commercial” and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	“Mixed Use - Medium Density” designation.
Secondary Plan Existing:	“District Commercial” and “Mixed Use – Medium Density” in the and within “Area Specific Policy D” area in the Mount Hope Secondary Plan.
Secondary Plan Proposed:	“Mixed Use – Medium Density” in the Mount Hope Secondary Plan.
Zoning Existing:	District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 823) Zone.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 5 of 28**

<b>Documents</b>	
Modifications Proposed:	The following modification is requested by the Applicant: <ul style="list-style-type: none"> <li>To permit a principal entrance within the ground floor façade to face the parking area whereas the Zoning By-law requires it to be oriented to towards the street.</li> </ul>
<b>Processing Details</b>	
Received:	December 13, 2021.
Deemed Complete:	January 12, 2022.
Notice of Complete Application:	Sent to 58 property owners within 120 metres of the subject property on March 14, 2022.
Public Notice Sign:	Posted March 1, 2022 and updated with public meeting date on December 14, 2022.
Notice of Public Meeting:	Sent to 56 property owners within 120 metres of the subject property on December 23, 2022.
Public Consultation:	The Applicant posted a sign on the property providing their contact information to provide additional information.
Public Comments:	To date, two comments of objection were received. Another two individuals have requested to be notified of the decision for the proposed OPA and Zoning By-law Amendment applications.  Public comments are summarized in the public consultation section of this report and are provided in Appendix "F" attached to Report PED23002.
Processing Time:	400 days from date of receipt of application.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Single detached dwellings	District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone

**Surrounding Land Uses:**

<b>North</b>	Manufacturing use	District Commercial (C6, 305, 580) Zone
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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 6 of 28**

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OUR Vision: To be the best place to raise a child and age successfully.  
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy,  
safe and prosperous community, in a sustainable manner.  
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service,  
Engaged Empowered Employees.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 7 of 28**

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**Surrounding Land Uses Continued:**

<b>East</b>	Single detached dwelling and townhouse dwellings	Mixed Use Medium Density (C5, 652) Zone
<b>South</b>	Single detached dwelling	Mixed Use Medium Density (C5, 652, H102) Zone
<b>West</b>	Single detached dwellings	Residential “R4-119” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS (2020). The following policies, amongst others, apply to the proposal:

- “1.1.3.1 Settlement areas shall be the focus of growth and development;
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses:
  - a) Efficiently use land and resources;
  - b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion;
  - e) Support active transportation; and,
  - f) Are transit-supportive, where transit is planned, exists or may be development;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area and represents a compatible form of intensification which promotes efficient use of land, existing

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 8 of 28**

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infrastructure, and existing public transit. The proposed development is a compact form of development that is appropriate in scale for the area.

#### Cultural Heritage and Archaeology

The UHOP has not been updated with respect to the cultural heritage policies of the PPS (2020). The following policies, amongst others, apply to the proposal:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The existing dwelling at 3260 Homestead Drive was built circa 1870 and is on the heritage inventory. Through the future Site Plan Control process the applicant shall submit a Documentation and Salvage Report of the building on the subject property (3260 Homestead Drive) to the satisfaction and approval of the City prior to any demolition.

Given the property’s location to an additional Inventoried Heritage Property (3266 Homestead Drive), the proposed multiple dwelling building should be designed in a manner that is sympathetic and compatible with the adjacent building which may include the use of sympathetic materials, comparable setbacks, and massing and may include utilizing salvaged materials.

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

- 1) Within 250 metres of known archaeological sites;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

As part of this application, a Stage 1-2 (P1037-0037-2021) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The report concluded that no further archaeological assessment of the subject lands was required, and a clearance letter from MHSTCI dated December 14, 2021 has also been provided. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 9 of 28**

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Noise

- “1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.
- 1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:
- a) Their long-term operation and economic role is protected; and
  - b) Airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
- 1.6.9.2 Airports shall be protected from incompatible land uses and development by:
- a) Prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;
  - b) Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and,
  - c) Discouraging land uses which may cause a potential aviation safety hazard.”

The subject lands are in proximity to existing noise sources being Homestead Drive, Longview Drive, Upper James Street, Airport Road and the John C. Munro Hamilton International Airport. Upper James Street and Airport Road are classified “Major Arterial” and “Minor Arterial” roads respectively in the UHOP and the lands fall between the 28-30 Noise Exposure Forecast (NEF) Contours.

An Acoustical Study, prepared by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022), was submitted with the applications. The noise sources identified in the study that impact the subject lands included Homestead Drive, Longview Drive, Upper James Street, Airport Road, John C. Munro Airport and the manufacturing use to the north.

With respect to road noise, the study found the sound levels from future road traffic will exceed the MECP’s 55 dBA daytime criteria for outdoor amenity space. With respect to

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 10 of 28**

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aircraft noise the outdoor noise limits were calculated at 32 dBA and further noise mitigation is not required. The Noise Study identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines, which include:

- Installing a 1.07 metre safety railing to mitigate the rooftop noise level below 50 dBa for rooftop terraces;
- Installing a safety railing of 1.83 metres if the basement area contains an exterior walkout; and,
- Warning clauses in all Agreements of Purchase and Sale or Lease for advising of occasionally interfering sound levels from increased road and air traffic and indication that the units are supplied with central air conditioning to allow windows and doors to remain closed to meet MECP noise criteria.

All noise mitigation measures will be implemented at the future Site Plan Control stage. In response to PPS Policy 1.6.9, the proposal is considered a sensitive land use, is below the 30 NEF contour, and therefore the proposal is consistent with applicable provisions of the Provincial Policy Statement (2020).

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

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal:

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

- a) The vast majority of growth will be directed to *settlement areas* that:
  - i) Have a *delineated built boundary*;
  - ii) Have existing or planned *municipal water and wastewater systems*; and,
  - iii) Can support the achievement of *complete communities*;
- c) Within *settlement areas*, growth will be focused in:
  - i) *Delineated built-up areas*;



**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 11 of 28**

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- ii) *Strategic growth areas;*
- iii) Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
- iv) Areas with existing or planned *public service facilities;*

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

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

The subject lands are located within the urban area and are fully serviced by municipal water and wastewater infrastructure. The proposed multiple dwelling contributes toward providing a diverse mix of land uses and a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes and future higher order transit routes along Airport Road and Upper James Street.

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

### **Urban Hamilton Official Plan and Mount Hope Secondary Plan**

Noise

“Volume 1

B.3.6.3 Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 12 of 28**

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- B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards;
- B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards;
- C.4.8.1 It is the objective of this Plan to support John C. Munro International Airport as a 24 hour, seven day a week operation. The Airport and the adjacent Airport Business Park is one of the City's major economic nodes and a valued transportation facility which links the movement of goods and people;
- C.4.8.2 The lands identified as John C. Munro International Airport on Schedule E-1 – Urban Land Use Designations are recognized as the City's major airport facility, which includes both airport uses and complementary uses supporting the primary function of the Airport. These lands are intended to have full municipal services;
- C.4.8.4 The City shall maintain Noise Exposure Forecast (NEF) contours and the Primary Airport Zoning Regulation, as amended from time to time, and formulate guidelines for development in the vicinity of John C. Munro International Airport;
- C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) There shall be no negative impact on the long-term operations of the Airport;
  - b) The opportunities for expansion of airport operations shall not be limited;
  - c) There are no land uses in the vicinity which may cause a potential aviation hazard; and,

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 13 of 28**

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- d) Development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.

C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule G – Airport Influence Area of the Rural Hamilton Official Plan;

C.4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions; and,

C.4.8.8 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.”

Table C.4.8.1

	Locational Criteria	Requirements
1	35 NEF and greater, and / or within the Airport Influence Area	a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited; and,  b) New land uses which may cause a potential aviation hazard shall be prohibited.
2	28 NEF and greater, but less than 35 NEF	a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited;  b) New land uses which may cause a potential aviation hazard shall be prohibited; and,  c) All development applications approved prior to the approval of this Plan may proceed.
3	25 NEF and greater, but less than 28 NEF	a) All development and redevelopment proposals for residential and other sensitive land uses shall be required to submit a detailed noise study, employ noise mitigation

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 14 of 28**

	Locational Criteria	Requirements
		<p>measures and include appropriate warning clauses in accordance with Section B.3.6.3 – Noise, Vibration and Other Emissions, and Policy C.4.8.6; and,</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

Volume 2

“B.5.4.9.1 d) Notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional, Residential or Mixed Use – Medium Density on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply. (OPA 69)

B.5.4.11.4 The following policies shall apply to lands located at 3239 to 3331 Homestead Drive and 3260 to 3329 Homestead Drive, designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan to allow for infill residential development in areas, where the noise contour is under 30 NEF, which will support a more balanced mix of land uses within the Mount Hope Community: (OPA 142)

- a) In addition to the uses permitted in Policy E.4.6.5 of Volume 1, street townhouses, block townhouses, and existing single detached dwellings (including minor additions, porches, decks, etc.) shall also be permitted;
- b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, maximum building heights shall be restricted to three storeys; and,
- c) Policy B.5.4.9.1 of Volume 2 shall not apply to minor additions, porches, decks, etc. to existing single detached dwellings.”

The existing designation for 3250 Homestead Drive and Area Specific Policy – Area D were included as part of Official Plan Amendment No. 69 (Commercial and Mixed Use Zone Implementation), approved by Council in November 2017, and came into force and effect by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) on November 16, 2018. The Area Specific Policy – Area D is intended to expand on permitted uses within the “Mixed Use – Medium Density” designation in Mount Hope by including townhouses. The proposal is for a Multiple Dwelling, which is a permitted use within the Mount Hope Secondary Plan and is three storeys in height.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 15 of 28**

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The policies of the UHOP are intended to protect the airport and its long term operation and economic role and requires that sensitive land uses such as residential development are appropriately separated. The lands fall within the 28 – 30 NEF contours which do not permit residential development.

As previously discussed, an Acoustical Study, prepared by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022), was submitted in relation to noise concerns from nearby roads and the John C. Munro Hamilton International Airport. The study found the sound levels from future road traffic and aircraft noise will exceed the MECP guidelines for outdoor living areas. The Noise Study by dBA Acoustical Consultants Inc. has identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines, which have been discussed in greater detail in the Provincial Policy Statement section of this report. The study recommends including noise warning clauses, specific building materials, air conditioning for all units, as well as the review of a qualified acoustic professional at the building permit stage to ensure the noise study's recommendations have been implemented.

In response to Policy B.5.4.9.1 d), the property municipally known as 3260 Homestead Drive is compliant with the above policies as the property is currently designated Mixed Use – Medium Density and is below the 30 NEF contour, and a noise study was provided which recommends warning clauses. With respect to 3250 Homestead Drive and applicable Table C.4.8.1 subsection 2), the lands were once zoned Existing Residential (“ER”) Zone in the Township of Glanbrook Zoning By-law No. 464 and in 2012, a Zoning By-law Amendment to effectively permit a three storey mixed use building with up to 12 units was approved which was incorporated into the 2017 Commercial and Mixed Use zoning. Staff consider the previous change in use as *development* and note that all development applications approved prior to approval of the UHOP shall proceed. The principle of residential land use permissions has been established through the 2017 Commercial and Mixed Use zoning. Staff note that the existing potential land use permission for both 3250 Homestead Drive and 3260 Homestead could generate between 30-35 units total based on Official Plan policy and existing zoning. The proposal is for an increase in unit permissions to 40 in the form of a multiple dwelling. It is also noted that the noise study recommends building components including but not limited to windows, doors and walls that result in a higher Sound Transmission Class (STC) values. Staff are therefore supportive of 3250 Homestead Drive's change in designation to support the development of a three storey, 40 unit, multiple dwelling.

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure 3250 Homestead Drive is designated “District Commercial” and 3260 Homestead Drive is designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 16 of 28**

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Designations. 3250 Homestead Drive is also designated “District Commercial” and 3260 Homestead Drive is designated “Mixed Use – Medium Density” and located within “Area Specific Policy D” area on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan. The applicant has requested an amendment for 3250 Homestead Drive to redesignate the lands from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 of the UHOP and from “District Commercial” to “Mixed Use – Medium Density” on Map B.5.4-1 - Mount Hope Secondary Plan – Land Use Plan.

The requested Official Plan Amendment and Zoning By-law Amendment have been evaluated against the policies of the “Mixed Use – Medium Density” designation, and the following policies, amongst others, apply.

Volume 1 Mixed Use – Medium Density

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use – Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on pedestrian focus streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies on this Plan;
- c) Institutional uses such as hospitals, places of worship, and schools;
- d) Arts, cultural, entertainment, and recreational uses;
- e) Hotels;
- f) Multiple Dwellings; and,
- g) Accessory uses;

E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 17 of 28**

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- E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density; and,
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

Volume 2

“B.5.4.4.2 Mixed Use – Medium Density Designation (OPA 69)

- a) Section E.4.2 – Commercial and Mixed Use Designations – General Policies and Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1 shall apply to lands designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan; and,
- b) Policies B.5.4.4.1 d) to g) of Volume 2 shall also apply to lands designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan.”

The proposed multiple dwelling is permitted in the Mixed Use – Medium Density designation (3260 Homestead Drive) however the lands located at 3250 Homestead Drive are required to be redesignated to Mixed Use – Medium Density to implement the proposal. The proposed development is three storeys and setback 15.74 metres from the closest western property line and setback 22.16 metres from the southern property line. The setbacks coupled with the three storey height, will prevent overlook and privacy impacts onto neighbouring properties. The building is also setback 2 metres from Longview Drive and 2 metres from Homestead Drive, bringing the building closer to the street and providing for a more animated streetscape.

The adjacent low density residential uses are separated from the proposed development by the proposed driveway and parking lot. Additionally, a landscape buffer area and visual barriers such as board on board fences are proposed to provide privacy and prevent overlook. Therefore, privacy impacts on the adjacent low density residential uses are not anticipated.

Policy B.5.4.4.2 b) of the Mixed Use – Medium Density designation also applies some of the policies of the District Commercial Designation in the Mount Hope Secondary Plan,

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 18 of 28**

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more specifically, Policies B.5.4.4.1 d) to g) shall also apply to the lands designated Mixed Use – Medium Density:

Volume 2 District Commercial

“B.5.4.4.1

- d) Development of commercial uses shall be planned and coordinated to limit the establishment of a continuous strip of individual developments;
- e) Redevelopment shall consider and be sensitive to existing residential development and ensure that the bulk, scale, height and design of commercial developments and other permitted uses are compatible with adjacent residential uses;
- f) The District Commercial designation adjacent to Airport Road West and Homestead Drive enjoys a high degree of visibility and provides a gateway to the John C. Munro International Airport. To ensure this area develops in a coordinated, well-designed and aesthetically-pleasing manner with adequate infrastructure and amenities, and to provide funding eligibility, the City shall investigate the designation of these lands as a Community Improvement Project Area; and,
- g) All outdoor lighting shall be oriented away from residential areas and adjacent public roads and shall not interfere with airport operations.”

In response to Policies B.5.4.4.1 d) through g), the subject lands are two properties that are now merged and meets the intent of limiting piecemeal, individual development. The proposal considers the surrounding residential properties and is an appropriate height and scale and is compatible with adjacent properties. Through the Site Plan process a lighting plan will be required to ensure lighting does not impact nearby residential uses, public roads and the airport.

Residential Intensification

Volume 1

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

- a) A balanced evaluation of the criteria in b) through g), as follows;



**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 19 of 28**

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

The proposed development of 40 multiple dwelling units will contribute to achieving a range of dwelling types and tenures. As part of the OPA and Zoning By-law Amendment Applications a Functional Servicing Report and Transportation Impact Assessment were submitted demonstrating that there is adequate infrastructure service capacity and transportation service capacity for the development. The design of proposed development locates the building further away from the existing low density uses and closer to the streets. The proposed development will incorporate setbacks, landscape buffers, and other design features to integrate the development with the surrounding area and ensure that the development, while different from what exists in the immediate area, will be compatible in respect to scale, form and character.

## Urban Design

### Volume 1

- “B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) Creating transitions in scale to neighbouring buildings;
  - b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
  - c) Minimize the impacts of shadows and wind conditions;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 20 of 28**

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- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions;
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
  - b) Including ample glazing on ground floors by create visibility to and from the public sidewalk;
  - c) Including a quality landscape edge along frontages where buildings are set back from the street;
  - d) Locating surface parking to the sides or rear of sites or buildings where appropriate; and,
  - e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The development proposal is three storeys in height, which is consistent with the townhouses to the east and is appropriately separated from the one to two storey single detached dwellings to the west and to the south.

In response to Policy B.3.3.3.5, the proposed development locates the building two metres from the street. Although the primary building entrance is not located as close to the street as possible, there is an entrance / exit from Homestead Drive and individual unit entrances from Longview Drive. The preliminary landscape plan submitted with the application envisions street tree plantings within the City’s right of way and also proposes shrubs between the building façade and shared property line / street line. Lastly, the surface parking area is located behind and at the side the building.

### Tree Management

#### Volume 1

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

A Tree Management Plan was reviewed with respect to the proposed OPA and Zoning By-law Amendment Applications. A total of 27 trees have been inventoried (including

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 21 of 28**

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four municipal trees). Of these trees, 13 (including the four municipal trees) have been proposed to be removed. It is recognized that there are limited opportunities to retain more trees on site.

In order to ensure existing tree cover is maintained, compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Compensation is to be provided on site and the details can be addressed through Landscape Plans required at the future Site Plan Control stage.

Based on the above analysis, staff are of the opinion that the proposed development will comply with the policies of the UHOP and the Mount Hope Secondary Plan upon approval of the OPA.

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

The subject property is zoned District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone. The District Commercial Zone does not permit standalone multiple dwellings, as such, a Zoning By-law Amendment is required. The special exception '344' would allow for a mixed use building of up to a maximum of 12 residential units on 3250 Homestead Drive with specific modifications for lot coverage, setbacks and parking. The existing Holding 102 was put in place from partial approval of OPA No. 69 and Zoning By-law No. 17-240 in 2018. The purpose of the Holding was to ensure that noise levels were investigated prior to any future development, which is further discussed in the Analysis and Rationale for Recommendation section below. To implement the proposed development, the Applicant is seeking to establish a site specific Mixed Use Medium Density (C5) Zone. The site specific modification to accommodate the proposal is outlined in the Report Fact Sheet and discussed in detail in Appendix "D" attached to Report PED23002.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• Canada Post;</li> <li>• Niagara Peninsula Conservation Authority; and,</li> <li>• Ministry of the Environment, Conservation and Parks.</li> </ul>	No Comment.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 22 of 28**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The proponent has demonstrated through the Functional Servicing Report, prepared by LandSmith Engineering and Consulting Ltd. and dated November 9, 2021, that the proposed development can be serviced without adverse impacts to the existing network.	Detailed grading, storm water management, servicing plans, amongst others, will be reviewed as part of a future Site Plan Control Application.
Legislative Approvals / Growth Planning Section, Growth Management Division, Planning and Economic Development, Department	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control Application.</p> <p>Confirmation on the tenure of the subject proposal should be provided and whether the subject proposal will be a Condominium.</p> <p>At the Site Plan Control stage the Applicant will be required to submit a list to Growth Planning Section indicating the mailing address unit number of each residential unit on each floor.</p>	<p>The municipal address and mailing address unit numbers will be finalized through a future Site Plan Control Application.</p> <p>The intended tenure has not been identified through this application. If a condominium tenure is proposed the proponents would have to submit an Application for Draft Plan of Condominium.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning supports these proposed applications and require a right of way dedication and daylighting triangle dedication.	Right of way dedication and daylighting triangle dedications will be provided through a future Site Plan Control Application process.
Waste Management Division, Public Works Department	This development does not meet municipal waste collection service requirements and may require collection on private property.	Waste collection service requirements will be addressed through a future Site Plan Control Application.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 23 of 28**

	<b>Comment</b>	<b>Staff Response</b>
Waste Management Division, Public Works Department <b>Continued</b>	<p>If the development is not designed to accommodate municipal waste collection the following is required:</p> <ul style="list-style-type: none"> <li>i. Arrange a private waste hauler for the removal of all waste materials; and,</li> <li>ii. As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.</li> </ul>	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development.</p> <p>Forestry approves the Tree Protection Plan, prepared by Adesso Design Inc and dated June 6, 2022, and will require a Landscape Plan and payment of Street Tree Planting fees and Loss of Tree Canopy fees.</p>	Through the Site Plan Control Application, the Landscape Plan will be addressed through a future Site Plan Control Application.
Hamilton International Airport	<p>The development must demonstrate compliance with John C. Munro Hamilton International Airport Zoning Regulations SOR/2017-200 and the Airport Noise Exposure Forecast (NEF) contours.</p> <p>A Crane Assessment Form must be completed and provided to the Airport Operations Centre.</p>	The applicant will be required to submit a Crane Assessment Form, proposed development plan, and legal land survey to the Airport Operations Centre, NAV Canada and Transport Canada as part of Site Plan Control process.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 24 of 28**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
	The proposed development plan must also be submitted to NAV CANADA and Transport Canada for navigational system assessment and aeronautical evaluation, respectively	The Noise Study, prepared by by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022) has identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines, as discussed in detail above.
Parking	Concern that there will not be enough parking on site and that excess parking will spill over onto the surrounding streets.	<p>Parking in the C5 Zone is based on the size of unit (i.e. less than 50 square metres or greater than 50 square metres) this proposal would require 31 parking spaces.</p> <p>The applicant is proposing 50 parking spaces including two barrier free spaces which exceeds the zoning minimum requirement.</p>
Density	Concern that the number of units seems to be high in the context of Mount Hope.	The proposal is 100 units per hectare and complies with the Urban Hamilton Official Plan (UHOP). The UHOP encourages a range of densities throughout the built-up area. The redesignation of the lands to a Mixed Use – Medium Density would permit intensification that is compatible with the surrounding area in terms of use, scale, form and character.
Drainage	Concern that the proposal could have drainage impacts to neighbouring properties.	A detailed stormwater management design will be required through the future Site Plan Control process.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 25 of 28**

	<b>Comment</b>	<b>Staff Response</b>
Separation, Buffering	The building should have fences and trees and appropriate separation.	The proposal will allow for landscaping and fencing along property edges, which will be detailed through a Landscape Plan required through a future Site Plan process.
Shadowing	Concern regarding the shadow of the proposal on surrounding residences.	The proposal is for a three storey building approximately 11.15 metres high (15.04 metres including mechanical penthouse)  The proposed low rise built form will not create shadow impacts on the surrounding residences.
Garbage	Concern that the garbage will create smells and attract unwanted rodents	The detailed design with respect to waste disposal services will be received at the future Site Plan Control stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was sent to residents within 120 metres of the subject lands on March 14, 2022. A Public Notice sign was posted on the property on March 1, 2022 and updated with the Public Meeting date on December 14, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on December 23, 2022, in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

In addition to the requirements of the *Planning Act*, the Applicant provided a Public Consultation Strategy and provided their contact information for inquiry and comment. No feedback was received from this circulation.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 26 of 28**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - ii) It will comply with the Urban Hamilton Official Plan, in particular the function, scale and design of the Mixed Use – Medium Density designation policies as they relate to residential intensification and complete communities, and will implement the policies of the Mount Hope Secondary Plan, upon approval of the proposed Official Plan Amendment; and,
  - iii) The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure within the urban boundary, and supporting public transit.
  
2. The proposed UHOP Amendment is required to redesignate the lands from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 and to designate the lands from “District Commercial” to “Mixed Use - Medium Density” within the Mount Hope Secondary Plan.

The proposed amendments can be supported as the proposal maintains and builds upon the existing patterns and built form of the area. The proposal represents residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character.

Therefore staff supports the proposed OPA.

3. The proposed Zoning By-law Amendment is to change the zoning from the District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone. This zoning amendment will permit the three storey, 40 unit multiple dwelling with 50 parking spaces.

In November 2018 the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) issued a Decision regarding case PL17450, which implemented partial approval of UHOP Amendment No. 69 and Zoning By-law No. 17-240 for Commercial and Mixed Use Zones. The implementing zoning included Holding Provision H102. The Holding Provision requires the submission of a noise study



**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 27 of 28**

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prior to development. Staff are satisfied that the requirements for the removal of the Holding Provision as it applies to the subject lands have been satisfied based on the recommendations of the Acoustical Study, prepared by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022), and are not recommending carrying the Holding Provision forward into the implementing zoning by-law.

Given that the proposed development will comply with the UHOP and the Mount Hope Secondary Plan upon approval of the proposed OPA, will accommodate residential uses contributing to the provision of a range and mix of housing types to support and enhance the character of the neighbourhood, has a built form that is compatible with existing development in the area, and has adequate servicing and transportation available with sufficient capacity ensuring efficient use of land and infrastructure, staff are supportive of the proposed Zoning By-law Amendment. On the basis of the above, staff are supportive of the proposed Zoning By-law Amendment.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the lands could be developed in accordance with the District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone.

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

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23002 – Location Map

Appendix “B” to Report PED23002 – Draft Official Plan Amendment

Appendix “C” to Report PED23002 – Draft Zoning By-law Amendment

Appendix “D” to Report PED23002 – Zoning Modification Chart

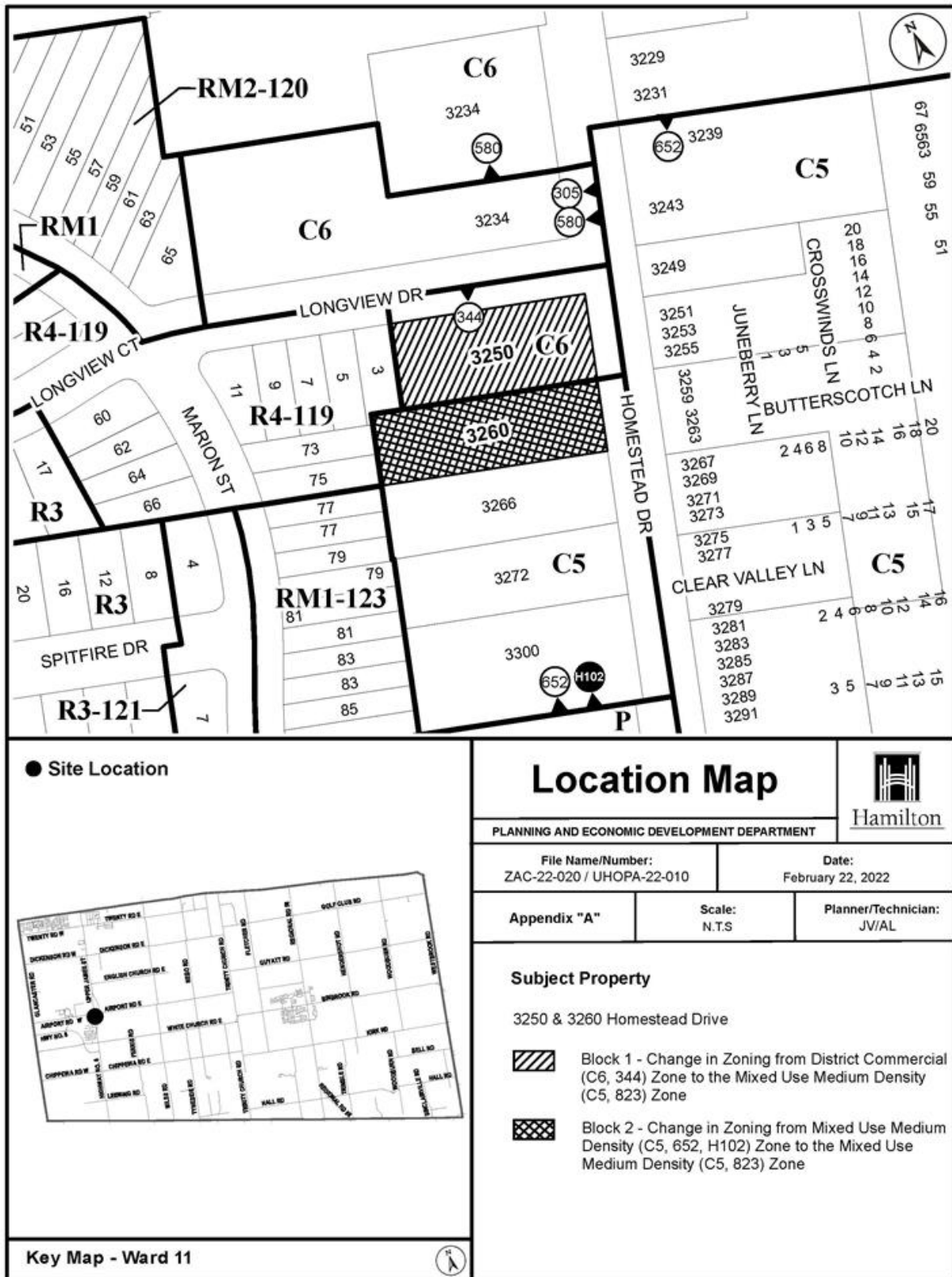
**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 3250 and 3260 Homestead Drive  
(PED23002) (Ward 11) - Page 28 of 28**

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Appendix "E" to Report PED23002 – Concept Plan  
Appendix "F" to Report PED23002 – Public Comments

JVR:sd

Appendix "A" to Report PED23002  
Page 1 of 1



● Site Location



Key Map - Ward 11

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-020 / UHOPA-22-010

Date:  
February 22, 2022


Appendix "A"


Scale:  
N.T.S

Planner/Technician:  
JV/AL

### Subject Property

3250 & 3260 Homestead Drive

 Block 1 - Change in Zoning from District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone

 Block 2 - Change in Zoning from Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone

**Schedule “1”**

## **DRAFT Urban Hamilton Official Plan Amendment No. X**

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.5.4-1 – Mount Hope Secondary Plan - Land Use Plan

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the subject lands to permit the development of a three storey multiple dwelling.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 3250 Homestead Drive in the Town of Glanbrook.

**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;
- The proposal contributes to the provision of a range of dwelling units within the Mount Hope Secondary Plan Area;
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

**4.0 Actual Changes:**

**4.1 Volume 1 – Parent Plan**

***Schedule***

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "District Commercial" to "Mixed Use – Medium Density", as shown on Appendix "A", attached to this Amendment.

**4.2 Volume 2 – Secondary Plans**

***Maps***

4.2.1 Map

- a. That Volume 2: Map B.5.4-1 – Mount Hope Land Use Plan be amended by redesignating lands from "District Commercial" to "Mixed Use – Medium Density", as shown on Appendix "B" to this Amendment.

**5.0 Implementation:**

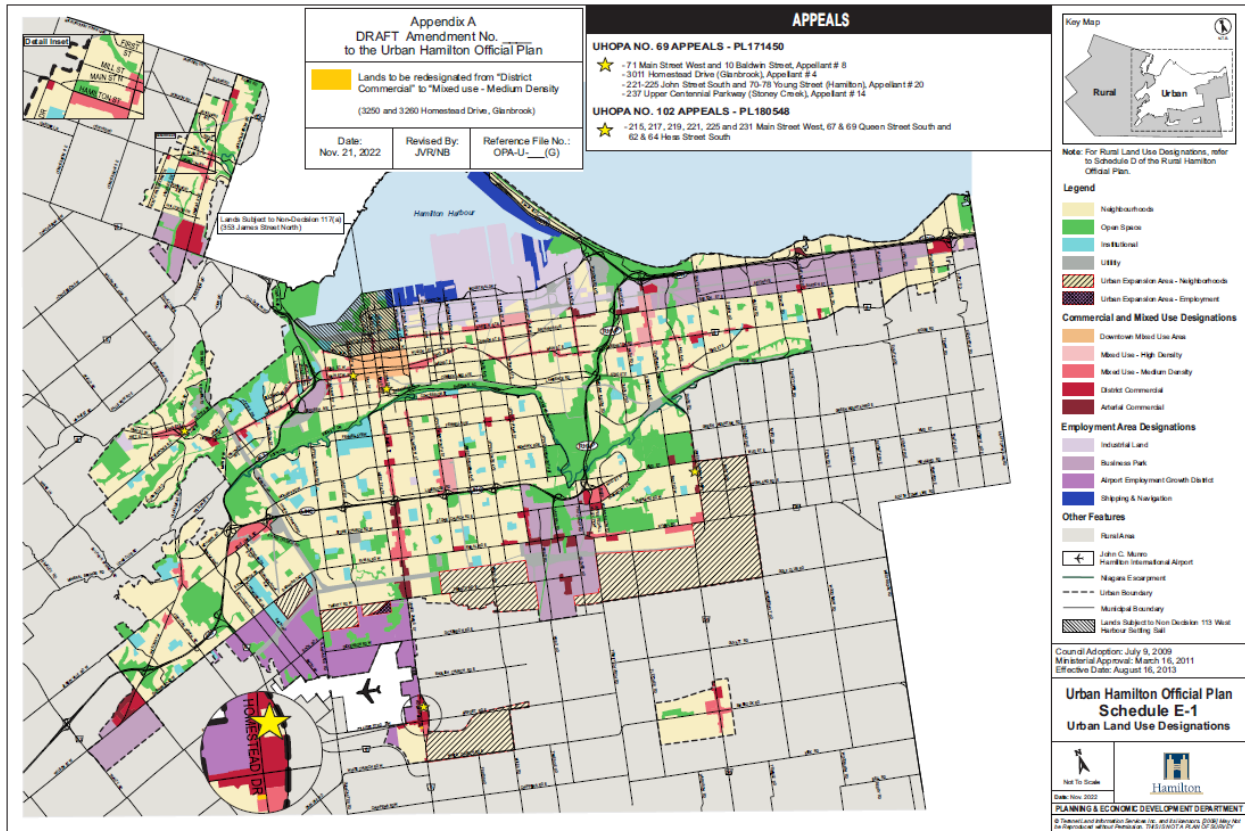
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

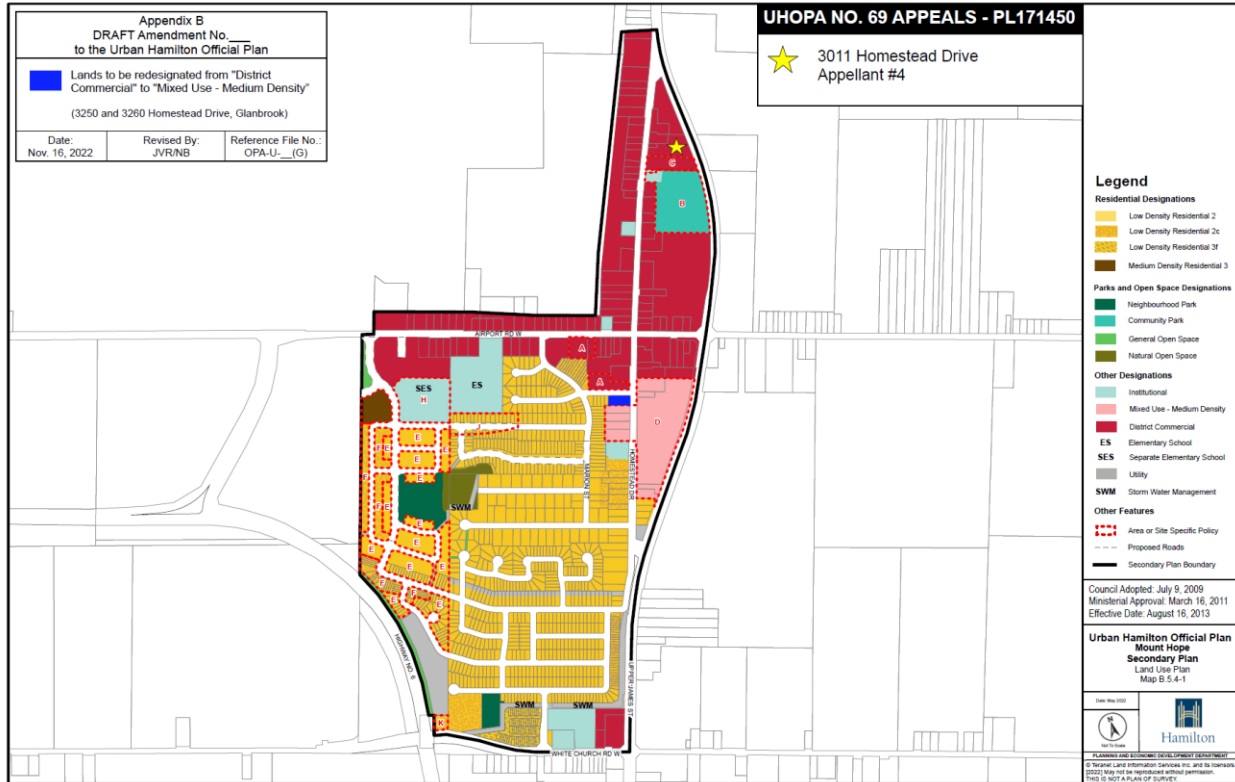
This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_, 2023.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

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





**Appendix “C” to Report PED23002  
Page 1 of 3**

**Authority:** Item \_\_\_\_\_, Planning Committee  
Report PED23002  
CM:  
Ward: 11

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 23-\_\_\_\_\_**

**To amend Zoning By-law No. 05-200 with respect to Lands Located at 3250 and 3260 Homestead Drive, Glanbrook**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on July 5, 2023;

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

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

1. That Map Nos. 1748 and 1785 of Schedule “A” – Zoning Maps and boundaries of which are shown on Schedule “A” are amended by:
  - a) Changing the zoning from the District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone; and,
  - b) Changing the zoning from the Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“823. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1748 and 1785 of Schedule “A” – Zoning Maps and described as 3250 and 3260 Homestead Drive, the following special provision shall apply:

  - a) Notwithstanding Sections 10.5.3 g) vii) 1., the following regulations shall apply:
    - i) A minimum of one principal entrance shall be provided within the ground floor façade where the setback does not abut any street.



**Appendix "C" to Report PED23002**

**Page 2 of 3**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 3250 and 3260 Homestead Drive, Glanbrook**

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

**PASSED** this \_\_\_\_\_, 2023

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Andrea Horwath  
Mayor

---




A. Holland  
City Clerk

ZAC-22-020

**Appendix "C" to Report PED23002**  
**Page 3 of 3**

**To Amend Zoning By-law No. 05-200**  
**Respecting Lands Located at 3250 and 3260 Homestead Drive, Glanbrook**

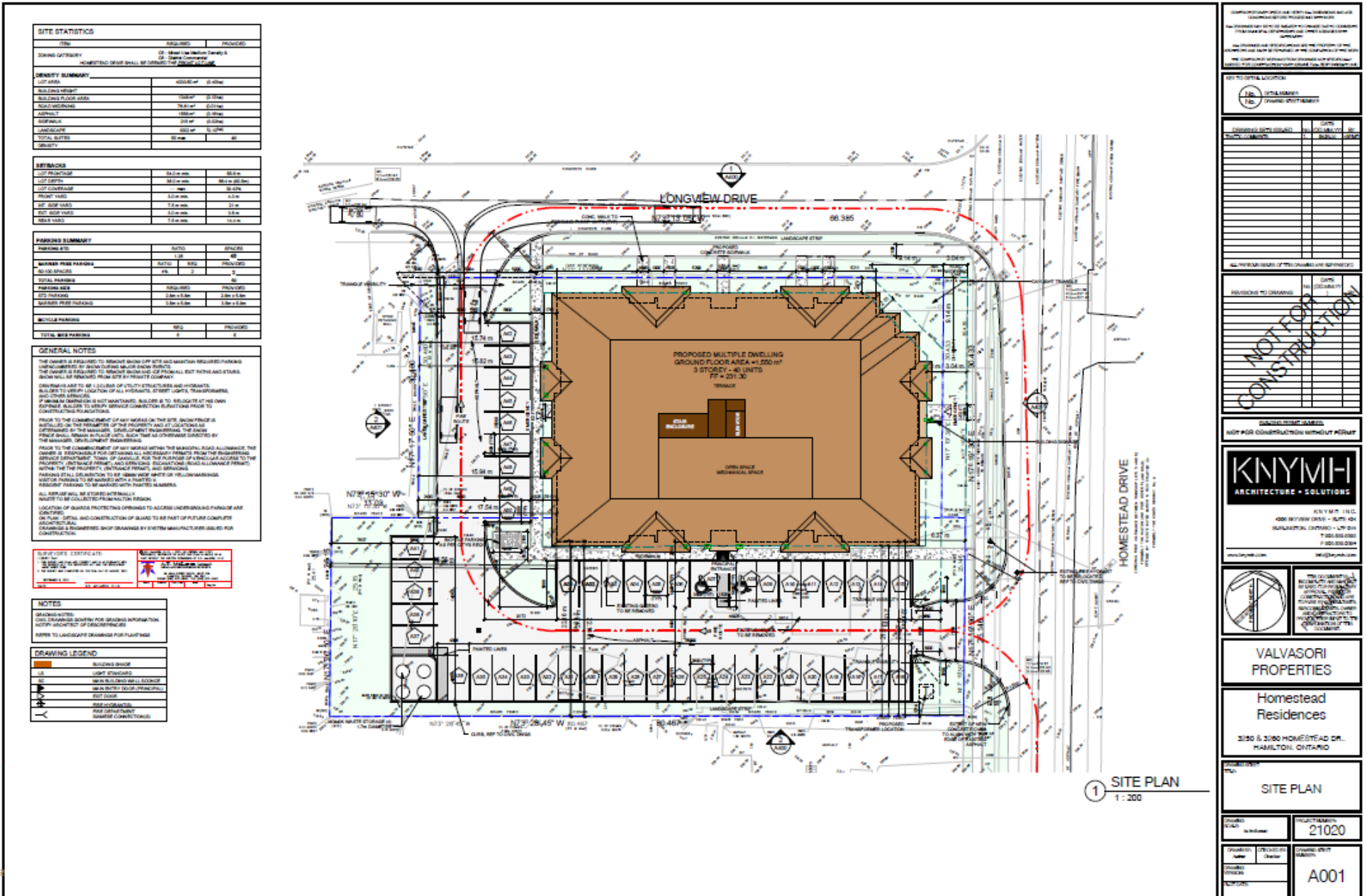


<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p><b>Schedule "A"</b></p> <p>Map forming Part of                  By-law No. 22-_____</p> <p>to Amend By-law No. 05-200                  Map 1748 &amp; 1785</p>		<p><b>Subject Property</b></p> <p>3250 &amp; 3260 Homestead Drive</p> <p> - Change in Zoning from District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone</p> <p> - Change in Zoning from Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-020 / UHOPA-22-010</p>	
<p>Date: February 22, 2022</p>	<p>Planner/Technician: JV/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

### Site Specific Modifications to the Mixed Use – Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Built Form New Development – Principal Entrance	<p>A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. Within the ground floor façade that is set back is closest to a street; and,</li> <li>2. Shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol>	<p>A minimum of one principal entrance shall be provided within the ground floor façade where the setback does not abut any street.</p>	<p>The intent of the provision is to support accessibility by bringing a principal entrance closer to the street and to animate the streetscape.</p> <p>The building’s principal entrance is oriented to the parking lot but will still be connected to Homestead Drive by a 1.5 metre wide private walkway thereby providing accessibility.</p> <p>The building will have units with terraces/patios that will align and animate the streetscape as well as landscaping such as shrubs.</p> <p>Staff are able to support the modification.</p>

Appendix "E" to Report PED23002



APPROVED FOR CONSTRUCTION BY THE MUNICIPAL SERVICE DEPARTMENT

PROPERTY OWNER: VALVASORI PROPERTIES  
PROJECT NAME: HOMESTEAD RESIDENCES

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	2023-10-20	JM	JD
2	REVISED PER CITY COMMENTS	2023-11-05	JM	JD
3	REVISED PER CITY COMMENTS	2023-11-20	JM	JD
4	REVISED PER CITY COMMENTS	2023-12-10	JM	JD
5	REVISED PER CITY COMMENTS	2024-01-15	JM	JD
6	REVISED PER CITY COMMENTS	2024-02-20	JM	JD
7	REVISED PER CITY COMMENTS	2024-03-25	JM	JD
8	REVISED PER CITY COMMENTS	2024-04-30	JM	JD
9	REVISED PER CITY COMMENTS	2024-05-31	JM	JD
10	REVISED PER CITY COMMENTS	2024-06-30	JM	JD
11	REVISED PER CITY COMMENTS	2024-07-31	JM	JD
12	REVISED PER CITY COMMENTS	2024-08-31	JM	JD
13	REVISED PER CITY COMMENTS	2024-09-30	JM	JD
14	REVISED PER CITY COMMENTS	2024-10-31	JM	JD
15	REVISED PER CITY COMMENTS	2024-11-30	JM	JD
16	REVISED PER CITY COMMENTS	2024-12-31	JM	JD
17	REVISED PER CITY COMMENTS	2025-01-31	JM	JD
18	REVISED PER CITY COMMENTS	2025-02-29	JM	JD
19	REVISED PER CITY COMMENTS	2025-03-31	JM	JD
20	REVISED PER CITY COMMENTS	2025-04-30	JM	JD
21	REVISED PER CITY COMMENTS	2025-05-31	JM	JD
22	REVISED PER CITY COMMENTS	2025-06-30	JM	JD
23	REVISED PER CITY COMMENTS	2025-07-31	JM	JD
24	REVISED PER CITY COMMENTS	2025-08-31	JM	JD
25	REVISED PER CITY COMMENTS	2025-09-30	JM	JD
26	REVISED PER CITY COMMENTS	2025-10-31	JM	JD
27	REVISED PER CITY COMMENTS	2025-11-30	JM	JD
28	REVISED PER CITY COMMENTS	2025-12-31	JM	JD
29	REVISED PER CITY COMMENTS	2026-01-31	JM	JD
30	REVISED PER CITY COMMENTS	2026-02-29	JM	JD
31	REVISED PER CITY COMMENTS	2026-03-31	JM	JD
32	REVISED PER CITY COMMENTS	2026-04-30	JM	JD
33	REVISED PER CITY COMMENTS	2026-05-31	JM	JD
34	REVISED PER CITY COMMENTS	2026-06-30	JM	JD
35	REVISED PER CITY COMMENTS	2026-07-31	JM	JD
36	REVISED PER CITY COMMENTS	2026-08-31	JM	JD
37	REVISED PER CITY COMMENTS	2026-09-30	JM	JD
38	REVISED PER CITY COMMENTS	2026-10-31	JM	JD
39	REVISED PER CITY COMMENTS	2026-11-30	JM	JD
40	REVISED PER CITY COMMENTS	2026-12-31	JM	JD
41	REVISED PER CITY COMMENTS	2027-01-31	JM	JD
42	REVISED PER CITY COMMENTS	2027-02-29	JM	JD
43	REVISED PER CITY COMMENTS	2027-03-31	JM	JD
44	REVISED PER CITY COMMENTS	2027-04-30	JM	JD
45	REVISED PER CITY COMMENTS	2027-05-31	JM	JD
46	REVISED PER CITY COMMENTS	2027-06-30	JM	JD
47	REVISED PER CITY COMMENTS	2027-07-31	JM	JD
48	REVISED PER CITY COMMENTS	2027-08-31	JM	JD
49	REVISED PER CITY COMMENTS	2027-09-30	JM	JD
50	REVISED PER CITY COMMENTS	2027-10-31	JM	JD
51	REVISED PER CITY COMMENTS	2027-11-30	JM	JD
52	REVISED PER CITY COMMENTS	2027-12-31	JM	JD
53	REVISED PER CITY COMMENTS	2028-01-31	JM	JD
54	REVISED PER CITY COMMENTS	2028-02-29	JM	JD
55	REVISED PER CITY COMMENTS	2028-03-31	JM	JD
56	REVISED PER CITY COMMENTS	2028-04-30	JM	JD
57	REVISED PER CITY COMMENTS	2028-05-31	JM	JD
58	REVISED PER CITY COMMENTS	2028-06-30	JM	JD
59	REVISED PER CITY COMMENTS	2028-07-31	JM	JD
60	REVISED PER CITY COMMENTS	2028-08-31	JM	JD
61	REVISED PER CITY COMMENTS	2028-09-30	JM	JD
62	REVISED PER CITY COMMENTS	2028-10-31	JM	JD
63	REVISED PER CITY COMMENTS	2028-11-30	JM	JD
64	REVISED PER CITY COMMENTS	2028-12-31	JM	JD
65	REVISED PER CITY COMMENTS	2029-01-31	JM	JD
66	REVISED PER CITY COMMENTS	2029-02-29	JM	JD
67	REVISED PER CITY COMMENTS	2029-03-31	JM	JD
68	REVISED PER CITY COMMENTS	2029-04-30	JM	JD
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73	REVISED PER CITY COMMENTS	2029-09-30	JM	JD
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97	REVISED PER CITY COMMENTS	2031-09-30	JM	JD
98	REVISED PER CITY COMMENTS	2031-10-31	JM	JD
99	REVISED PER CITY COMMENTS	2031-11-30	JM	JD
100	REVISED PER CITY COMMENTS	2031-12-31	JM	JD

NOT FOR CONSTRUCTION

FOR CONSTRUCTION WITH PERMIT

**KNYMH**  
ARCHITECTURE + SOLUTIONS

1400 W. WILSON ST. SUITE 104  
HAMILTON, ONTARIO L9B 5J8  
TEL: 905.571.3333  
WWW.KNYMH.COM



VALVASORI PROPERTIES  
Homestead Residences  
3100 & 3100 HOMESTEAD DR.  
HAMILTON, ONTARIO

PROJECT:  
SITE PLAN

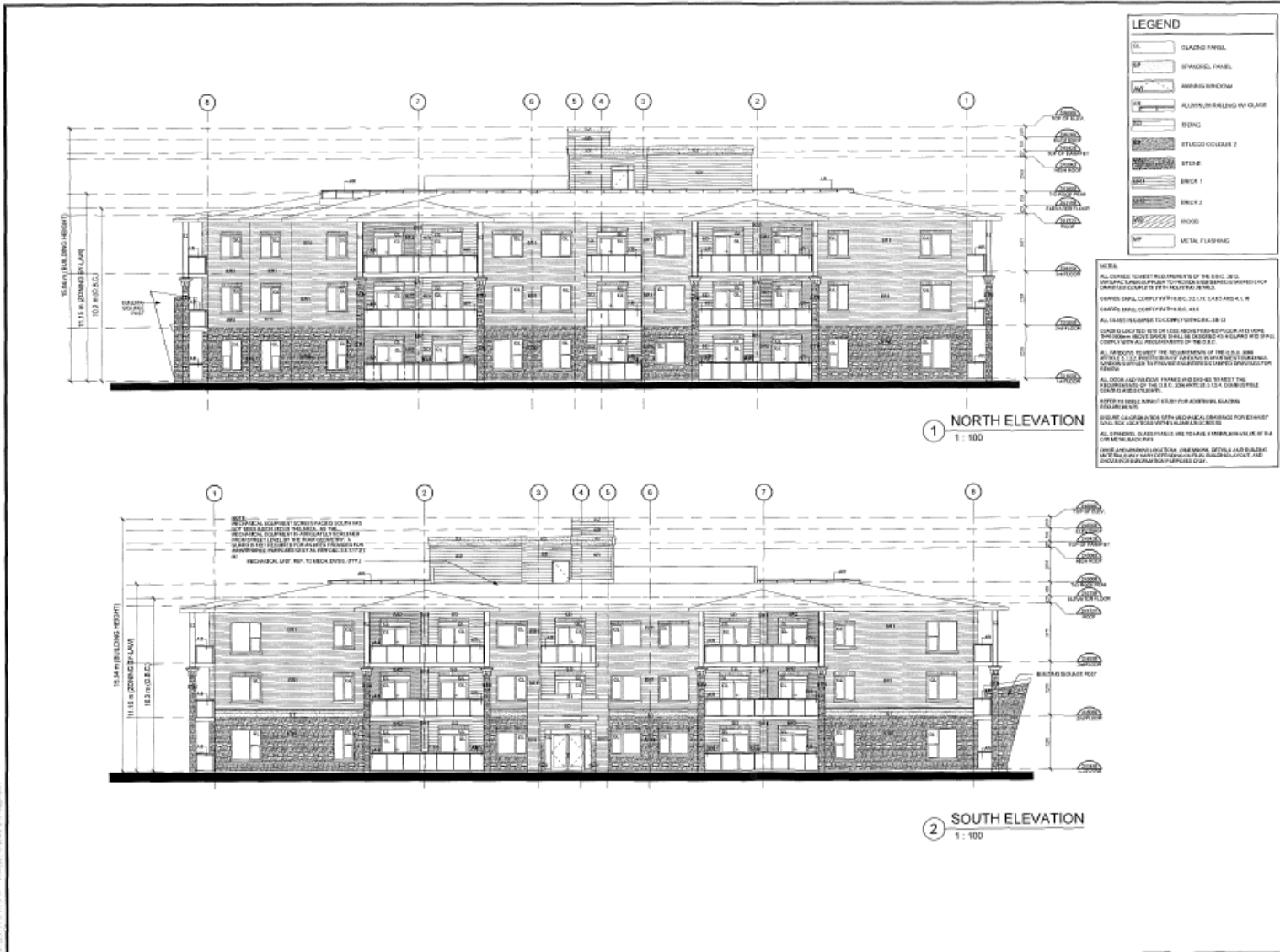
PROJECT NUMBER: 21020

DRAWN BY: JM  
CHECKED BY: JD  
DATE: 2023-10-20  
SCALE: AS SHOWN

PROJECT NUMBER: 21020  
DRAWING NUMBER: A001

Appendix "E" to Report PED23002

Page 2 of 2



CONTRACTOR TO VERIFY ALL DIMENSIONS AND MATERIALS TO BE USED IN CONSTRUCTION. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL MATERIALS TO BE USED IN CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION. ALL MATERIALS TO BE USED IN CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.

DATE: 2023-10-10  
 NO. 21020

REVISIONS	DATE	BY

**NOT FOR CONSTRUCTION**

BASED ON THE ARCHITECT'S DRAWINGS. NOT FOR CONSTRUCTION WITHOUT PERMIT.

**KNYMH**  
 ARCHITECTURE • SOLUTIONS

1000 AVENUE QUINCY • SUITE 101  
 WILLOWDALE, ONTARIO • L4Y 1P7  
 T: 416-491-8888  
 F: 416-491-8889  
 www.knymh.com | info@knymh.com

VALVASORI PROPERTIES

Homestead Residences  
 3290 & 3290 HOMESTEAD DR.  
 HAMILTON, ONTARIO

DATE: 2023-10-10  
 SHEET: ELEVATIONS

DATE: 2023-10-10  
 SHEET: 21020

DATE: 2023-10-10  
 SHEET: A400

**Appendix “F” to Report PED23002**  
**Page 1 of 3**March 31<sup>st</sup>, 2022

File No: ZAC-22-020

UHOPA-22-010

James Van Rooi, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design -Suburban Team  
71 Main St. W. 5<sup>th</sup> Floor, Hamilton, ON, L8P 4Y5

Dear James Van Rooi

As the owners of [REDACTED], we wish to oppose the effect of the Zoning By-law Amendment for the lands at 3250 and 3260 Homestead Drive, Glanbrook (Ward 11). The effect being the amendment to permit a three-story multiple dwelling 40 unit building with 50 surface parking spaces and five bicycle parking spaces.

While the planning committee debates this proposal, they should acknowledge that the term “medium density” is a relative term based upon the environment that it inhabits. Medium density in downtown Hamilton will have a higher number than in an area known as the small, quaint Mount Hope Village. The number of units in this proposal seems to be high in accordance with its environment of detached single-family dwellings. It is proposed that 40 dwelling units with 50 surface parking spaces and 5 bicycle parking spaces be erected. The appeal that Mount Hope holds is its proximity to the highway as public transit is limited in the area. It should be considered that most of those 40 proposed dwellings will be a two-car household. If the two-car assumption is to taken then the proposal does not allow enough parking. In return, the overflow of resident parking and their visitors will end up being a fixture on our residential streets. Our streets becoming a parking lot becomes a hinderance for the services that Mount Hope owners such as garbage collection, fire trucks and snow removal offer its current residents. The proposal does not mention if there are any designated handicap spots. If they are not included in the plan and are required than the proposed parking spaces will dwindle again adding more possible cars to be parked on the streets.

As our streets add a collection of cars, I am worried about the collection of water draining into the neighbouring properties. My property is directly beside the proposed properties and has a rear yard catch basin in the back corner. We have never had a problem with the drainage before and expect to continue not having any problems. With that being said, we hope that it is acknowledged that the proposed property conforms to the existing properties and not expect to change the elevation or grading of some of the surrounding properties to change to accommodate the new building. The change to my property was a direct comment that has been made to us by the developers which worried us about expectations. A new build should not require that existing properties which currently contain no drainage problems be graded differently to accommodate their plans. The city should require that the new build respects what is already in place. Respecting those boundaries should also be considered regarding property separation. The new build should have required standards such as a fence or tree



Appendix "F" to Report PED23002

Page 3 of 3

**From:** [REDACTED]

**To:** Van Rooi, James

**Subject:** 3250 & 3260 Homestead, mount hope

**Date:** Monday, April 4, 2022 7:50:12 AM

this proposal seems incomplete

there are no dwgs

no description of how this might look like when completed

just a statement that it will have 40 units

which by the way , sounds like a lot

you are going from 2 units to 40

- that's a lot of people in a small area

by mount hope standards

the house to the west on Longwood will not see the sun until 11 am ??

hoping you will ask for more info

and pass it forward

when considering this app[lication]

[REDACTED]





WELCOME TO THE CITY OF HAMILTON

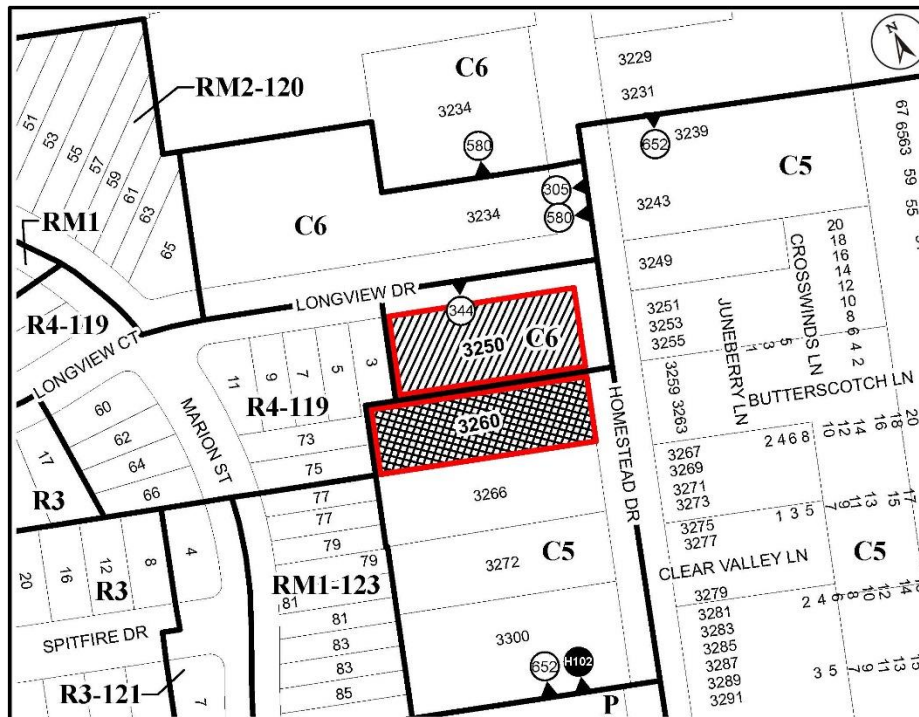
# PLANNING COMMITTEE

January 17, 2023

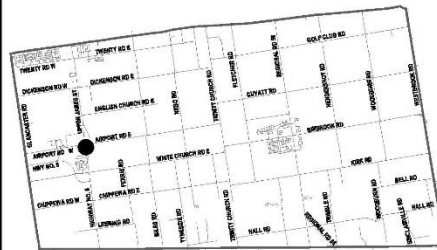
## **PED23002 – (ZAC-22-020 / UHOPA-22-010)**

Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek.

Presented by: James Van Rooi



● Site Location



Key Map - Ward 11

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-020 / UHOPA-22-010

Date:  
February 22, 2022



Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JV/AL

### Subject Property

3250 & 3260 Homestead Drive

-  Block 1 - Change in Zoning from District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone
-  Block 2 - Change in Zoning from Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone

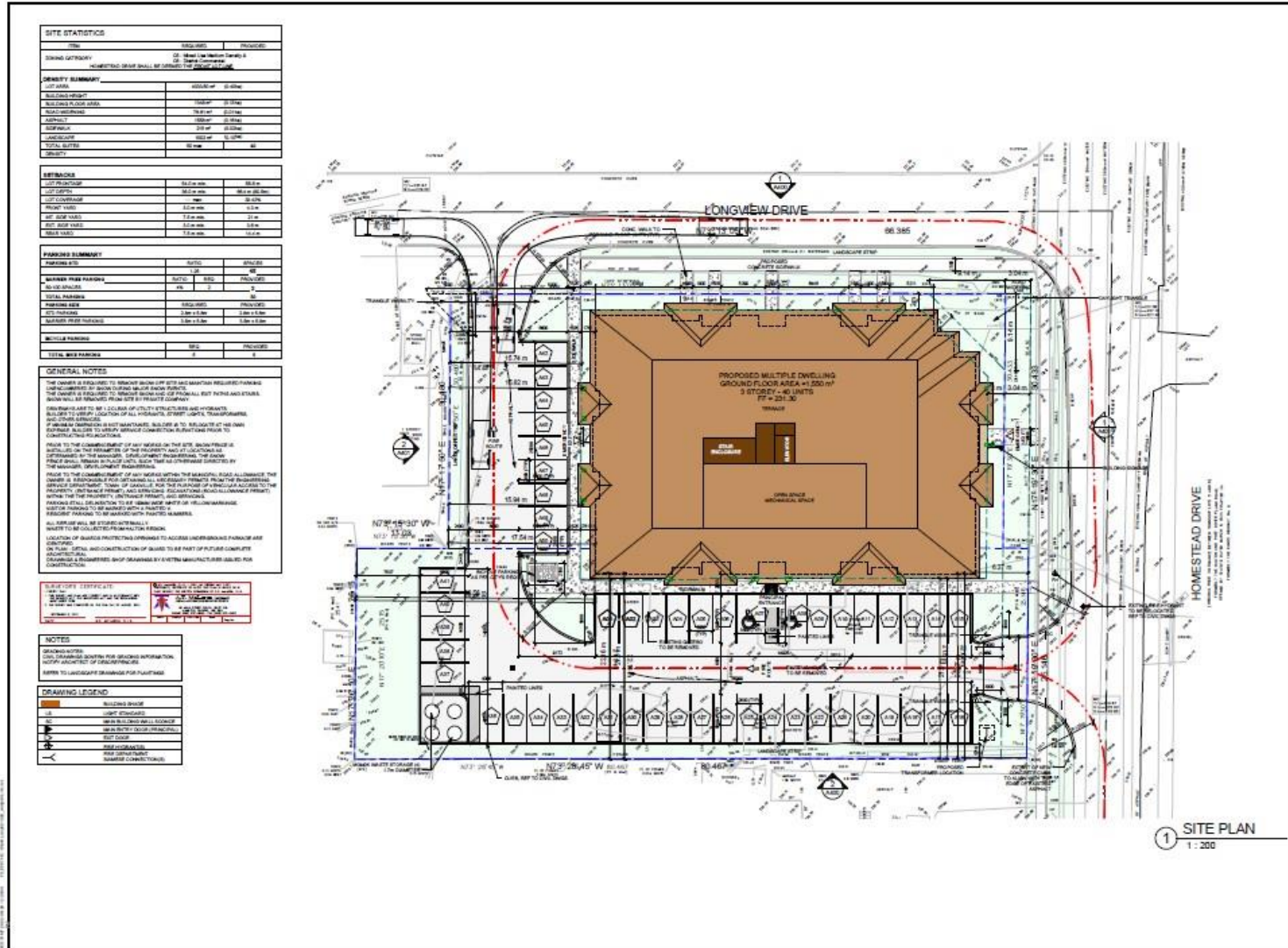


**SUBJECT PROPERTY**

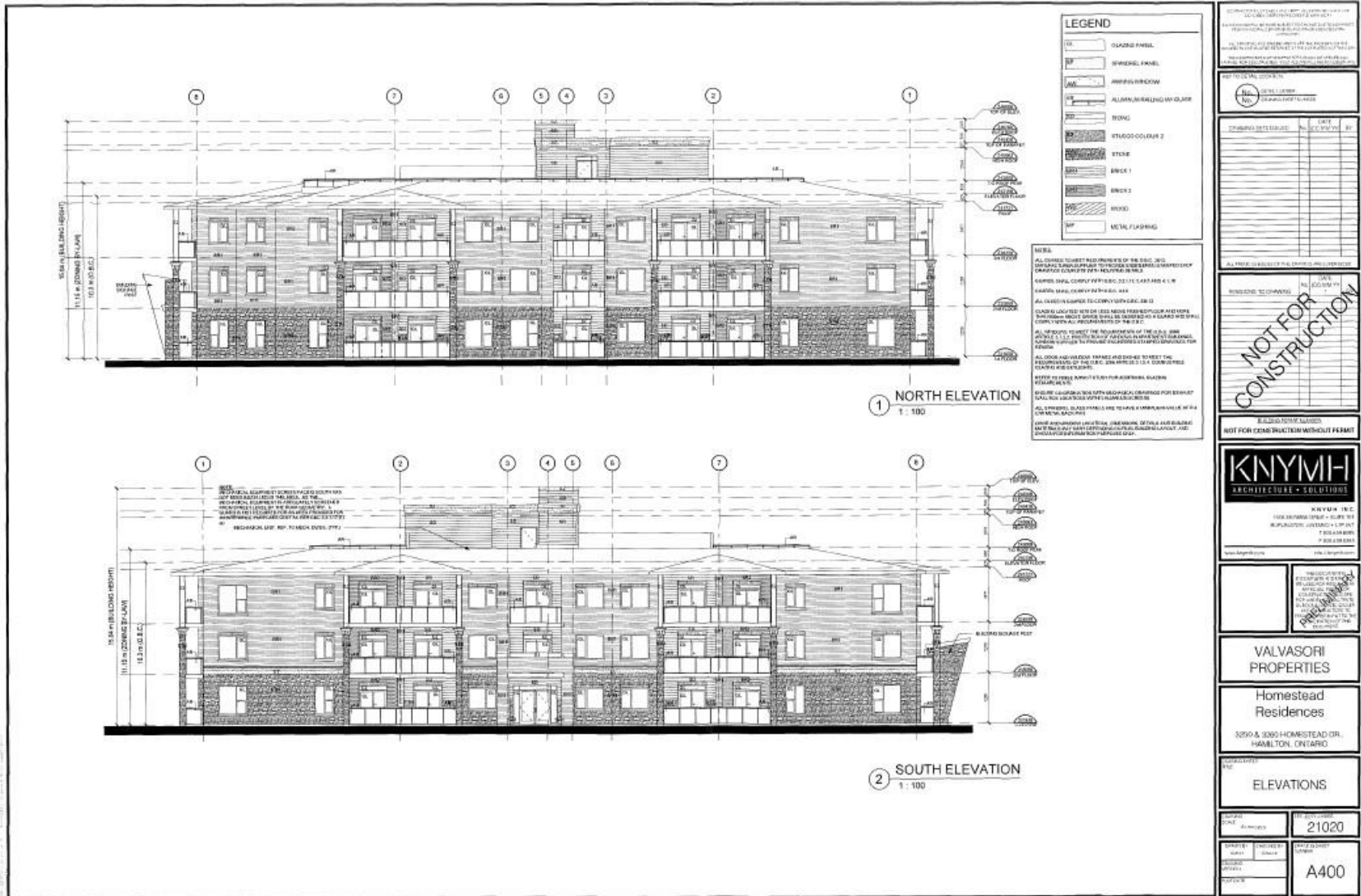


**3250 & 3260 Homestead Drive, Glanbrook**





<b>PROPOSED UTILITIES</b>	
	WATER
	SANITARY SEWER
	STORM SEWER
<b>EXISTING UTILITIES</b>	
	WATER
	SANITARY SEWER
	STORM SEWER
<b>NOT FOR CONSTRUCTION</b>	
<b>KNYMH ARCHITECTURE + SOLUTIONS</b>	
2120 & 2180 HOMESTEAD DR. HAMILTON, ONTARIO	
<b>Valvasori Properties</b>	
<b>Homestead Residences</b>	
2180 & 2180 HOMESTEAD DR. HAMILTON, ONTARIO	
<b>SITE PLAN</b>	
PROJECT NUMBER: 21020	
DATE: 2023.08.21	SCALE: A001





Subject Site



Looking North on Homestead Drive





Looking South on Homestead Drive



View of neighbouring property south of site



View of property north of site



View of property east of site



View of property east of site continued



View of property west of site



View of properties west of site continued



View of the property from Longview Drive





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 17, 2023
<b>SUBJECT/REPORT NO:</b>	Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks 27 and 28), 29

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 2 of 42**

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street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED** on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That **Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, for a change is zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4” Zone (Block 1), Single Residential “R4-39” Zone, Modified (Block 2); Multiple Residential “RM2-47” Zone, Modified (Block 3); and Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
 

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “RM3-72”(H)” by this By-law, the Holding symbol (H) may be removed and thereby give effect to the “RM3-72(H)” Zone provisions in Section 2 above, upon completion of the following:

    - (1) That the owner demonstrates the following:

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 3 of 42**

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- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
- (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
- (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, for a change in zoning from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 4 of 42**

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connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That **Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”) attached as Appendix “F” to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23003;
  - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 5 of 42**

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permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

## **EXECUTIVE SUMMARY**

The Applicant has applied for an Urban Hamilton Official Plan (UHOP) Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of 25 lots for single detached dwellings, 29 street townhouse dwellings and 51 townhouse dwellings, one block for parkland for the connection to a future Neighbourhood Park, along with the extension of a public roads and the dedication of future stormwater management blocks to the City.

The purpose of the Official Plan Amendment (OPA) application is to modify the boundaries as shown with the Nash Neighbourhood Secondary Plan of the Low Density Residential 2 and Low Density Residential 2h, Utility and Neighbourhood Park designations; the redesignation of lands along the Escarpment brow from Low Density Residential 2 to Natural Open Space; to permit a Site Specific Policy Area for a decrease in density in the Low Density Residential 2h designation for Block 28 to permit 28 units per hectare and to permit the removal of the hedgerow identification.

The purpose of the Zoning By-law Amendment (ZBA) is for a change is zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone (Block 1), Single Residential "R4-39" Zone, Modified (Block 2); Multiple Residential "RM2-47" Zone, Modified (Block 3); and, Multiple Residential "RM3-(72)(H)" Zone, Modified, Holding (Block 4) in Stoney Creek Zoning By-law No. 3692-92; and from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone in Hamilton Zoning By-law No. 05-200. Staff are supportive of the modifications requested.

There are 'H' Holding Provisions recommended to the satisfaction of the City of Hamilton for the completion and conveyance of land for stormwater management works consisting of storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages, ensuring the top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set 0.3 m above the maximum water elevation on the emergency spillway, that the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37; and Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval

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agencies with jurisdiction (MECP, City, NEC, HCA) and until such time the work has been completed.

The proposed Draft Plan of Subdivision consists of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse developments (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A").

The proposal has merit and can be supported as it is consistent with the PPS (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent of the UHOP, in particular, the function, scale and design of the Low Density Residential policies as they relate to residential intensification and complete communities in the Neighbourhoods designation as well as the Nash Neighbourhood Secondary Plan, and represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned development in the surrounding area. The proposed development provides for intensification which achieves the overall planned public road network envisioned by the Nash Neighbourhood Secondary Plan which ensures land, municipal services, and transportation systems are used efficiently.

**Alternatives for Consideration – See Page 41**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 7 of 42**

## HISTORICAL BACKGROUND

<b>Application Details</b>	
Owner:	146769 Ontario Inc. (c/o Fabio and Pia Neri)
Applicant/Agent:	A.J Clarke and Associates Ltd. (c/o Franz Kloibhofer)
File Number:	UHOPA-17-001 ZAC-17-001 25T-201701
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
<b>Application Details</b>	
Proposal:	<p>The proposals consists of:</p> <ul style="list-style-type: none"> <li>• 25 lots for single detached dwellings (Lots 1 to 25);</li> <li>• One block for parkland for the connection to a future Neighbourhood Park (Block 26);</li> <li>• Six blocks for townhouse and street townhouse developments (Blocks 27 to 34);</li> <li>• Three blocks for stormwater management (Blocks 35 to 37),</li> <li>• Two blocks for natural open space protection (Blocks 38 and 39);</li> <li>• Three blocks for right of way dedications (Blocks 40 to 42); and,</li> <li>• The extension of a public roadway (Street "A") as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED23003.</li> </ul>
<b>Property Details</b>	
Municipal Address:	15 Ridgeview Drive
Lot Area:	±5.6 ha (Irregular)
Servicing:	Full municipal services.
Existing Use:	Vacant lands.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).



**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 8 of 42**

<b>Documents</b>	
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<p>Volume 1: “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations.</p> <p>Volume 2: Nash Neighbourhood Secondary Plan – Land Use Plan Map B.7.5-1:</p> <ul style="list-style-type: none"> <li>• “Low Density Residential 2”;</li> <li>• “Low Density Residential 2h”;</li> <li>• “Neighbourhood Park”;</li> <li>• “Utility”; and,</li> <li>• “Hedge Row”.</li> </ul>
Official Plan Proposed:	<p>To amend the Nash Neighbourhood Secondary Plan to redesignate lands from:</p> <ul style="list-style-type: none"> <li>• To redesignate lands from “Neighbourhood Park” to “Natural Open Space”;</li> <li>• To redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”;</li> <li>• To redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”;</li> <li>• To redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”;</li> <li>• To redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”;</li> <li>• To remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations;</li> <li>• To realign “Proposed Road”;</li> <li>• To remove the “Hedge Row” identification on lands; and,</li> <li>• To identify the subject lands as a Site Specific Policy Area to permit a decrease in density.</li> </ul> <p>(See Appendix “B” attached to Report PED23003.)</p>

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<b>Documents</b>	
Zoning Existing:	Neighbourhood Development “ND” Zone.
Zoning Proposed:	<p>City of Stoney Creek Zoning By-law No. 3692-92:</p> <ul style="list-style-type: none"> <li>• Single Residential “R4” Zone, Modified (Block 1);</li> <li>• Single Residential “R4-39” Zone, Modified (Block 2);</li> <li>• Multiple Residential “RM2-47” Zone, Modified (Block 3); and,</li> <li>• Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Block 4).</li> </ul> <p>(See Appendix “C” attached to Report PED23003.)</p> <p>City of Hamilton Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> <li>• Conservation/ Hazard Land (P5) Zone; and,</li> <li>• Neighbourhood Park (P1) Zone.</li> </ul> <p>(See Appendix “D” attached to Report PED23003.)</p>
Modifications Proposed:	<p>Single Residential “R4-39” Zone, Modified (Block 2):</p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Corner Lot) – 12.5 metres</li> </ul> <p>Multiple Residential “RM2-47” Zone (Block 3):</p> <ul style="list-style-type: none"> <li>• Minimum Side Yard (End Unit) – 1.5 metres</li> </ul> <p>Multiple Residential “RM3-72” Zone (Block 4):</p> <ul style="list-style-type: none"> <li>• Minimum Lot Area <ul style="list-style-type: none"> <li>Interior Unit: 160 square metres</li> <li>End Unit: 200 square metres</li> <li>Corner Unit: 200 square metres</li> </ul> </li> <li>• Minimum Lot Frontage: <ul style="list-style-type: none"> <li>Interior Unit: 6.5 metres</li> <li>End Unit: 7.4 metres</li> <li>Corner Unit: 7.4 metres</li> </ul> </li> <li>• Minimum Front Yard: 5 metres, except that a minimum setback of 6 metres shall be provided between the streetline and an attached garage. <ul style="list-style-type: none"> <li>Corner Unit: 4.20 metres, except that a minimum setback of 6 metres shall be provided between the streetline and an attached garage.</li> </ul> </li> </ul>

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<b>Documents</b>	
<p>Modifications Proposed <b>Continued:</b></p>	<ul style="list-style-type: none"> <li>• Minimum Side Yard: 1.25 metres for end units, except 1.5 metres where an end wall abuts the wall of another townhouse</li> <li>• Minimum Read Yard: 7.0 metres, except 3.0 metres abutting a zone for single detached dwellings.</li> <li>• Maximum Lot Coverage: 52%</li> <li>• Reduction in Landscape Area:               <ol style="list-style-type: none"> <li>1. Not less than 35 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped, including privacy areas; and,</li> <li>2. An Entry Feature Wall shall be permitted within the landscaped strip provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.</li> </ol> </li> <li>• Addition of Visitor Parking regulation: That a minimum of 0.5 visitor parking spaces per unit shall be provided and maintained.</li> </ul> <p>(See Appendix "E" attached to Report PED23003.)</p>
<b>Processing Details</b>	
Received:	December 16, 2016.
Deemed Complete:	December 16, 2016.
Notice of Complete Application:	Sent to 17 property owners within 120 m of the subject lands on January 9, 2017.
Public Notice Sign:	Posted January 11, 2017 and updated with Public Meeting date December 14, 2022.
Notice of Public Meeting:	Sent to 29 property owners within 120 m of the subject lands on December 23, 2022.
Public Comments:	One letter / email expressing concern or requesting additional information (see Appendix "H" attached to Report PED23003).

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 11 of 42**

<b>Processing Details</b>	
Revised Submissions Received:	<ul style="list-style-type: none"> <li>• July 12, 2018;</li> <li>• December 2019;</li> <li>• August 7, 2020;</li> <li>• April 26, 2021;</li> <li>• May 25, 2021; and,</li> <li>• February 28, 2022.</li> </ul>
Processing Time:	2,223 days from receipt of initial Application, 253 days from receipt of final revised submission.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant Lands	Neighbourhood Development “ND” Zone.

### Surrounding Land Uses:

North	Niagara Escarpment Brow	Open Space “OS-3” Zone, Modified.
South	Vacant Lands	Neighbourhood Development “ND” Zone.
East	Telecommunication Tower	Neighbourhood Development “ND” Zone.
West	Vacant	Single Residential “R4-28(H)”, Modified, Holding.

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

### Provincial Policy Statement (2020)

The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable and safe communities are sustained by:

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- (b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
- (e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- (a) Efficiently use land and resources;
- (b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
- (e) Support *active transportation*; and,
- (f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 13 of 42**

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suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs; and,

- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

The proposed development is located within a settlement area. The development of single detached dwellings, street townhouse dwellings and block townhouse dwellings are an efficient use of land and represent an appropriate intensification of the site which will further enable the completion of the surrounding neighbourhood. The subject lands are serviced by a comprehensive street network with nearby open spaces, which will encourage active transportation and increase the viability for introducing transit service to the area in the future.

#### Archaeology

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

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

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

These criteria define the property as having archaeological potential. A Stage 1-2 (P038-0819-2014) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated August 15, 2015. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

Based on the foregoing, the proposal is consistent with the PPS (2020).

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 14 of 42**

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

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

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

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

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

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

The subject lands are within the Urban Boundary in a settlement area and the proposal will provide opportunity to further enable the completion of the surrounding

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 15 of 42**

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neighbourhood and street network with additional residential uses using existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities with nearby open spaces, which will encourage active transportation and increase the viability for introducing transit service to the area in the future.

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

### **Niagara Escarpment Plan (NEP)**

The subject lands are located along the Escarpment Brow and have been designated “Escarpment Urban Area” within the Niagara Escarpment Plan (NEP), with a portion falling within the “Escarpment Natural Area” designation.

Development Objective 1 in Section 1.7 of the NEP states that “all development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.”

Development Objective 2 in Section 1.7 states that “new development shall not encroach into the Escarpment Natural or Escarpment Protection Areas.”

To permit the proposed development a Niagara Escarpment Commission (NEC) Permit including the review of a Visual Impact Assessment was required. A Visual Impact Analysis (VIA) to determine the final maximum height zoning provision for the street townhouse dwellings was provided to the NEC and approved on November 24, 2022, to permit a maximum height proposed in accordance with the VIA of 3 storeys (11 metres) the elevation of the peak of the roof shall be a maximum of 198.30 masl.

The proposal includes the required 30 metre setback buffer from the brow (Top of Bank) of the Escarpment as well as a 10 metre Vegetation Protection Zone in order to preserve the natural environment abutting the Escarpment Brow as shown as Blocks 38 and 39 on Appendix “F” attached to Report PED23003. The setbacks ensure development is outside the “Escarpment Natural Area” to protect and preserve the natural environment. Accordingly, residential development will be contained within the Urban Area designation, and the proposal conforms to the NEP in this regard.



**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 16 of 42**

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Section 2.4.1 of the NEP states that “lot creation ... within Urban Areas ... may be permitted subject to conformity with official plans and / or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.”

Further, Section 2.4.5 states that “the size and configuration of new lots shall be subject to the requirements of official plans and / or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.”

As discussed in further detail below, the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications comply with the policies of Volume 1 of the UHOP and the general intent of the Nash Neighbourhood Secondary Plan subject to the required Official Plan Amendment to modify the boundaries of the Low Density Residential 2, Low Density Residential 2h, Neighbourhood Park, Natural Open Space, and Utility designations, as well as to realign the Proposed Road and remove the hedgerow identification in Volume 2 of the UHOP.

Section 2.6 states, “the objective is to ensure that hydrologic features and functions..., are protected and where possible enhanced.” The applicant has provided required material including a Functional Servicing Report and Stormwater Management Report. Development Engineering staff have reviewed the material and advise that the outlet to the Niagara Escarpment has been protected to ensure the outlet will maintain all predevelopment flows.

Development Permit for application W/R/2021-2022/203 for the proposed development was issued by the NEC on November 24, 2022. All conditions of the Development Permit must be cleared prior to the registration of the subdivision. Staff have included condition No. 53 to ensure that prior to registration of the subdivision all conditions as required by Development Permit W/R/2021-2022/203 Notice of Decision dated November 24, 2022, are satisfied to the satisfaction of the Niagara Escarpment Commission.

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

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, designated as “Neighbourhoods” and “Utility” on Schedule E-1 – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix G – Boundaries Map. The subject lands are designated as “Low Density Residential 2”, “Low Density Residential 2h”, Neighbourhood Park”, “Utility” and abut the “Escarpment” on Map B.7.5-1 in the Nash Neighbourhood Secondary Plan – Land Use Plan.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 17 of 42**

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The following policies, amongst others, are applicable to the subject applications.

Built Form and Compatibility:

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and *housing with supports*; and,
  - b) Open space and parks.”

As the proposal is for single detached dwellings, street and block townhouses, open space areas, and protection of hazard lands, the proposal complies with the intent and purpose of the Neighbourhoods policies.

Urban Design

- “B.3.3.2.8 Urban design should promote environmental sustainability by:
- b) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design; and,
  - c) Encouraging on-site stormwater management and infiltration through the use of techniques and technologies, including stormwater management ponds, green roofs, and vegetated swales.”

The proposed development has been integrated with the natural environment and protected through the establishment of a Neighbourhood Park Zone (P1) Zone and Conservation / Hazard Land (P5) Zone. This approach will facilitate the mixture of public and private open space and the protection of natural features. Three blocks within the proposed development have been set aside for a stormwater management

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 18 of 42**

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spillway / outfall as well as allowing for connection to the stormwater management pond to the south of the subject lands.

Greenfield Development

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to create a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to the creation of a community focal point.
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) Minimize changes to existing topography;
  - b) Preserve existing trees and natural features; and,
  - c) Be compatible with and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage management plans, cultural heritage conservation plan statements, or other studies.
- E.3.7.6 New development or redevelopment adjacent to open spaces shall:
- a) Minimize the impacts on natural heritage features;
  - b) Maintain or enhance public access to trails, bikeways, and parks within these features;
  - c) Preserve or enhance public views to these features; and,
  - d) Use native plant material adjacent to these features.”

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 19 of 42**

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The proposed Draft Plan area is within the Nash Neighbourhood Secondary Plan of Volume 2 of the UHOP and will contribute to the completion of the land uses and road network in the neighbourhood.

The proposed Draft Plan is consistent with existing development in the neighbourhood in terms of height, transition between densities, and design (street-oriented development and street hierarchy). The proposed development will directly connect with the existing surrounding Built-up Area, which is consistent with the Secondary Plan.

As discussed in further detail below, the proposal will provide for the required buffers from the Escarpment brow including the 10 metre Vegetation Protection Zone as well as maintaining the views and vistas and connections to the park and trail system.

#### Natural Heritage System – Core Areas

- “2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions;
- 2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies Core Areas to include key natural heritage features and key hydrological features. Core Areas of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new Core Areas are identified;
- 2.3.2 Core Areas include key natural heritage features, key hydrological features and provincially significant and local natural areas that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. Core Areas are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions;
- 2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas;

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 20 of 42**

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- 2.5.4 New development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions; and,
- 2.5.12 Permitted uses within a vegetation protection zone shall be dependent on the sensitivity of the feature and determined through approved studies. Generally, permitted uses within a vegetation protection zone shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the vegetation protection zone shall be the same uses as those within the Core Area in Policy C.2.5.1 and the vegetation protection zone should remain in or be returned to a natural state.”

Core Areas have been identified as Significant Woodland, Felker’s Falls Escarpment Valley Environmentally Significant Area (ESA) and spring. The spring is also regulated by the Hamilton Conservation Authority (HCA). In addition, the Core Areas are proposed to be redesignated from “Low Density Residential 2” to “Natural Open Space” in the Nash Neighbourhood Secondary Plan. The proposal has incorporated a 30 metre setback including a 10 metre Vegetation Protection Zone measured from the dripline into the development proposal.

In addition, the stormwater management outfall on the Escarpment Brow has been relocated outside the natural area to ensure no negative impact on the Core Area.

Staff note that an Environmental Impact Statement (EIS) was prepared by LGL Limited (October 2015; revised August 2016) and further revised by (EIS Update) Myler Ecological Consulting (Dec. 2019), Comment Response July 14, 2020, for the subject lands.

Trees have been identified in the subject property. Staff have reviewed the submitted Tree Management Plan, prepared by Adesso Design Inc. (Mario Patitucci; landscape architect), dated May 19, 2021. A total of 79 trees have been inventoried, 79 have been identified for removal; however, of the 79 trees identified for removal, the vast majority are Black Walnut and Red Oak (in decline) with some Green Ash, among a few other species, which are mostly in fair condition with some poor or dead with few in good condition. In addition, a Butternut tree has been identified to be removed. It has been identified that five Butternut trees will be required to be planted to compensate for the loss of this tree and further review for the number of companion trees is required. The

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 21 of 42**

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removal is subject to the *Endangered Species Act* under the jurisdiction of the Ministry of Environment, Conservation and Parks (MECP) in which the applicant is required to reassess the Butternut tree in accordance with the Province's Butternut Health Assessment Guidelines. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan and implemented through the subdivision agreement. These matters are addressed through Condition Nos. 37 to 45 of Appendix "G" attached to Report PED23003.

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

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

- e) Collector roads, subject to the following policies:
  - ii) The basic maximum right-of-way widths for collector roads shall be ... 26.213 metres ...;
- f) Local roads, subject to the following policies:
  - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

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

- a) Local to local roads: 4.57 m triangle or radius; and,
- b) Collector to local or collector Roads: 9.14 m x 9.14 m triangle;"

Street "A" which will be an extension of Ridgeview Drive is deemed a local road with a minimum width of 20.0 metres. The subject lands are accessed from two roads, Bradshaw Drive (from the east) and First Road West (from the west). The minimum

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 22 of 42**

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width requirements for the local and collector right-of-way widths have been provided to support the proposed development. The appropriate daylight triangle dedications, being 9.14 metre x 9.14 metre and 4.57 metre x 4.57 metre daylighting triangles are required at the intersection of First Road West and Ridgeview Drive and Bradshaw Drive and Street "A" (extension of Ridgeview Drive). The transfer of lands have been demonstrated on the Draft Plan as shown on the Draft Plan of Subdivision attached as Appendix "G" to Report PED23003.

Condition Nos. 50 to 52 of Appendix "G" attached to Report PED23003 have been included to ensure all land dedications for the right-of-way are provided.

#### Infrastructure and Servicing

"C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage."

Development Engineering Approvals staff have reviewed the Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. as revised, and have identified a number of matters to be addressed at the detailed design stage and through special conditions of draft plan approval. These matters include, but are not limited to, grading, servicing, and the construction of a stormwater management pond on the lands to the south of the subject lands and future development surrounding the subject lands, including existing properties on the north side of Ridgeview Drive and the provision of sidewalks, which are addressed as Conditions No. 1 - 36 of Appendix "G" attached to Report PED23003. In addition, an 'H' Holding Provision on Blocks 27 and 28, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED23003, have been included to ensure the stormwater management pond has been constructed prior to the development of Blocks 27 and 28.

#### Plan of Subdivision

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

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 23 of 42**

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

The proposed Draft Plan of Subdivision, attached as Appendix "F" to Report PED23003, consists of 25 lots for single detached dwellings (Lots 1-25); one block for parkland for the connection to the future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A").

The proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing and planned infrastructure and will not adversely impact upon the transportation system and the natural environment, subject to the proposed Draft Plan conditions and Holding Provision, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP subject to the proposed amendments.



**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 24 of 42**

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## **Nash Neighbourhood Secondary Plan – Volume 2**

The subject lands are designated “Low Density Residential 2,” “Low Density Residential 2h,” “Neighbourhood Park”, “Utility,” “Hedge Row” and abuts the “Escarpment” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan Land Use Plan. The following policies, amongst others, apply.

- “B.7.5.1 e) Integration of new parks and open spaces with existing natural open spaces to provide new passive recreation resources and designations and to establish linkages creating an interconnected system of parks and open space;
- B.7.5.1 f) Identification, protection, conservation and wise management of the tangible and intangible cultural heritage resources of the City of Hamilton for present and future generations. Where feasible, natural heritage elements that remain on site shall be considered for integration into the Nash Neighbourhood Community; and,
- B.7.5.1 g) Enhancement of the physical and visual connections to the Niagara Escarpment and Environmentally Significant Areas through the layout and design of the community including placement of parks / open space areas and the creation of streetscapes that create and protect views.”

The proposal complies with the above-noted policies because it integrates conservation / hazard lands with the Niagara Escarpment natural area along the Brow in order to provide appropriate protection, buffering and linkages. Core Areas have been identified as Significant Woodland, Felker’s Falls Escarpment Valley Environmentally Significant Area (ESA) and spring. The spring is also regulated by the Hamilton Conservation Authority (HCA). The proposal has incorporated a 30 metre setback including a 10 metre Vegetation Protection Zone measured from the dripline into the development proposal. In addition, the Core Areas have been proposed to be redesignated from “Low Density Residential 2” to “Natural Open Space” in the Nash Neighbourhood Secondary Plan. The proposed block identified as a park (Block 26) was intended to provide connection to the future Neighbourhood Park to be established to the south of the subject lands and the escarpment protecting the views and site lines.

- “7.5.2 g) Services:
  - ii) Design and implement a stormwater management system that is

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 25 of 42**

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integrated with the open space system and which mitigates impacts on the natural environment;

B.7.5.6.5 No development, except infrastructure works, utilities and a low impact trail network (subject to confirmation that the works are suitable by an Environment Impact Statement), shall be permitted on lands designated Natural Open Space.”

Based on the Nash Neighbourhood Secondary Plan, a stormwater management system is to be designed and implemented to integrate with the open space system and mitigate impacts on the natural environment. In addition, as result of the subject lands abutting the Escarpment brow, the proposal must ensure that the existing flows to Centennial Falls are maintained. The proposed outfall location and related infrastructure has been placed outside the natural area. Due to the above mentioned requirements to maintain existing flows to the outfall, the proposal is required to implement stormwater management which directs flows to Centennial Falls (outfall) and the future stormwater management pond to be constructed to the south of the subject lands. Hamilton Conservation Authority, Niagara Escarpment Commission staff and City staff have reviewed the Functional Servicing Report and Stormwater Management Reports and the recommended conditions of draft plan approval have been included in Appendix “G” attached to Report PED23003. In addition, an ‘H’ Holding Provision on Blocks 27 and 28, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED23003, have been included to ensure the stormwater management pond has been constructed prior to the development of Blocks 27 and 28.

#### Low Density Residential 2

“B.7.5.4.1 In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to lands designated Low Density Residential 2 and 2h on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

- a) Low Density Residential 2 Designation:
  - i. Single detached, semi-detached, duplex and street townhouses shall be permitted;
  - ii. Notwithstanding Policy E.3.4.4 of Volume 1, the density of development shall range from 20 to 35 units per net residential hectare;
  - iii. The maximum height of dwelling units shall be no more than three storeys;

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 26 of 42**

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- iv. Other forms of low-density housing may be considered where neighbourhood compatibility can be demonstrated to the satisfaction of the City. Their appropriateness shall be evaluated in terms of protection of natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, and privacy; and,
  - v. The location of Low Density Residential 2 is in the interior of residential neighbourhoods adjacent to local and/or collector roads;
- b) Low Density Residential 2h Designation:
- i) Notwithstanding Policy E.3.4.3 of Volume 1, multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted;
  - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the density shall be in the range of 30 to 49 units per net residential hectare;
  - iii) The maximum height of dwelling units shall be three storeys;
  - iv) A limited number of detached and semi-detached dwellings may be permitted, provided the density falls within the range specified in Policy B.7.5.4.1 b) ii); and,
  - v) Notwithstanding Policy E.3.4.1 of Volume 1, the location of lands designated Low Density Residential 2h shall generally be at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.”

Lots 1 to 25 and Blocks 29 to 34 have been proposed as Low Density Residential 2. The proposal complies with the Low Density Residential 2 designation which permits single detached dwellings and street townhouse dwellings and is within the permitted density range, being 23 units per hectare.

The proposal complies with the three storey maximum height which has been further refined through the approval of the NEC Development Permit process and the requirement for a Visual Impact Assessment (VIA). The Visual Impact Analysis (VIA), as approved by the NEC, has determined the final maximum zoning height provision for the street townhouse dwellings is 11.0 metres (3 storeys) and a peak rooftop elevation of 198.30 masl.

Blocks 27 and 28 of the proposed development will contain 45 block townhouses (Block 27) and six block townhouses (Block 28). Accordingly, Block 27 will have a residential

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 27 of 42**

---

density of ±33.5 units per net hectare and Block 28 will have density of 28.5 uph for a combined density 32.9 uph. The proposed Official Plan Amendment for a decrease in density for Block 28 is as a result of an irregularly shaped parcel created by engineering constraints for infrastructure connection to the future stormwater management pond, dividing Blocks 27 and 28. The proposed Official Plan amendment is to permit a minimum density of 28 uph for Block 28 as shown on Appendix “B” attached to Report PED23003.

#### Parks and Open Space Designations

- “7.5.6.3 Multi-purpose trails shall be established in the linked open space system pursuant to the approved Hamilton Trails Master Plan and identified on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan. Every effort shall be made to connect new trails to existing and planned trails within and around the neighbourhood. The trails shall be established through plans of subdivision and development agreements;
- 7.5.6.7 Prior to any lands being considered for development within 100 metres of lands designated Natural Open Space on Map B.7.5-1 - Nash Neighbourhood – Land Use Plan, an Environmental Impact Statement shall be undertaken by the proponent and approved by the City and the Hamilton Conservation Authority to determine the appropriate setbacks from the Core Area;
- 7.5.6.8 Any development must address the retention of Core Areas and other wooded areas included within the Natural Open Space designation identified on Map B.7.5-1 - Nash Neighbourhood - Land Use Plan as follows:
- a) Wooded areas, including existing “hedgerows” should be maintained, enhanced, and incorporated into the overall design of the neighbourhood where possible. The delineation of the hedgerows shall be identified as part of a development application. Hedgerows are not intended to only be identified by existing mature tree species but shall also include other vegetation which establishes this area as a hedgerow. (A hedgerow can be defined as a narrow linear strip of trees that defines a laneway or a boundary between fields);

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 28 of 42**

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- b) A minimum 10 metre wide planted buffer from identified Environmentally Significant Areas shall be included as part of these natural areas and included as part of the open space system; and,
- c) A 30 metre wide open space area adjacent to the brow of the Niagara Escarpment Natural Area shall be established. Included in this open space shall be a public trail and may include a portion of a single loaded scenic road to promote public access, views and an open space link. The scenic road shall be located no closer than 15 metres to the brow of the Escarpment. The final location of this road shall be established as part of the processing of a plan of subdivision to the satisfaction of the City and the Niagara Escarpment Commission;

7.5.6.9 Development proposals for land within 150 metres of the Niagara Escarpment shall have a maximum height of no more than two storeys. Prior to the approval of a draft plan of subdivision and/or zoning by-law, a visual analysis shall be required to determine the maximum building height and minimum setbacks to ensure that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge). The visual analysis must be to the satisfaction of the City and the Niagara Escarpment Commission. (Note: the skyline includes the escarpment brow – the uppermost point of the escarpment slope or face, and the tree line. Buildings should not be visible through trees above the brow, the most obvious break in slope associated with underlying bedrock).”

Staff note that trail connections are documented in both the Recreation Trails Master Plan and Nash Neighbourhood Secondary Plan. The proposed connections to the trail system are in accordance with the above noted plans. The subject lands are to connect to the west of the subject lands and provide access to the existing trail head at Glover Mountain Road allowing for connection to the Escarpment stairs and connecting trails. Staff are supportive of the location of the trail connection along Ridgeview Drive with the appropriate on street (sidewalk) connection to the existing trail head at Glover Mountain Road.

Staff note that an Environmental Impact Statement (EIS) was prepared by LGL Limited (October 2015; revised August 2016) and further revised by (EIS Update) Myler Ecological Consulting (Dec. 2019), Comment Response July 14, 2020 for the subject lands. To address the requirement of the required 10 m Vegetation Protection Zone

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 29 of 42**

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(VPZ) from the ESA and the 30 m wide open space adjacent to the Niagara Escarpment Brow, the applicant has provided the necessary buffers and these lands will be zoned Conservation / Hazard Land (P5) Zone.

The proposed amendment will amend the Nash Neighbourhood Secondary Plan to modify the boundaries of the Low Density Residential 2, Low Density Residential 2h, Neighbourhood Park, Natural Open Space, and Utility designations, as well as to realign the Proposed Road and remove the hedgerow identification on the subject lands. The EIS prepared by LGL Limited and Tree Management Plan prepared by Adesso Design Inc. identified the poor condition and low quality of vegetation including invasive shrub and tree species and determined that a total of 79 trees be removed. The vast majority to be removed are within the hedgerow, being Black Walnut and Red Oak (in decline) with some Green Ash, among a few other species, which are mostly in fair condition with some poor or dead with few in good condition. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. The intent of policy 7.5.6.8 a) above is to ensure preservation of nature vegetation can be preserved where possible, however, staff are of the opinion the enhanced restoration and revitalization of the Vegetation Protection Zone will provide greater vitality, overall function and health to the natural feature. These matters are addressed through Condition Nos. 37 to 45 of Appendix "G" attached to Report PED23003.

As discuss above, the proposal complies with the maximum three storey height of the Low Density Residential 2 and 2h designations. The applicant was required to complete a Visual Impact Assessment (VIA) to the satisfaction to the NEC and City staff which has determined the final maximum height provision for the street townhouse dwellings is 11.0 metres (3 storeys) and a peak rooftop elevation of 198.30 masl.

In addition, a new Site Specific Policy will be added to allow a reduction in residential density for one block (Block 28) in order to permit the development of a draft plan of subdivision consisting of 25 lots for single detached dwellings, 29 street townhouse dwellings and 51 townhouse dwellings and the extension of a public road.

The proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing and planned infrastructure and will not adversely impact upon the transportation system and the natural environment, subject to the proposed Draft Plan conditions. The proposed development will integrate

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 30 of 42**

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well with the existing development in the Nash Neighbourhood Secondary Plan, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

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

**Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200**

The subject property is currently zoned Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED23003. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

Stoney Creek Zoning By-law No. 3692-92:

- Single Residential “R4” Zone, Modified (Lot 1);
- Single Residential “R4-39” Zone, Modified (Lots 2 to 25);
- Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Blocks 27 and 28); and,
- Multiple Residential “RM2-47” Zone, Modified (Blocks 29 to 34);

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

- Neighbourhood Park (P1) Zone, (Block 26); and,
- Conservation / Hazard Land (P5) Zone (Blocks 35 to 39).

The proposed zoning is further discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the Single Residential “R4” Zone, Single Residential “R4-39” Zone, Modified, Multiple Residential “RM2-47” Zone, Modified and Multiple Residential “RM3-72” Zone, Modified, are included in Appendix “E” attached to Report PED23003.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 31 of 42**

## RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> <li>Hydro One Networks Inc.</li> </ul>	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>There will be no City Share or contribution by the City towards the proposed subdivision works;</li> <li>The proposed subdivision will be divided into two storm drainage areas. Approximately 2.39 ha drainage area will be drained towards the Centennial Falls, and 3.33 ha drainage area will drain towards the proposed SWM Pond located southwest of the subject site which will be constructed within the proposed Nash Neighbourhood Subdivision Phase 2 (478 &amp; 490 First Road West);</li> <li>Bradshaw Road and the existing 375mm sanitary sewers shall be extended to service the subject land;</li> <li>Bradshaw Road and the existing 300mm watermain shall be extended to the property limit to service the subject land. The 300mm watermain on First Road West shall also be extended to provide looping for the proposed subdivision. A 300mm watermain will be proposed on Street "A" to service the proposed development and a 200mm watermain on the Condo block to service the condo units; and,</li> <li>Blocks 27 and 28 of the subject development shall be subject to a Holding Provision.</li> </ul>	<ul style="list-style-type: none"> <li>Staff are supportive of the application proceeding with Draft Plan approval. Updated Stormwater Management Report, replacement of existing utilities, watermain replacement, servicing of existing lots, grading, fencing, geotechnical report, and parking plan among other Engineering requirements are addressed as Conditions No. 1 to 36 of Appendix "G" attached to Report PED23003 and will be addressed through detailed design.</li> </ul>

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 32 of 42**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b>	<ul style="list-style-type: none"> <li>• The proposed subdivision will consist of a local road "Street A" which will be connected to the existing Ridgeview Drive to the West and to the extended Bradshaw Drive to the east. Street "A" shall be constructed to meet the TAC standards and City of Hamilton current roadway standards with a 20.0m R.O.W. The existing portion of Ridgeview Drive shall also be urbanized with a 20.0m R.O.W;</li> <li>• The proposed on-street parking plan demonstrates the minimum parking requirements of 0.4 spaces per dwelling unit will be provided;</li> <li>• Blocks created within this subdivision that are subject to Site Plan Control will require the land owner to enter into a Site Plan Agreement with the City including a requirement to provide sanitary sewer flow monitoring in order to confirm that no inflow and infiltration (I&amp;I) is entering the sanitary sewer system; and,</li> <li>• A 1.5m Chain link fence shall be provided: <ul style="list-style-type: none"> <li>- Along the east, west and south sides of the Park Block 26;</li> <li>- Along both the east and west sides of Blocks 35 and 36 to the rear lot lines of Blocks 31 and 32;</li> <li>- Along the rear lot line for Blocks 29 to 34 inclusive where these Blocks meet Blocks 38 and 39;</li> <li>- Along the east and west sides of Block 37; and,</li> <li>- Along the south limits of Blocks 27, 28 and 37 where those Blocks share a boundary with the adjacent SWM pond to the south of the subject lands.</li> </ul> </li> </ul>	

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 33 of 42**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b>	<ul style="list-style-type: none"> <li>• Privacy fencing shall be provided along the rear yard of Lots 11 - 16 and 21 – 25 to eliminate light spillage from the proposed parking lot of the future Condominium lands;</li> <li>• The Owner shall conduct a pre-condition survey and notify residents of the rock removal within 200 metres of the construction;</li> <li>• During detailed design, it must be demonstrated that adequate access be provided for the storm outfall (including a turnaround if required) within Blocks 35 and 36, in order to provide maintenance beyond the headwall;</li> <li>• The owner will be required to urbanize First Road West from the existing limit of urbanization (approximately 120m north of Bedrock Drive) to Ridgeview Drive including the installation of a 300mm watermain;</li> <li>• The preliminary servicing plan is generally acceptable. A detailed servicing plan for the lands will be required as part of the detailed design following draft plan approval; and,</li> <li>• There are no concerns with the proposed water servicing. Further review of the detailed design through the future Site Plan application processes will require updated domestic water demand calculations and required fire flow calculations, a revised watermain hydraulic analysis (WHA) and the Form 1 process.</li> </ul>	

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 34 of 42**

	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• The surrounding transportation network can support anticipated increase traffic volumes for the proposed development;</li> <li>• 20.0 metre ROWs for Street “A” (extension of Ridgeview Drive) are acceptable, subject to functional requirements of the City;</li> <li>• 3.0 metres are to be dedicated to the right-of-way on First Road West;</li> <li>• Daylighting triangle dedications are required: 9.14 m x 9.14 m (First Road West and Ridgeview Drive) and 4.57 m x 4.57 m (Street “A” at Bradshaw Drive). The daylighting triangles have been appropriately illustrated on the Draft Plan; and,</li> <li>• The proposed intersection of Street “A” (extension of Ridgeview Drive) and the extension of Bradshaw Drive shall be coordinated and constructed as urban intersections with sidewalks and appropriate traffic control.</li> </ul>	<ul style="list-style-type: none"> <li>• Daylighting triangle and right-of-way widening requirements are addressed as Conditions Nos. 51 and 52 of Appendix “G” attached to Report PED23003;</li> <li>• A parking plan and a conceptual pavement markings and traffic signage plan are required and are addressed as Condition Nos. 47 and 48 of Appendix “G” attached to Report PED23003;</li> <li>• 1.5 m separated concrete sidewalks are required, which is addressed as Condition No. 50 of Appendix “G” attached to Report PED23003; and,</li> <li>• The intersection of First Road West at Glover Mountain Road / Ridgeview Drive will be urbanized with sidewalks, and the installation of all-way stop control, addressed as Condition No. 49 of Appendix “G” attached to Report PED23003.</li> </ul>

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 35 of 42**

	<b>Comment</b>	<b>Staff Response</b>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements; and,</li> <li>Staff have advised that the Block 28 (Condominium block) must be designed to allow for continuous movement. Further detail review regarding the site layout will occur at the Site Plan application process.</li> </ul>	<ul style="list-style-type: none"> <li>Waste collection requirements are addressed as Note No. 2 on the conditions of Draft Plan of Subdivision approval (see Appendix "G" attached to Report PED23003).</li> </ul>
Landscape Architectural Services, Strategic Planning, Public Works	<ul style="list-style-type: none"> <li>Staff will review detailed Grading Plans to ensure appropriate drainage is coordinated between Block 26 (Park) and parkland on the adjacent lands to the south.</li> </ul>	<ul style="list-style-type: none"> <li>These comments will be addressed through the Standard Form Subdivision Agreement (Clauses 1.24, 3.02 and 3.03) and the Development Engineering conditions.</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>The Tree Management Plan, Arborist Report, prepared by Adesso Design Inc. (Mario Patitucci, Certified Landscape Architect) and dated (revision 4) May 19, 2021, has identified that there are municipal tree assets identified to be affected by the proposed development and therefore a revised Tree Management Plan is required;</li> <li>A Landscape Plan, prepared and signed by a certified Landscape Architect, is required; and,</li> <li>A permit is required and will be issued upon approval of the Tree Management Plan and applicable fees.</li> </ul>	<ul style="list-style-type: none"> <li>A Landscape Plan is addressed as Condition 2.08 of the City's Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and payment of permit, loss of tree canopy, and street tree planting fees.</li> </ul>

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 36 of 42**

	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted.</li> </ul>	<ul style="list-style-type: none"> <li>Addressing of the lots and blocks within the subdivision is addressed as Condition No. 46 of Appendix "G" attached to Report PED23003; and,</li> <li>This note has been included as a Note No. 1 on the conditions of Draft Plan of Subdivision approval (see Appendix "G" attached to Report PED23003).</li> </ul>
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> <li>Staff have reviewed the revised application material and are satisfied the remaining HCA concerns regarding the outfall structure and Vegetation Protection Zone be addressed through Draft Plan conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Stormwater management and other associated engineering drawings are addressed as Condition No. 54 Appendix "G" attached to Report PED23003; and,</li> <li>Drainage plan and erosion and settlement control plan to HCA's satisfaction are addressed as Condition No. 53 of Appendix "G" attached to Report PED22150.</li> </ul>
Bell Canada	<ul style="list-style-type: none"> <li>Bell Canada has requested the appropriate easements be included to service to the subject lands.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement concerns will be addressed through the Standard Form Subdivision Agreement (Clause 2.06).</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Canada Post Corporation	<ul style="list-style-type: none"> <li>Owners / developers are required to notify purchasers of Centralized Mailbox locations; and,</li> <li>Provided their requirements for the Centralized Mailbox locations.</li> </ul>	<ul style="list-style-type: none"> <li>These requirements will be addressed through the Standard Form Subdivision Agreement (Clause 1.43 f) and 2.10).</li> </ul>
Ministry of the Environment, Conservation and Parks	<ul style="list-style-type: none"> <li>The subject land is within the Nash Secondary Planning Area and that the principle of development of these lands was established through that secondary planning exercise. These applications are for the purpose of implementing the requirements of that secondary plan as it applies to these lands.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
Union Gas	<ul style="list-style-type: none"> <li>The owner / developer is required to provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement is addressed through the Standard Form Subdivision Agreement (Clause 1.20).</li> </ul>

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Ingress and Egress of Townhouse Block	No objection to the proposed development, however, would like to see the ingress and egress location of the townhouse block (Block 27).	The subject lands are constrained due to the Stormwater Management design requiring outfall levels to be maintained which limit the locations for ingress and egress for Block 27. The proposed access to Block 27 will be reviewed at the Site Plan Control stage to ensure safe vehicular movement. The Block 28 ingress and egress location has been revised along First Road West.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 38 of 42**

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## Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 17 property owners within 120 m of the subject lands on January 9, 2017.

A Public Notice Sign was posted on the property on January 11, 2017, and updated on December 14, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 23, 2022. One comment was received by staff and is summarized in the above table.

### Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included providing neighbours within 120 metres a Public Information Letter in which the applicant described the purpose and effect of the proposal and provided contact information for A.J. Clarke and Associates Ltd.

## ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the PPS and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - ii) It complies with the general intent and purpose of Urban Hamilton Official Plan and will comply with the Nash Neighbourhood Secondary Plan, subject to adoption of the proposed Official Plan Amendment; and,
  - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land that is compatible with the area and achieves the planned public road network envisioned by the Nash Neighbourhood Secondary Plan which ensures land, municipal services, and transportation systems are used efficiently.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 39 of 42**

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2. The purpose of Official Plan Amendment is to amend the Nash Neighbourhood Secondary Plan to modify the boundaries of the Low Density Residential 2 and 2h, Utility and Neighbourhood Park designations; to permit a Site Specific Policy for a decrease in density in the Low Density Residential 2h designation (Block 28) to 28 units per hectare and to redesignate lands along the Escarpment Brow to include the Natural Open Space designation (Blocks 36, 38 and 39) (refer to Appendix “B” attached to Report PED23003).

The Official Plan Amendment can be supported as the development proposes an appropriate density, achieves the planned local road network, utilizes existing infrastructure, and complies with the Niagara Escarpment Plan. Furthermore, the proposal preserves and protects the natural heritage while building on the existing patterns and built form of the area. The proposal represents residential intensification compatible with the surrounding area in terms of use, scale, form and character while still preserving the natural heritage landscape of the Escarpment.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is for changes to City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 to permit the development of 25 single detached dwellings (Lots 1 to 25), 51 townhouse dwellings (Blocks 27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), and the extension of a public roadway as well as establish a future linkage block and protect lands located within the flood and erosion hazards associated with Niagara Escarpment and to establish lands for connection to the neighbourhood park.

The proposed by-law to Hamilton Zoning By-law No. 05-200 will remove a portion of the subject lands which are zoned Neighbourhood Development “ND” Zone in the City of Stoney Creek By-law No. 3692-92 and add them to the Hamilton Zoning By-law No. 05-200. The intent is to rezone them as Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone to permit of passive open space, infrastructure for the future stormwater management pond and natural buffers (refer to Appendix “C” to Report PED23003). The proposed development will conform to all of the requirements of the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone.

The proposed by-law to City of Stoney Creek Zoning By-law No. 3692-92 proposes modifications to the Single Residential “R4” and Multiple Residential

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“RM2” and “RM3” Zones. These are discussed in Appendix “E” attached to Report PED23003. The modifications will complement the existing and planned surrounding neighbourhood envisioned by the Nash Neighbourhood Secondary Plan, providing a mixture of lot widths and block sizes compatible with existing and planned development in the area and will be consistent with the character of the surrounding area.

As such, staff are satisfied that the proposal complies with the general intent of the UHOP and the Nash Neighbourhood Secondary Plan and are supportive of the Zoning By-law Amendment.

4. An “H” Holding Provision is required for Blocks 27 and 28 prior to the development proceeding. The Holding Provision can be lifted once it has been demonstrated the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainage.
5. The proposed Draft Plan of Subdivision will consist of 25 single detached dwellings (Lots 1 to 25), one block for parkland for the connection to future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment to the Nash Neighbourhood Secondary Plan;
- (d) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 41 of 42**

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- (e) The dimensions and shape of the lots and blocks are appropriate;
- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (g) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (h) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (i) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision.

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

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could not be developed for the proposed residential draft plan of subdivision. The lands could be developed in accordance with the Neighbourhood Development “ND” Zone which permits minor agricultural uses, one single detached dwelling, a greenhouse and / or accessory buildings and structures.

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 42 of 42**

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### **Built Environment and Infrastructure**

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

### **Culture and Diversity**

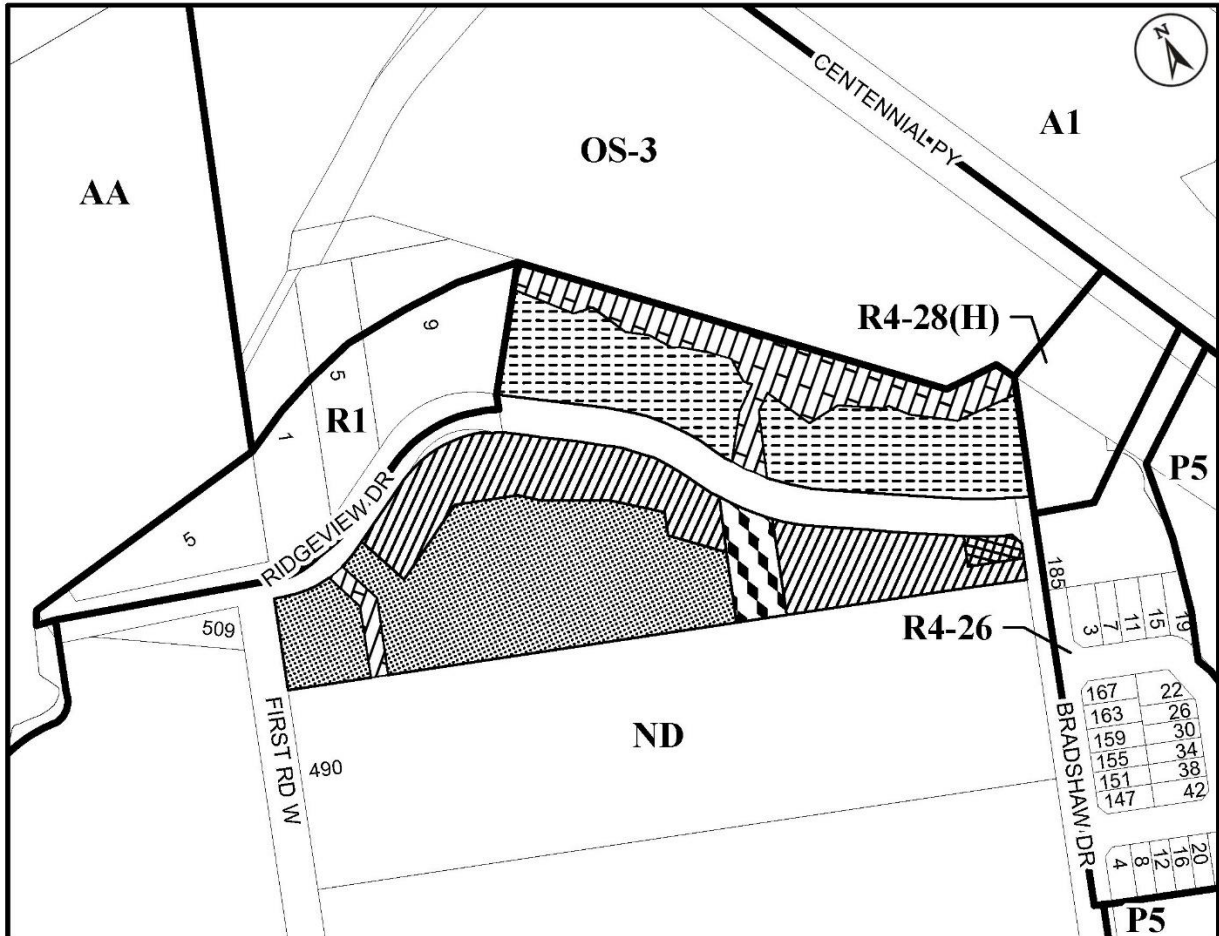
Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23003 – Location Map  
Appendix “B” to Report PED23003 – Draft Official Plan Amendment  
Appendix “C” to Report PED23003 – Draft Amendment to Zoning By-law No. 3692-92  
Appendix “D” to Report PED23003 – Draft Amendment to Zoning By-law No. 05-200  
Appendix “E” to Report PED23003 – Zoning Modification Chart  
Appendix “F” to Report PED23003 – Proposed Draft Plan of Subdivision  
Appendix “G” to Report PED23003 – Draft Plan of Subdivision Special Conditions  
Appendix “H” to Report PED23003 – Public Submission

MF:sd

Appendix "A" to Report PED23003  
Page 1 of 1



● Site Location



Key Map - Ward 9

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-001 & 251-201701  
& UHOPA-17-001

Date:  
August 22, 2022







Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MF/VS

### Subject Property

15 Ridgeview Drive, Stoney Creek

-  Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone
-  Block 2 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-39" Zone, Modified
-  Block 3 - Change in the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-47(H)" Zone, Modified, Holding
-  Block 4 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-72(H)" Zone, Modified
-  Block 5 - Lands to be zoned Conservation/Hazard Land (P5) Zone
-  Block 6 - Lands to be zoned Neighbourhood Park (P1) Zone

## **DRAFT Urban Hamilton Official Plan Amendment No. X**

The following text, together with Appendix “A” – Volume 2: Map B.7.5-1 Nash Neighbourhood Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose of this Amendment is to amend the Nash Neighbourhood Secondary Plan to modify the boundaries of the Low Density Residential 2, Low Density Residential 2h, Neighbourhood Park, Natural Open Space, and Utility designations, as well as to realign the Proposed Road and remove the Hedgerow feature on the subject lands. A new Site Specific Policy will be added to allow a reduction in residential density for one block on the subject lands. The effect of this Amendment is to permit the development of a draft plan of subdivision consisting of 25 lots for single detached dwellings, 29 street townhouse dwellings and 51 townhouse dwellings and the extension of a public road.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 15 Ridgeview Drive, in the former City of Stoney Creek.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development is in keeping with the policies of the Urban Hamilton Official Plan and Nash Neighbourhood Secondary Plan to provide a diversity of housing opportunities in a low density form and scale to create complete communities.
- The proposed development is consistent with, and complimentary to, the planned and existing development in the immediate area and contextually appropriate and compatible with the built form of the adjacent natural heritage resources.

**Appendix “B” to Report PED23003**  
**Page 2 of 6**

- The proposed 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 Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.5 – Nash Neighbourhood Secondary Plan**

- a. That Volume 2, Chapter B.7.5 – Nash Neighbourhood Secondary Plan be amended by adding a new Site-Specific Policy, as follows:

“Site Specific Policy – Area “X”

B.7.5.14.X Notwithstanding Policy B.7.5.4.1 b) ii) of Volume 2, and Policy E.3.4.4 of Volume 1, the density shall be in the range of 28 to 49 units per net residential hectare.”

##### ***Maps***

##### **4.1.2 Map**

- a. That Volume 2, Map B.7.5-1 – Nash Neighbourhood Secondary Plan – Land Use Plan be amended by:
  - i) Redesignating certain lands from “Low Density Residential 2” to “Neighbourhood Park”;
  - ii) Redesignating certain lands from “Low Density Residential 2” to “Natural Open Space”;

**Appendix “B” to Report PED23003**  
**Page 3 of 6**

- iii) Redesignating certain lands from “Low Density Residential 2” to “Utility”;
- iv) Redesignating certain lands from “Low Density Residential 2h” to “Low Density Residential 2”;
- v) Redesignating certain lands from “Low Density Residential 2h” to “Utility”;
- vi) Redesignating certain lands from “Neighbourhood Park” to “Low Density Residential 2”;
- vii) Redesignating certain lands from “Neighbourhood Park” to “Low Density Residential 2h”;
- viii) Redesignating certain lands from “Utility” to “Low Density Residential 2”;
- ix) Redesignating certain lands from “Utility” to “Low Density Residential 2h”;
- x) Redesignating certain lands from “Utility” to “Natural Open Space”;
- xi) Removing the “Proposed Roads” identification on certain lands and adding these lands to the “Neighbourhood Park” designation;
- xii) Removing the “Proposed Roads” identification on certain lands and adding these lands to the “Low Density Residential 2” designation;
- xiii) Removing the “Proposed Roads” identification on certain lands and adding these lands to the “Low Density Residential 2h” designation;
- xiv) Redesignating certain lands to be designated from “Neighbourhood Park” to “Natural Open Space”;
- xv) Re-aligning the “Proposed Road”;

**Appendix “B” to Report PED23003**  
**Page 4 of 6**

- xvi) Removing the “Hedge Row” identification on certain lands; and,
  - xvii) Identifying the subject lands as Site Specific Policy Area “X”;
- as shown on Appendix “A”, attached to this Amendment.



**5.0 Implementation:**

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

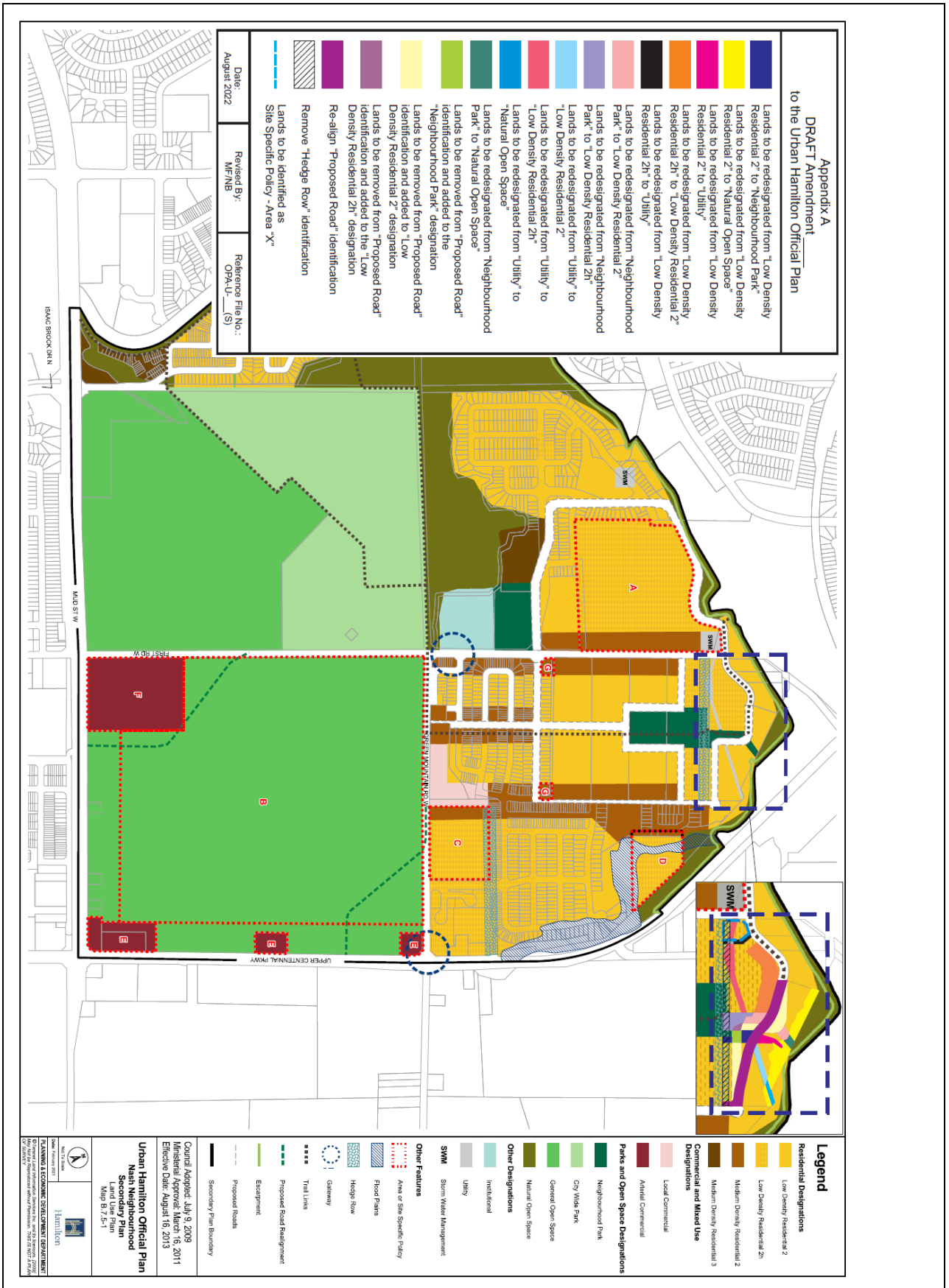
This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_, 2023.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

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

Appendix "B" to Report PED23003  
Page 6 of 6



**Appendix “C” to Report PED23003****Page 1 of 6**

**Authority:** Item ,  
Report (PED23003)  
CM:  
Ward: 9

**Bill No.****CITY OF HAMILTON****BY-LAW NO. 23-\_\_\_\_\_**

**To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 15 Ridgeview Drive, 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 Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

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

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item X of Report PED23003 of the Planning Committee at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), 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. XX.

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

1. That Map No. 11 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4(H1)” Zone, Holding (Block 1), the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

**Appendix “C” to Report PED23003**  
**Page 2 of 6**

- (b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-39(H1)” Zone, Modified, Holding (Block 2), the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
  - (c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-47(H1)” Zone, Modified, Holding (Block 3), the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”; and,
  - (d) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-72(H1, H2)” Zone, Modified, Holding (Block 4), the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential “R4” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “R4(H1)”, as follows:

**“R4(H1)” 15 Ridgeview Drive, Schedule “A”, Map No. 11 (Block 1)**

On those lands zoned “R4(H1)” by this By-law, the Holding (H) symbol may be removed and thereby give effect to the “R4” Zone provisions, upon completion of the following:

- (H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.
3. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential “R4” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “R4-39(H1)”, as follows:

**“R4-39(H1)” 15 Ridgeview Drive, Schedule “A”, Map No. 11 (Block 2)**

Notwithstanding the provisions of Paragraph (b) Corner Lot of Subsection 6.5.3 of Section 6.5, Single Residential “R4” Zone, on those lands zoned “R4-39(H1)” by this By-law, the following shall apply:

- (b) Minimum Lot Frontage  
 Corner Lot                      –                      12.5 metres

On those lands zoned “R4-39(H1)” by this By-law, the Holding (H) symbol may be removed and thereby give effect to the “R4-39” Zone provisions, upon completion of the following:

**Appendix “C” to Report PED23003**  
**Page 3 of 6**

(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.

4. That Subsection 6.9.6, "Special Exemptions" of Section 6.9, Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “RM2-47(H1)”, as follows:

**“RM2-47(H1)” 15 Ridgeview Drive, Schedule “A” Map No. 11 (Block 3)**

Notwithstanding the provisions of Paragraph (d) Corner Lot and (h) of Subsection 6.9.3 of Section 6.9, Multiple Residential “RM2” Zone, on those lands zoned “RM2-47(H1)” by this By-law, the following shall apply:

- |     |                               |   |  |
|-----|-------------------------------|---|--|
| (d) | Minimum Side Yard<br>End Unit | – | 1.5 metres   |
| (h) | Maximum Building Height -     |   | 11.0 metres and the elevation<br>of the peak of the roof shall be a<br>maximum of 198.30 masl. |

On those lands zoned “RM2-47(H1)” by this By-law, the Holding (H) symbol may be removed and thereby give effect to the “RM2-47” Zone provisions, upon completion of the following:

(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.

5. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “RM3-72(H1, H2)”, as follows:

**“RM3-72(H1, H2)” 15 Ridgeview Drive, Schedule “A”, Map No. 11 (Block 4)**

Notwithstanding Part 2 - Definitions, as it relates to the definition of Landscape Strip an Entry Feature Wall shall be permitted within the landscaped strip provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.

In addition to 6.10.4 and notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (g) and (i) of Section 6.9.3, on those lands zoned “RM3-72(H1, H2)” by this By-law, the following shall apply:

- |     |                  |   |                   |
|-----|------------------|---|-------------------|
| (a) | Minimum Lot Area |   |                   |
|     | Interior Unit    | – | 160 square metres |
|     | End Unit         | – | 200 square metres |
|     | Corner Unit      | – | 200 square metres |

**Appendix “C” to Report PED23003**  
**Page 4 of 6**

- |     |                               |   |   |
|-----|-------------------------------|---|---|
| (b) | Minimum Lot Frontage          |   |   |
|     | Interior Unit                 | – | 6.5 metres  |
|     | End Unit                      | – | 7.4 metres  |
|     | Corner Unit                   | – | 7.4 metres  |
| (c) | Minimum Front Yard            | – | 5 metres, except that a minimum setback of 6 metres shall be provided between the streetline and an attached garage.                  |
|     | Corner Unit                   | – | 4.20 metres, except that a minimum setback of 6 metres shall be provided between the streetline and an attached garage.               |
| (d) | Minimum Side Yard             |   |   |
|     | End Unit                      | – | 1.25 metres for end units, except 1.5 metres where an end wall abuts the wall of another townhouse.                                   |
|     | Corner Unit                   | – | 1.25 metres   |
| (e) | Minimum Rear Yard             | – | 6.0 metres, except 3.0 metres abutting a zone which permits single detached dwellings   |
| (g) | Minimum Landscaped Open Space | – | Not less than 35 percent of the lot area for maisonettes townhouses and dwelling groups shall be landscaped, including privacy areas. |
| (i) | Maximum Lot Coverage          | – | 52%   |

In addition to the provisions of Section 6.9.4 “Regulations for Parking” of Zoning By-law No. 3692-92, on those lands zoned “RM3-72(H1, H2)” by this By-law, the following additional requirement shall apply:

- (c) That a minimum of 0.5 visitor parking spaces per unit shall be provided and maintained within the common element condominium.

On those lands zoned “RM3-72(H1, H2)” by this By-law, the Holding (H) symbol may be removed and thereby give effect to the “RM3-72” Zone provisions, upon completion of the following:

- (H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.

**Appendix “C” to Report PED23003**  
**Page 5 of 6**

- (H2) That the owner demonstrates the following:
- i. That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street ‘A’ in line with a low point on Street ‘A’ without having any impact on Block 27 and 28;
  - ii. That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB’s) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB’s shall be designed considering 50% blockage conditions;
  - iii. That the 5-year hydraulic grade line (HGL) considering 5-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street ‘A’ and Block 37; and,
  - iv. Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (City of Hamilton, Ministry of the Environment, Conservation and Parks, Niagara Escarpment Commission, Hamilton Conservation Authority),

all to the satisfaction of the satisfaction of Manager of Engineering Approvals, Growth Management Division.

6. 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 Single Residential “R4” Zone and the Multiple Residential “RM2” and the Multiple Residential “RM3” Zone, subject to the special requirements referred to in Sections 2 through 5 of this By-law.
7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

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A. Horwath  
Mayor

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A. Holland  
City Clerk






Appendix "C" to Report PED23003  
Page 6 of 6




This is Schedule "A" to By-law No. 23-  
Passed the ..... day of ....., 2023

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Mayor  
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Clerk

**Schedule "A"**  
**Map forming Part of**  
**By-law No. 23-\_\_\_\_\_**  
**to Amend By-law No. 3692-92**

- Subject Property**  
15 Ridgeview Drive, Stoney Creek
-  Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4(H1)" Zone, Holding
  -  Block 2 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-39(H1)" Zone, Modified, Holding
  -  Block 3 - Change in the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-47(H1)" Zone, Modified, Holding
  -  Block 4 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-72(H1, H2)" Zone, Modified, Holding
  -  Refer to By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-17-001 & 251-201701 & UHOPA-17-001	 Hamilton
Date: January 6, 2023	Planner/Technician: MF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



**Appendix “D” to Report PED23003****Page 1 of 3**

**Authority:** Item ,  
Report (PED23003)  
CM:  
Ward: 9

**Bill No.****CITY OF HAMILTON****BY-LAW NO.****To Amend Zoning By-law No. 05-200 with respect to lands located at  
15 Ridgeview Drive, Stoney Creek**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at the meeting held on \_\_\_\_\_, 2023;

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

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

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

1. That Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps are amended by adding the Conservation/Hazard Land (P5, H140) Zone and Neighbourhood Park (P1, H140) Zone to the lands identified in the Location Map attached as Schedule “A” to this By-law.
2. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:
  - “140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:
    - (a) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.”
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.

**Appendix "D" to Report PED23003**  
**Page 2 of 3**

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

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A. Horwath  
Mayor

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A. Holland  
City Clerk

Appendix "D" to Report PED23003  
Page 3 of 3






This is Schedule "A" to By-law No. 23-  
Passed the ..... day of ....., 2023

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Mayor  
-----  
Clerk

**Schedule "A"**  
  
Map forming Part of  
By-law No. 23-\_\_\_\_\_  
  
to Amend By-law No. 05-200  
Maps 1353 & 1354

**Subject Property**  
15 Ridgeview Drive, Stoney Creek

-  Lands to be zoned Conservation/Hazard Land (P5, H140) Zone
-  Lands to be zoned Neighbourhood Park (P1, H140) Zone
-  Refer to By-law No. 3692-92

Scale:  
N.T.S

File Name/Number:  
ZAC-17-001 & 251-201701  
& UHOPA-17-001

Date:  
January 6, 2023

Planner/Technician:  
MF/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Appendix “E” to Report PED23003  
Page 1 of 4**

**Site Specific Modifications to the Single Residential “R4-39” Zone (Block 2)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
“Minimum Lot Frontage”	Corner Lot - 13 metres	Corner Lot – 12.5 metres	<p>The applicant is requesting a minor reduction of 0.5 metres to lot frontage for one corner lot. The reduction is required due to the alignment of the road to the surrounding roadways. The alignment, while resulting in a minor reduction in lot frontage, allows for a safe and functional road pattern.</p> <p>Staff support the modification.</p>

**Site Specific Modifications to the Multiple Residential “RM2-47” Zone, Holding (Block 3)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
“Minimum Side Yard – Corner Unit”	Corner Unit - 2 metres	Corner Unit - 1.5 metres	<p>The applicant is requesting a minor reduction of 0.5 metres to the side yard setback for end units for the street townhouses. Staff are of the opinion the requested modification is minor and will provide adequate access, drainage, privacy and allow for maintenance.</p> <p>Staff support the modification.</p>
“Maximum Building Height”	11.0 metres	11.0 metres and the elevation of the peak of the roof shall be a maximum of 198.30 masl	<p>The intent of the modification is to incorporate the height requirements of Niagara Escarpment as approved through Development Permit W/R/2021-2022/203. The modification does not permit additional height but limits the maximum height accounting for the change in grade in metres above sea level.</p> <p>Staff support the modification.</p>

**Appendix “E” to Report PED23003  
Page 2 of 4**

**Site Specific Modifications to the Multiple Residential “RM3-72(H)” Zone, Holding (Block 4)**

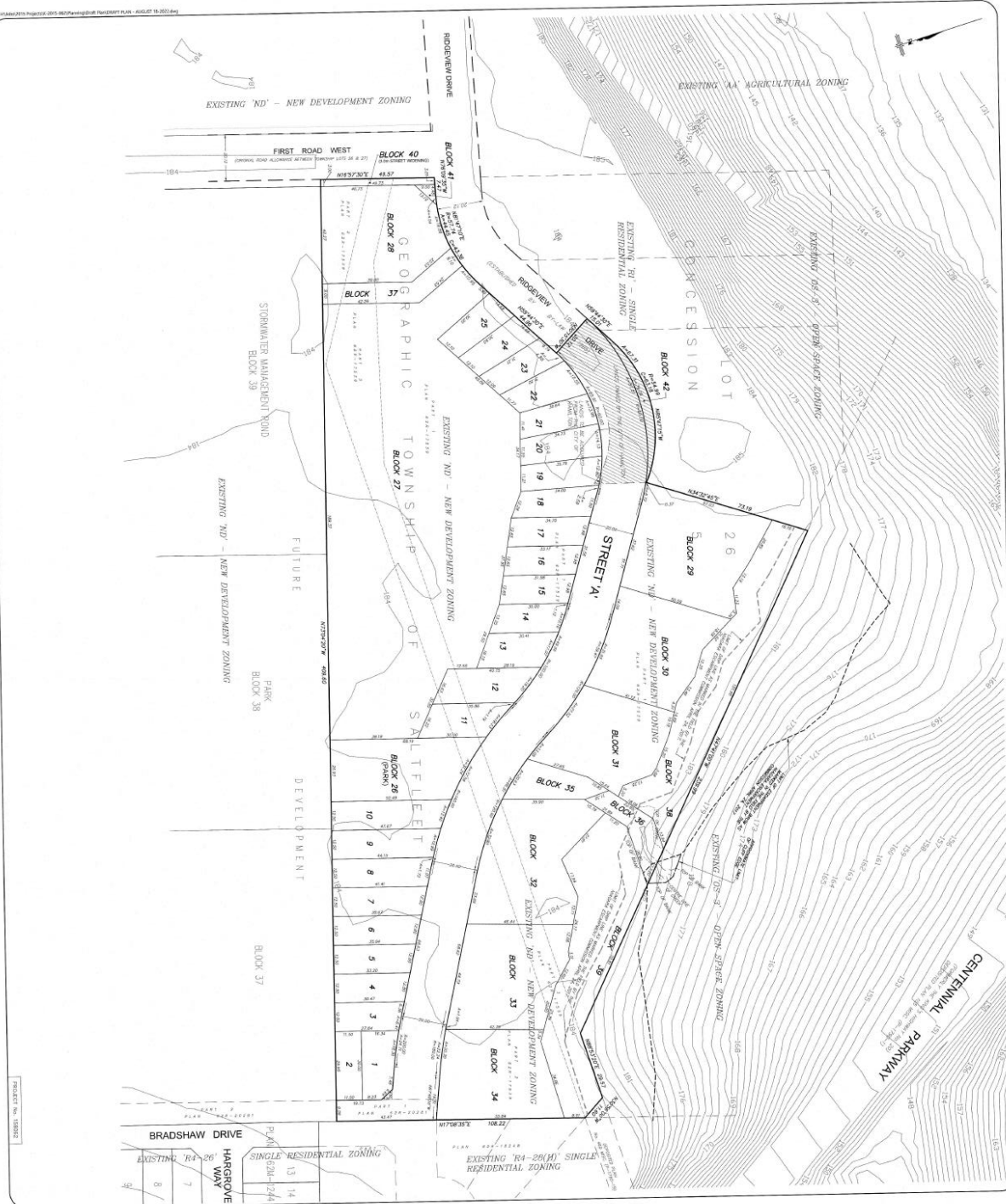
<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
“Minimum Lot Area”	Interior Unit – 180 sq. m End Unit – 240 sq. m Corner Unit – 270 sq. m	Interior Unit – 160 sq. m End Unit – 200 sq. m Corner Unit – 200 sq. m	<p>Staff note the intent of the modification is to facilitate the development within irregularly shaped Blocks. Staff are of the opinion that the proposed unit area maintains adequate space on site for appropriately sized dwelling units and providing amenity space and parking.</p> <p>Based on the foregoing, staff support the modification.</p>
“Minimum Lot Frontage”	Interior Unit – 6 metres End Unit – 8 metres Corner Unit – 9 metres	Interior Unit – 6.5 metres End Unit – 7.4 metres Corner Unit – 7.4 metres	<p>The intent of the Minimum Lot Frontage is to maintain adequate width for each unit. The proposed modification will allow for a compact development that will provide an appropriate density, while maintaining efficient built form compatible with the existing lot fabric in the area and ensuring adequate parking and amenity areas.</p> <p>Based on the foregoing, staff support the modification.</p>
“Minimum Side Yard – End and Corner Unit”	End Unit – 2 metres  Corner Unit – 3 metres	End Unit – 1.25 metres for end units, except 1.5 metres where an end wall abuts the end wall of another townhouse. Corner Unit – 1.25 metres	<p>The intent of the Minimum Side Yard is to ensure adequate spacing between adjacent land uses and to ensure appropriate spacing for maintenance between properties, Staff are of the opinion that adequate spacing is maintained with existing neighbouring uses and that there will be enough space for maintenance, access and drainage for the proposed buildings.</p> <p>Based on the foregoing, staff support the modification.</p>
“Minimum Rear Yard”	7.5 metres	6.0 metres, except 3.0 metres abutting a Single Residential “R4” Zone	<p>Staff note that the intent of the Minimum Rear Yard is to provide for an appropriate private amenity outdoor living area and setback from adjacent land uses. Staff support the reduced setback as there will be sufficient outdoor private amenity area.</p> <p>Staff note that the 3.0 metre setback is not a reduction in rear yard depth for all lots but to recognize an</p>

**Appendix “E” to Report PED23003  
Page 3 of 4**

Regulation	Required	Modification	Analysis
			<p>irregular rear lot line abutting Lot 14, as shown the Draft Plan of Subdivision attached to Report PED23003 attached as Appendix “F”.</p> <p>Based on the foregoing, staff support the modification.</p>
“Maximum Lot Coverage”	50 percent	52 percent	<p>The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. Staff are of the opinion that the intention of the regulation is being achieved as the increase is minor and will allow the proponent to address SWM control. The proposal also meets the minimum requirement for amenity area, allowing for appropriate landscape amenity opportunities.</p> <p>Based on the foregoing, staff support the modification.</p>
Minimum Landscape Open Space	30 percent of the lot area which may include the privacy area	Not less than 35 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped, including privacy areas and to permit an Entry Feature Wall shall be permitted within the landscaped open space area.	<p>The intent of the Minimum Landscape Open Space provision is to ensure that adequate landscaping and permeable surfaces are provided to create and maintain a consistent streetscape, provide amenity area and for drainage purposes. The proposed modification is technical in nature having each individual lot maintain a minimum 35% landscape area allowing for appropriate plantings and drainage to occur.</p> <p>Staff support the modification to permit the Entry feature wall as the site is irregular in shape and the entrance to the site is along a curved portion of the road and the entrance feature will need to be located closer to the roadway.</p> <p>Based on the foregoing, staff support the modification.</p>

**Appendix “E” to Report PED23003****Page 4 of 4**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Regulations for Visitor Parking		That a minimum of 0.5 visitor parking spaces per unit shall be provided and maintained.	<p>The intent of the Minimum Number of Visitor Parking Space provision is to ensure adequate on-site parking for the townhouse units. Staff note that this modification is more than what is required by the parent Zoning By-law to ensure the proposed development includes visitor parking on-site.</p> <p>Based on the foregoing, staff support the modification.</p>



**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • ENGINEERS  
 23 MAIN STREET, HAMILTON, ONT. L8P 1M1  
 TEL: 905-528-8761 FAX: 905-528-2299  
 email: ajc@ajcworks.com

**LAND USE SCHEDULE:**  
 DATE: \_\_\_\_\_  
 JUNEY HILL, WITHIN CITY CLERK, CITY OF HAMILTON

**OWNER'S AUTHORIZATION:**  
 DATE: 8/14/22  
 J. Clarke and Associates Ltd.

**NOTES:** THIS IS A PLANNING PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT. METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND FEET. DISTANCES MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084.

**THE PLANNING ACT, R.S.O. 1990, SECTION 51(2)**

**SUBMITTERS CERTIFICATE:**  
 I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**PLANNING PLAN OF**  
**City View Estates**  
 BEING A PROPOSED SUBDIVISION OF  
 PART OF LOT 26, CONCESSION 5  
 GEOGRAPHIC TOWNSHIP OF SALTFLEET  
 AND PART OF RIDGEVIEW DRIVE  
 (AS ESTABLISHED IN THE PLAN 148/89)  
 CITY OF HAMILTON

SCALE: 1:250  
 METERS AS P. 148/89, O.L.S.





### Special Conditions for Draft Plan of Subdivision Approval for 25T- 201701

That this approval apply to the Draft Plan of Subdivision "City View Estates" 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A"), be received and endorsed by City Council with the following special conditions:

#### Development Engineering:

1. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees that any blocks created within this subdivision that are subject to Site Plan Control will require the land owner to enter into a Site Plan Agreement with the City including a requirement to provide sanitary sewer flow monitoring in order to confirm that no inflow and infiltration (I&I) is entering the sanitary sewer system, to the satisfaction of the Director of Growth Management.
2. That, **prior to registration of the plan of subdivision**, the Owner shall demonstrate that the necessary lands have been obtained in order to dedicate the full Right-of-Way lands of Bradshaw Drive to the ultimate north limit to the City of Hamilton under the Owner's Certificate on the final plan of subdivision and transfer, free and clear of all mortgages and charges those lands which are required to be so transferred by the conditions of approval or a specified on the approved Draft Plan, to the satisfaction of the Director of Growth Management.
3. That, **prior to preliminary grading**, the Owner shall include in the design and cost schedules the extension of Bradshaw Drive to the ultimate north limit of the road, to the satisfaction of the Director of Growth Management.
4. That, **prior to servicing**, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within 100 metres and notify residents of rock removal within 200 metres of that phase of construction, to the satisfaction of the Director of Growth Management.
5. That, **prior to servicing**, the Owner shall submit a rock removal protocol and vibration monitoring plan, including a pre-construction survey and associated cost estimates, prepared by a licensed professional engineer. All associated costs will be borne by the Owner and shall be included in the engineering cost schedules, to the satisfaction of the Director of Growth Management.

## Appendix "G" to Report PED23003

## Page 2 of 12

6. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules the urbanization of First Road West from the existing limit of the urbanized cross-section at approximately 120 metres north of Bedrock Drive to the north limit at Ridgeview Drive, to the satisfaction of the Director of Growth Management.
7. That, **prior to registration of the plan of subdivision**, the Owner shall pay their proportionate share for the urbanization of First Road West per the City's Financial Policies, to the satisfaction of the Director of Growth Management.
8. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates provision for the removal of any temporary road and turnaround works at the existing east limit of Ridgeview Drive entirely at the Owner's cost, to the satisfaction of the Director of Growth Management.
9. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on First Road West and Bradshaw Drive entirely at the owner's expense, to the satisfaction of the Director of Growth Management.
10. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of any existing structures (i.e. septic beds, buildings, sheds, etc.) will be at the sole cost to the owner, to the satisfaction of the Director of Growth Management.
11. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of a 1.5-metre-high black vinyl coated heavy-duty chain-link fence entirely at the owner's expense in accordance with the City's financial policies in the following locations as identified on the Draft Plan with revision date 2022-08-19:
  - Along the East, West and South sides of the Park Block 26;
  - Along both east and west sides of Blocks 35 and 36 to the rear lot lines of Blocks 31 and 32;
  - Along the rear lot line of Blocks 29 to 34 inclusive where these blocks meet Blocks 38 and 39;
  - Along the east and west sides of Block 37; and,
  - Along the south limits of Blocks 27, 28 and 37 where those blocks share a boundary with the adjacent SWM pond to the south of the subject lands

All to the satisfaction of the Director of Growth Management.

**Appendix "G" to Report PED23003**  
**Page 3 of 12**

12. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management Plan that:
- a. Includes confirmation of permission from each adjacent land owner where access to properties external to the subject lands is required;
  - b. Identifies the plan and procedure for removal of excess soil;
  - c. Identifies the plan and procedure for imported fill including quality control measures to ensure suitability for the proposed works, any time constraints on when materials can be brought to the site, and any required staff and experts required to oversee import and placement of materials;
  - d. Provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc.;
  - e. location and maximum dimensions of stockpiling;
  - f. Identifies any required sidewalk and/or lane closures and the estimated length of time for such closures;
  - g. Includes details of heavy truck routing; and,
  - h. Identifies any items to be relocated, such as affected utility poles, hydrants, pedestals, hydro vaults, etc. on Ridgeview Drive, Bradshaw Drive and First Road West,
- all to the satisfaction of the Director of Growth Management.

13. That, **prior to registration of the plan of subdivision**, the Owner agrees to put the following warning clause in the purchase and sale agreements, rental or lease agreements for all lots:

"This property includes two private parking spots for motor vehicles - one in the garage and one in the driveway. No additional private or public parking spaces are guaranteed."

to the satisfaction of the Director of Growth Management.

14. That, **prior to registration of the plan of subdivision**, the Owner agrees to put the following warning clause in the purchase and sale agreements, rental or lease agreements of any and every lot that contains a rear yard catch basin:

## Appendix "G" to Report PED23003

## Page 4 of 12

"This property includes a rear yard catch basin that has been designed and located to provide proper storm drainage of the subdivision. The owner of the property is responsible for maintaining the rear yard catch basin and associated underground infrastructure on this property in good operating condition at all times."

to the satisfaction of the Director of Growth Management.

15. That, **prior to preliminary grading**, the Owner agrees to implement recommendations of a Geotechnical report, prepared by a qualified consultant, to the satisfaction of the Director of Growth Management.
16. That, **prior to registration of the plan of subdivision**, the Owner agrees to submit the necessary transfer deeds to the City's Legal Department to convey
  - a. Park Block 26;
  - b. Servicing Blocks 35, 36, and 37;
  - c. Road widening Blocks 40 and 42;
  - d. Daylight Triangle Block 41;

of the draft plan dated August 18, 2022, to the satisfaction of the Director of Growth Management.
17. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees that no contributions shall be made by the City for any infrastructure on or off site beyond those required by the City's Financial Policies to the satisfaction of the Director of Growth Management.
18. That, **prior to registration of the plan of subdivision**, the Owner agrees that the no cost recoveries will be permitted unless otherwise specified in accordance with the City's Comprehensive Development Guidelines and Financial Policies, to the satisfaction of the Director of Growth Management.
19. That, **prior to registration of the plan of subdivision**, the Owner shall agree to include in all offers of Purchase and Sale, rental or lease agreements a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter any lands in a way that would conflict with the approved grading plan without approval from the City of Hamilton, to the satisfaction of the Director of Growth Management.
20. That, **prior to servicing**, the Owner shall provide a revised Functional Servicing Report that includes a detailed design of the sanitary sewer system that addresses how the development will interact with the surrounding developments including 478 and 490 First Road West (Nash Neighbourhood developments)

## Appendix "G" to Report PED23003

## Page 5 of 12

and 481 First Road West (CHCH lands) under their fully- developed forms and demonstrate adequate sanitary capacity downstream to the existing sanitary sewer on Crafter Crescent, to the satisfaction of the Director of Growth Management Division.

21. That, **prior to registration of the plan of subdivision**, the Owner shall agree that the servicing of the subject lands cannot commence until the SWM facility on the abutting Nash Neighbourhood Phase 2 (25T-201611) lands has been implemented and is operational, unless the design of an interim SWM facility is finalized/approved and it can be demonstrated that:
- a. A phased approach can be completed with a suitable servicing option maintaining the existing condition drainage regime including Regional storm event flow path through the subject land;
  - b. The implementation of such (interim grading and drainage control) will not adversely impact the ability to service the rest of the lands including implementation of the remaining portion of Street "A" and abutting land (Nash Neighbourhood Phase 2, 25T-201611) to the south;
  - c. The implementation of the Centennial fall storm outlet is in accordance with the Davis Creek Sub-watershed study recommendations and that there are no negative impacts on the downstream system below escarpment; and,
  - d. Blocks 27 and 28 shall remain undevelopable until such a time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA),

to the satisfaction of the Director of Growth Management Division.

22. That, **prior to registration of the plan of subdivision**, the Owner shall include in the design and cost estimate of the first phase of works:
- a. A continuous watermain along Street 'A' and Ridgeview Drive between First Road West and Bradshaw Drive with extensions of the existing watermains on both First Road West to complete these connections and create a looped watermain system; and,
  - b. A continuous urbanized road cross section along the entire length of Street 'A' and Ridgeview Drive that meets current City standards with connections to both First Road West and Bradshaw Drive,

to the satisfaction of the Director of Growth Management Division.

## Appendix "G" to Report PED23003

## Page 6 of 12

23. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the construction of a sanitary sewer along Ridgeview Drive, Street 'A' and the extension of Bradshaw Drive from its current limits that can accommodate sanitary flows from the development lands at 481 First Road West under the ultimate development condition for those lands at 100% the Owner's cost, to the satisfaction of the Director of Growth Management.
24. That, **prior to servicing**, the owner will be required to demonstrate that the storm conveyance Block 37 has been adequately designed in line with low elevation point on Street 'A' and without having an adverse impact on Blocks 27 and 28, to the satisfaction of the Director of Growth Management Division.
25. That, **prior to registration of the plan of subdivision**, the owner agree that the blocks 27 & 28 will be on hold until the detailed engineering design has demonstrated the following:
- a. The storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both blocks including Street 'A' in line with a low point on Street 'A' without having any impact on Blocks 27 and 28;
  - b. The top of grate (TOG) elevations for all RYCB's along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the SWM pond on the abutting land to the south. All RYCB shall be designed considering 50% blockage conditions; and,
  - c. The 5-year hydraulic grade line (HGL) considering 5-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37,
- to the satisfaction of the Director of Growth Management Division.
26. That, **prior to registration of the plan of subdivision**, the owner will be responsible to pay for the design and construction of the proposed storm sewers within the SWM facility on the abutting land to the south which will facilitate the development on the subject lands to the satisfaction of the Director of Growth Management Division.
27. That, **prior to registration of the plan of subdivision**, the owner agrees that Block 32 will not be developable until the stormwater outfall Blocks 35 and 36 have been designed and adequately sized from Street 'A' to Centennial Falls in

**Appendix “G” to Report PED23003**  
**Page 7 of 12**

accordance with the NEC and City standards and that the storm outfall design shall consider the following:

- a. The design demonstrates that the proposed 100-year uncontrolled flows through the Centennial Outfall can safely be conveyed by the existing downstream conveyance system including the culvert on Upper Centennial Parkway without any impacts on private properties;
- b. The storm design shall consider a minimum of 2.75 m depth of cover on storm sewer on Street ‘A’; and,
- c. A maintenance access road from Street ‘A’ to the outfall headwall,

all to the satisfaction of Director of Growth Management.

28. That, **prior to servicing**, the Owner shall secure their proportionate share of the ongoing operation and maintenance and monitoring of the storm water management pond located on abutting land (Nash Neighbourhood Phase 2, 25T-201611) through all phases of development, to the satisfaction of the Director, Growth Management Division.
29. That, **prior to servicing**, the Owner submits a stormwater management report prepared by a professional engineer to demonstrate how stormwater runoff quantity and quality will be handled in accordance with Davis Creek Sub-watershed study and MECP standards, to the satisfaction of the Director of Growth Management Division.
30. That, **prior to the issuance of building permits**, the Owner agrees to demonstrate that the following condition is included in any building permit to be issued for all lots/blocks within 500m of the Operating and Closed Landfills:

“A clayey silt soil layer is required to be added to the bottom of the basement excavation prior to foundation work being performed in accordance with the subdivision agreement. The Owner shall provide the Building Inspector with a confirmation from a Professional Engineer that the clayey silt soil layer has been installed in accordance with the Revised Landfill Impact Assessment titled “Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood” revised and dated September 14, 2010 and prepared by MTE Consultants Inc. and peer review thereof as required in the subdivision agreement, prior to pouring the footings.”

to the satisfaction of the Director of Growth Management.

**Appendix “G” to Report PED23003**  
**Page 8 of 12**

31. That, **prior to the issuance of building permits**, the Owner shall demonstrate and provide certification by a qualified professional engineer that the minimum depth of clayey silt soil required between the highest- groundwater elevation and the basement foundation for all lots within 500 metres of the Operating and Closed Landfills has been placed as required in the Revised Landfill Impact Assessment titled “Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood” revised and dated September 14, 2010 and prepared by MTE Consultants Inc. and peer review thereof, to the satisfaction of the Director of Growth Management.
32. That, **prior to preliminary grading**, the Owner agrees to implement the recommendations in the Revised Landfill Impact Assessment titled “Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood” revised and dated September 14, 2010 and prepared by MTE Consultants Inc. and peer review thereof, to the satisfaction of the Director of Growth Management.
33. That, **prior to registration of the plan of subdivision**, the Owner agrees to pay all outstanding costs including cost recoveries associated with the draft plan lands, to the satisfaction of the Director of Growth Management.
34. That, **prior to preliminary grading**, the Owner shall submit a revised Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zones, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
  - a. An aquifer is breached during excavation;
  - b. Groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
  - c. Sump pumps are found to be continuously running; and,
  - d. Water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted,all to the satisfaction of the Director, Hamilton Water.



35. That, **prior to registration of the plan of subdivision**, the Owner shall demonstrate how a minimum of 40% on-street parking, based on the number of proposed units, will be provided for the proposed lots and blocks, to the satisfaction of the Director, Growth Management.
36. That, **prior to registration of the plan of subdivision**, the Owner shall transfer all Blocks that are scheduled to be transferred to the City on the Draft Plan as part of the initial phase of development, to the satisfaction of the Director of Growth Management.

#### **Heritage and Urban Design:**

37. That, **prior to grading and servicing**, the Owner agrees that should it be determined through detailed design that grade changes are required in order to accommodate development of Blocks adjacent to the VPZ, any grading changes must be accommodated outside of the VPZ and the lot lines must be adjusted accordingly to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority.
38. That, **prior to grading and servicing**, the Owner shall include in the engineering design and cost estimate installation of a minimum 1.5 metre high chainlink fence along the rear of Blocks 29-34 that abut the Vegetation Protection Zone to the satisfaction of the Director of Planning and Chief Planner and Senior Director of Growth Management. For the fences that are to be built in the rear of Blocks 29-34, gates shall be prohibited.
39. That, **prior to grading and servicing**, the Owner/applicant is to complete a reassessment of the Butternut tree on site in accordance with the Province's Butternut Health Assessment Guidelines. If determined that the tree is retainable, the removal is subject to the *Endangered Species Act* under the jurisdiction of the Ministry of Environment, Conservation and Parks (MECP). Written correspondence from the MECP is to be provided by the Owner/applicant to the satisfaction of the Director of Planning and Chief Planner.
40. That, **prior to grading or servicing**, the owner is to be aware of the *Migratory Birds Convention Act, 1994* and agrees that removal of vegetation on the subject lands is to occur outside of the breeding bird season. The breeding bird season is March 31-August 31. If vegetation removal is proposed during the restricted breeding period, the owner/applicant shall have a qualified biologist conduct a nest search of the vegetated area with City Natural Heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity to the removal area, to the satisfaction of the Director of Planning and Chief Planner.

41. That, **prior to registration**, the Owner/developer shall prepare and implement a Vegetation Protection Zone (VPZ) Planting Plan to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist and will identify the locations and species to be planted. All plantings within the VPZ shall use only non-invasive plant species native to Hamilton.
42. That, **prior to registration**, the Owner/Developer shall prepare a Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. This brochure will describe the importance of the natural features and how the homeowner can minimize their impact on these features and their functions.
43. That, **prior to registration**, the Owner/developer shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals, completed in accordance with the Tree Protection Plan prepared by Adesso Design Inc. to the satisfaction of the Director of Planning and Chief Planner. This Plan is to include opportunities to replicate the function of the hedgerow.
44. That, **prior to registration**, the Owner/applicant agrees to include the following warning clause in all purchase and sale and/or lease agreements and registered on title for Blocks 29-34 that abut the Significant Woodland/Felkers Falls Escarpment Valley Environmentally Significant Area and Vegetation Protection Zone to the satisfaction of the Director of Planning and Chief Planner:  
  
"For fences to be built in the rear of Blocks 29-34, gates shall be prohibited".
45. That, **prior to registration of the plan of subdivision**, the Owner shall agree in writing to dedicate Blocks 38 and 39 to the City of Hamilton, and further agree that Blocks 38 and 39 shall not contribute to parkland dedication, to the satisfaction of the Director of Planning and Chief Planner.

#### **Growth Planning:**

46. That **prior to registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management.

**Appendix “G” to Report PED23003**  
**Page 11 of 12**

**Transportation Planning:**

47. That **prior to servicing**, the Applicant shall provide a pavement markings and traffic sign plan, to the satisfaction of the Manager of Transportation Planning.
48. That **prior to servicing**, the Applicant shall provide Parking Plan, to the satisfaction of the Manager of Transportation Planning.
49. That **prior to servicing**, the intersection of First Road West at Glover Mountain Road/Ridgeview Drive shall be urbanized with sidewalks, and the installation of all-way stop control. The design of the urbanized intersection shall avoid crosswalks and pedestrian paths that conflict with the existing residential driveway located across from First Road West, to the satisfaction of the Manager of Transportation Planning.
50. That **prior to servicing**, the proposed intersection of Street “A” (extension of Ridgeview Drive) and the extension of Bradshaw Drive shall be coordinated and constructed as an urban intersection with sidewalks and appropriate traffic control. If the development proceeds without this intersection, a temporary cul-de-sac with a minimum 18 metre right of way radius shall be provided for vehicles to turn around until such time as the intersection is constructed. Additional lands shall be provided to accommodate the cul-de-sac, to the satisfaction of the Manager of Transportation Planning.
51. That **prior to servicing**, approximately 3.0 metres are to be dedicated to the right-of-way on First Road West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, and 20.0 metres are to be dedicated to the right-of-way for Street “A” (extension to Ridgeview Drive) as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2, to the satisfaction of the Manager of Transportation Planning.
52. That **prior to servicing**, the applicant is to dedicate a 9.14 metre x 9.14 metre Daylighting Triangle to the right-of-way at First Road West and Ridgeview Drive, and a 4.57 metre x 4.57 metre Daylighting Triangle to the right-of-way, for Street “A” at Bradshaw Drive as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7., to the satisfaction of the Manager of Transportation Planning.

**Hamilton Conservation Authority:**

53. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement an erosion and sediment control plan, grading plan, and drainage

**Appendix “G” to Report PED23003**  
**Page 12 of 12**

plan for the subject property, all to the satisfaction of the Hamilton Conservation Authority.

54. That, **prior to preliminary grading and/or servicing**, the Owner shall complete and submit a full stormwater management report and associated engineering drawings (grading, drainage, servicing), all to the satisfaction of the Hamilton Conservation Authority.

### **Niagara Escarpment Commission**

55. That, **prior to registration of the plan of subdivision**, Niagara Escarpment Commission Development Permit Application W/R/2021-2022/203, Notice of Decision dated November 24, 2022, be final and binding and the Owner shall satisfy all Conditions of Approval to the satisfaction of the Niagara Escarpment Commission.

### **NOTES TO DRAFT PLAN APPROVAL**

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

### **Recycling and Waste Disposal:**

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended.

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

**Appendix "H" to Report PED23003**  
**Page 1 of 1**

January 24, 2017

Re: Draft plan of subdivision (File No. 25T-201701)

To: Yvette Rybensky Senior Project Manager

I \_\_\_\_\_ residing at \_\_\_\_\_ in Stoney Creek, On. would like to file the objection to plan entrance to the townhouse complex which is to be build right across my property. I believe that if someone who plans to build townhouse complex should do so so the property in the neighbourhood would not be negativley effected. As it is pland all the cars comming and going out of the townhouse complex would be right in the front of my house which would definitely negativley impact my standard of living. I bought this property for the location (only 4 houses on the street with the big open space in front) and quiet living.

I do not have objection to the townhouse complex ( I do but I understand that people have the right to build on their land) but I would like the entrance to be moved (maybe to the lot 27, 28) so the established properties (people) would not be negatively effected.  
Should you have any question please call



WELCOME TO THE CITY OF HAMILTON

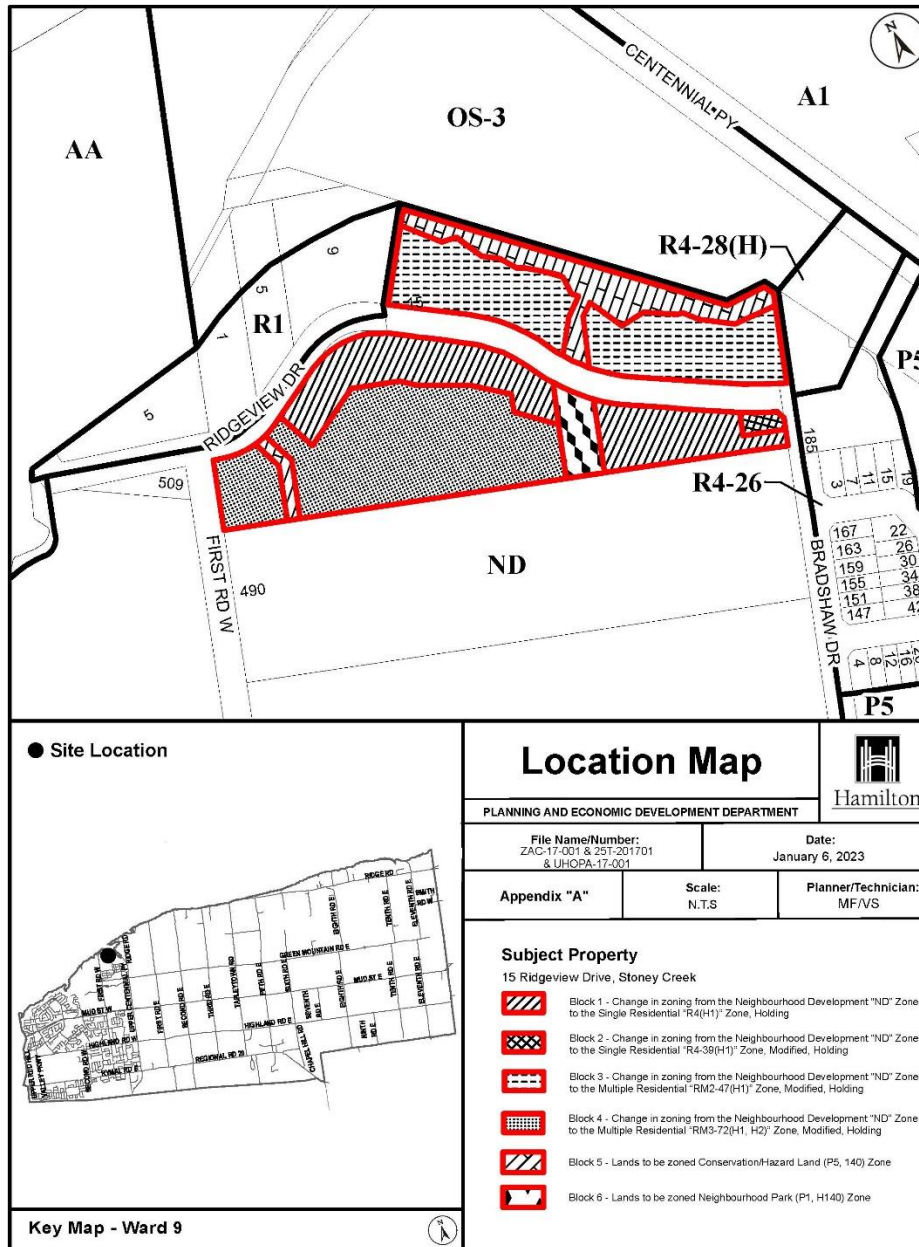
# PLANNING COMMITTEE

January 17, 2023

## **PED23003 – (ZAC-17-001 & 25T-201701 & UHOPA-17-001)**

Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek.

Presented by: Michael Fiorino



● Site Location



Key Map - Ward 9

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-17-001 & 257-201701  
 & UHOPA-17-001

Date:  
 January 6, 2023







Appendix "A"

Scale:  
 N.T.S

Planner/Technician:  
 MF/VJS

### Subject Property

15 Ridgeview Drive, Stoney Creek

-  Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4(H1)" Zone, Holding
-  Block 2 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-38(H1)" Zone, Modified, Holding
-  Block 3 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-47(H1)" Zone, Modified, Holding
-  Block 4 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-72(H1, H2)" Zone, Modified, Holding
-  Block 5 - Lands to be zoned Conservation/Hazard Land (P5, 140) Zone
-  Block 6 - Lands to be zoned Neighbourhood Park (P1, H140) Zone





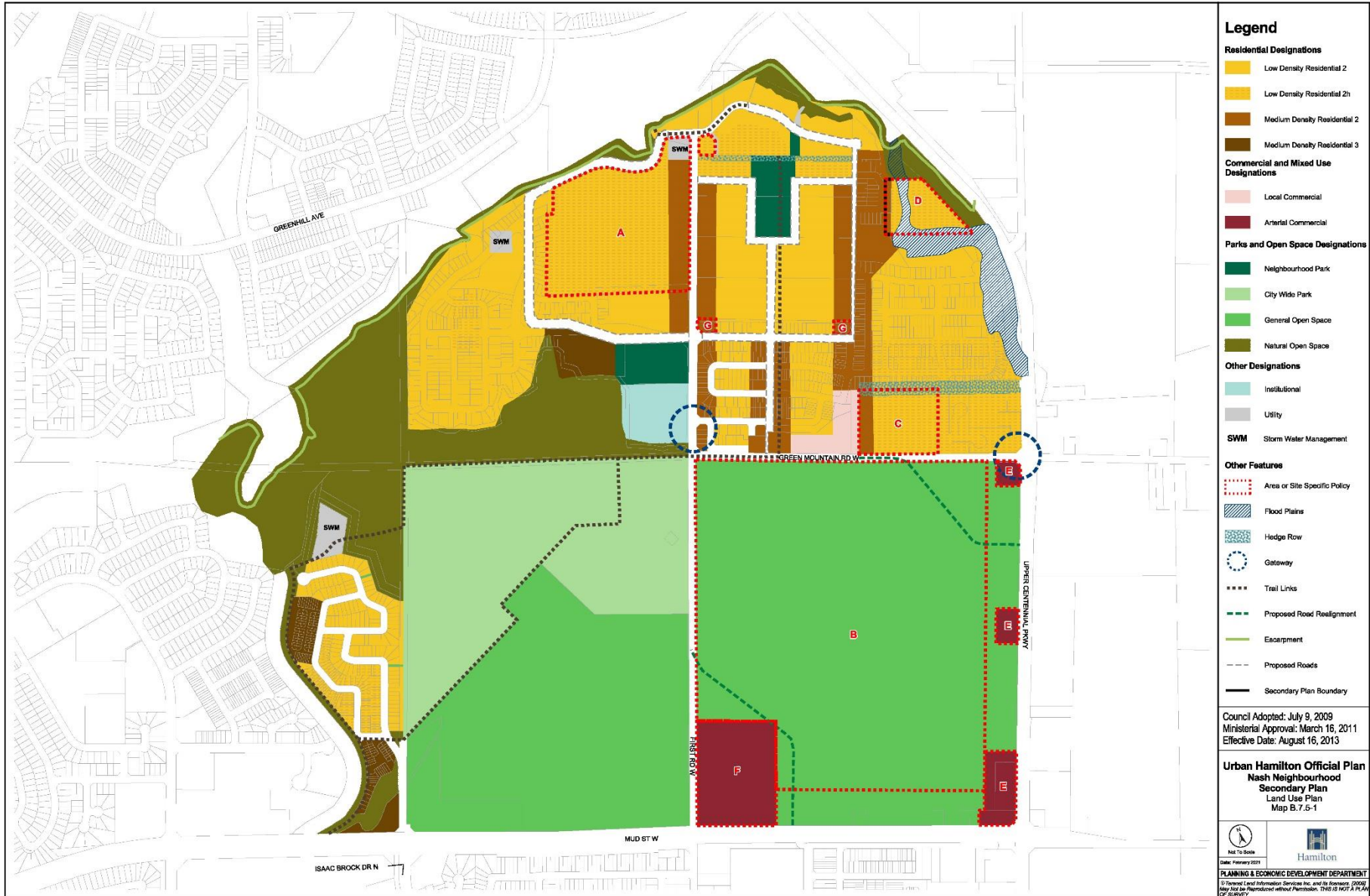
**SUBJECT PROPERTY**



**15 Ridgeview Drive, Stoney Creek**







Council Adopted: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

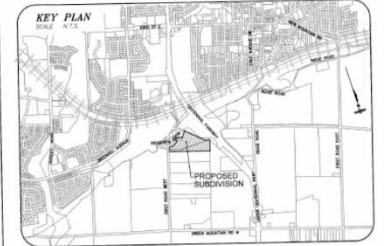
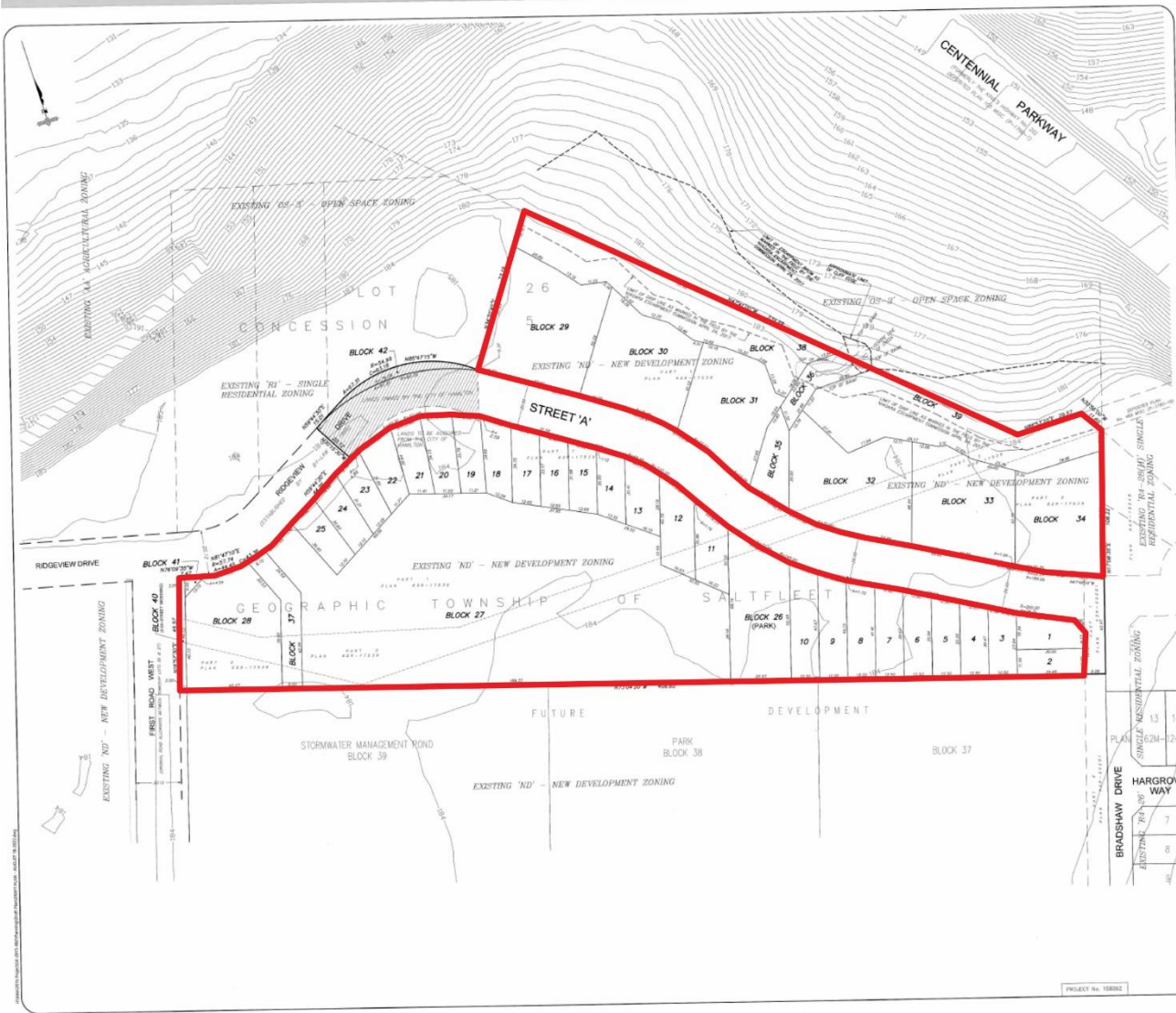
**Urban Hamilton Official Plan**  
 Nash Neighbourhood  
 Secondary Plan  
 Land Use Plan  
 Map B.7.5-1

Not To Scale

Hamilton

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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**DRAFT PLAN OF**  
**City View Estates**  
 BEING A PROPOSED SUBDIVISION OF  
 PART OF LOT 26, CONCESSION 5  
 GEOGRAPHIC TOWNSHIP OF SALTLEEF  
 AND PART OF RIDGEVIEW DRIVE  
 (AS ESTABLISHED BY 87-LAW 1985)  
**CITY OF HAMILTON**  
 SCALE 1:750  
 NICHOLAS P. MUTH, O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.  
 METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
**RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(1)**

**THE PLANNING ACT**  
 A. SHOWN ON PLAN  
 B. SHOWN ON PLAN  
 C. SHOWN ON PLAN  
 D. SEE LAND USE SCHEDULE  
 E. SHOWN ON PLAN  
 F. SHOWN ON PLAN  
 G. SHOWN ON PLAN  
 H. SHOWN ON PLAN  
 I. CLAY LOAM  
 J. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER  
 K. SHOWN ON PLAN

**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
 AUGUST 18, 2022  
 DATE  
 NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR

**OWNER'S AUTHORIZATION:**  
 WE AUTHORIZE A.J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF HAMILTON FOR APPROVAL.  
 DATE: 08/19/22  
 OWNER: FARGO NEW  
 FRED DISCHBERGER, MAYOR, CITY OF HAMILTON  
 JANEK PILON, ACTING CITY CLERK, CITY OF HAMILTON

**LAND USE SCHEDULE:**  
 AREA OF SUBDIVISION = 55,691.8 m<sup>2</sup> / 5.6 ha  
 LOTS 1 TO 25 INCLUSIVE - SINGLE FAMILY DWELLINGS (11,111.9 m<sup>2</sup> / 1.11 ha)  
 BLOCK 26 - PARK (4,608.8 m<sup>2</sup> / 0.518 ha)  
 BLOCK 27 - 43 TOWNHOUSE UNITS (13,422.9 m<sup>2</sup> / 1.34 ha)  
 BLOCK 28 - 6 SINGLE TOWNHOUSE LOTS (2,081.1 m<sup>2</sup> / 0.21 ha)  
 BLOCKS 29 TO 34 INCLUSIVE - 29 STREET TOWNHOUSE UNITS (12,421.6 m<sup>2</sup> / 1.24 ha)  
 BLOCKS 35 TO 37 INCLUSIVE - STORM WATER MANAGEMENT (1,506.6 m<sup>2</sup> / 0.15 ha)  
 BLOCKS 38 & 39 - OPEN SPACE (5,496.1 m<sup>2</sup> / 0.55 ha)  
 BLOCK 40 - STREET WIDENING (145.1 m<sup>2</sup> / 0.01 ha)  
 BLOCK 41 - DAYLIGHT TRIANGLE (39.8 m<sup>2</sup>)  
 BLOCK 42 - CITY OF HAMILTON OWNED LANDS (219.6 m<sup>2</sup> / 0.02 ha)  
 STREET 'A' - 2,879.3 m<sup>2</sup> / 0.29 ha

**SUBDIVISION DRAFT APPROVAL:**  
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT  
 THIS \_\_\_ DAY OF \_\_\_, 2022.

AUTHORIZED SIGNATURE

**A.J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • ENGINEERS  
 25 MAIN STREET WEST, SUITE 300  
 HAMILTON, ONTARIO, L8P 1H1  
 TEL. 905-528-8761 FAX 905-528-2289  
 email: ajc@ajclarke.com



15 Ridgeview Drive - Facing Northwest (from Bradshaw Drive)



15 Ridgeview Drive - Facing Northeast (from Ridgeview Drive)



15 Ridgeview Drive - Facing Southeast (from Ridgeview Drive)



15 Ridgeview Drive - Facing Southwest (from Ridgeview Drive)





15 Ridgeview Drive - Facing West (Ridgeview Drive)



15 Ridgeview Drive - Facing East (Ridgeview Drive)



15 Ridgeview Drive - Facing South (First Road West)



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

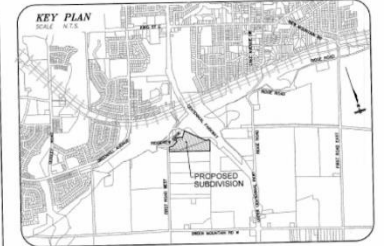
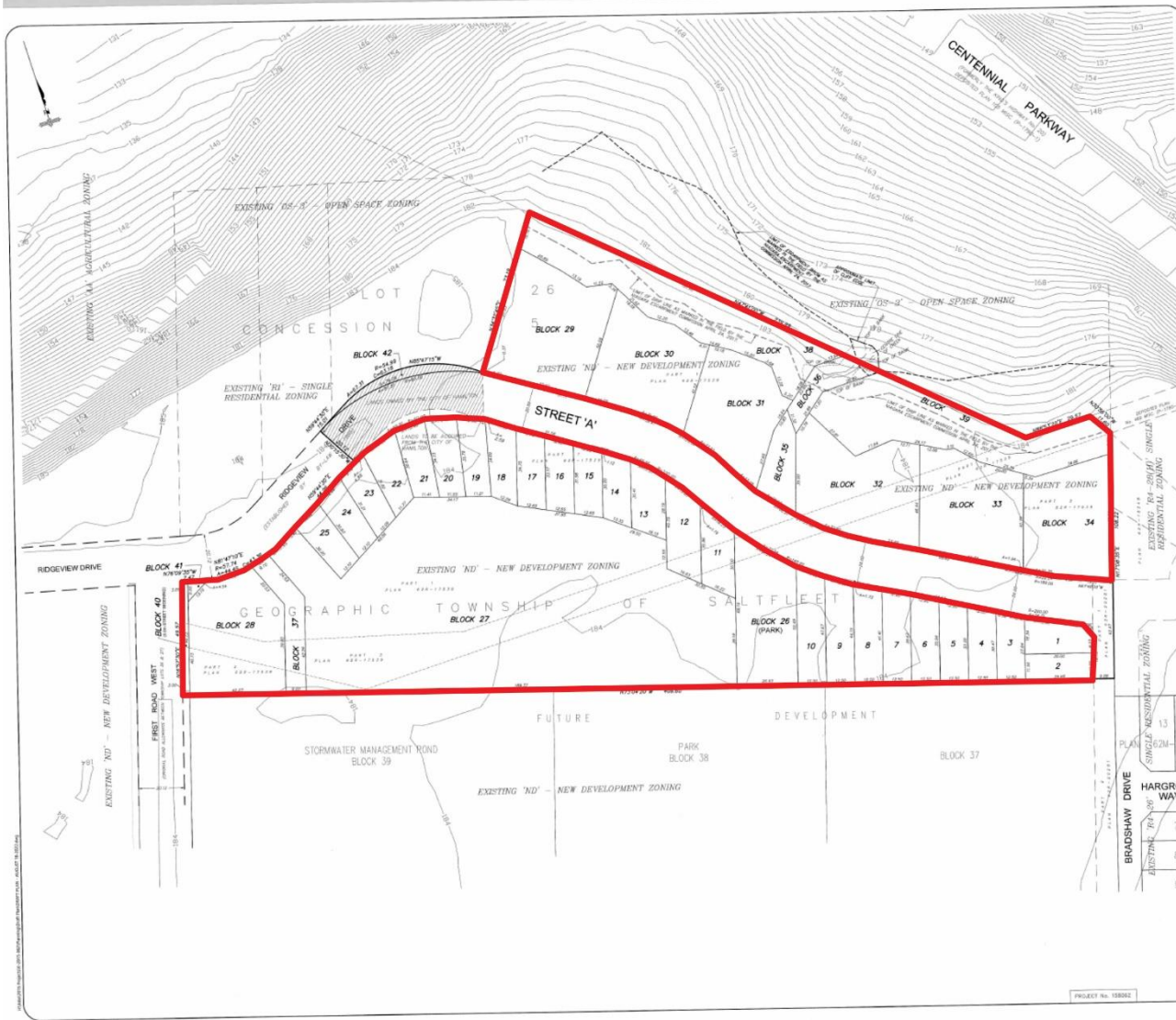


**SUBJECT PROPERTY**



**15 Ridgeview Drive, Stoney Creek**





**DRAFT PLAN OF**  
**City View Estates**  
 BEING A PROPOSED SUBDIVISION OF  
 PART OF LOT 26, CONCESSION 5  
 GEOGRAPHIC TOWNSHIP OF SALTLEET  
 AND PART OF RIDGEVIEW DRIVE  
 (AS ESTABLISHED BY BY-LAW 1985)  
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 I. CLAY LOAM  
 J. MANIPAL PIPED WATER AVAILABLE  
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**SUBDIVISION DRAFT APPROVAL:**  
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 THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.

AUTHORIZED SIGNATURE

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • ENGINEERS  
 25 MAIN STREET WEST, SUITE 300  
 HAMILTON, ONTARIO, L8P 1H1  
 TEL. 905-528-8761 FAX 905-528-2289  
 email: ajc@ajclarke.com



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 17, 2023
<b>SUBJECT/REPORT NO:</b>	Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Ben Spychaj (905) 546-2424 Ext. 7706
<b>SUBMITTED BY:</b>	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	<i>Monica Ciriello</i>

### RECOMMENDATION

- (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
- (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Appendix "A" to Report PED17203(c), which has been prepared in a form satisfactory to the City Solicitor, be approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:
- (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix "B" to Report PED17203(c);
  - (ii) That the request for 2.25 Full Time Equivalents (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
  - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
  - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 2 of 10**

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- (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;
- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
- (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,
- (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee's Outstanding Business List.

## **EXECUTIVE SUMMARY**

Council directed staff to report back to the Planning Committee on legislation adopted by the City of Toronto for STR accommodations, with the goal of adopting a similar regulatory scheme in Hamilton.

On July 8, 2022, City Council approved item 11 of Planning Committee Report 22-011 presenting the results of the on-line public survey, public consultation and Staff's preliminary findings for a recommended approach for licensing and regulating Short-Term Rentals. Report PED17203(c), Licensing Short-Term Rentals (STR), describes and details a proposed amending By-law to be received and brought back to a future Planning Committee meeting.

This report presents the draft amending By-law with alternatives for consideration as a result of discussion at the Planning Committee meeting on July 5, 2022.

## **Alternatives for Consideration – See Page 8**

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

**Financial:** The total estimated cost of administering an STR Licensing program is \$286,400 annually. Costs include 2.25 FTEs (\$244,400 annually), and a one-time purchase of a vehicle including maintenance costs (\$42,000) with no net levy impact based on the recommended license fee structure attached as Appendix "B" to Report PED17203(c); The proposed



**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 3 of 10**

---

application and license fees for both the STR operator and the STR broker are developed based on the cost of administering and enforcing the regulations with the intent of being full cost recovery.

It is expected that the timing of the licensing revenues will lag behind the implementation of the program. Therefore, at the time that Council considers adoption of the STR amendments to the Licensing By-law, Staff recommend that the first year of implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.

**Staffing:** Implementation of ongoing work on the STR Licensing regime would require an additional 2.25 Full-time Equivalent (FTEs) in the Licensing and By-law Services Division of:

- One part-time (.25 FTE) Licensing Administrator to issue and administer the licences
- One full-time (1.0 FTE) Licensing Officer
- One full-time (1.0 FTE) Project/Program Manager to coordinate the program and track measurables

**Legal:** Legal Services will be required to complete work to prepare and execute agreements with STR Brokers governing the use, retention and disclosure of Operator and guest information.

## **HISTORICAL BACKGROUND**

On July 14, 2017, Council approved Item (g)(ii) of Planning Committee Report 17-012 directing staff to report back to Committee on the recent legislation adopted by the City of Toronto related to the operation of AirBNB Lodgings with the goal of adopting local legislation related to the same in Hamilton.

On November 22, 2017, Council approved Item 3 of Planning Committee Report 17-019 to receive Information Report PED17203 that outlined the regulations by the City of Toronto, and the active projects and impacts of STR use across Canada.

On November 14, 2017, the Planning Committee received staff Report PED17203 informing Committee members of the key aspects of the staff research and jurisdictional scan in the evolution of this new market. Report PED17203 also presented to Planning Committee the current framework with respect to STRs within the City's Zoning By-laws and outlined the general directions that may comprise a regulatory scheme for the City of Hamilton, with the staff undertaking to engage in public consultations and obtain feedback for the licensing of STR.

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 4 of 10**

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On July 13, 2018, Council approved Item 2 of Planning Committee Report 18-011 to receive Information Report PED17203(a) that outlined a Public Engagement Strategy to obtain public feedback for a regulatory framework similar to the Toronto scheme that would allow for a STR within the Principal Residence Units of owners or renters.

On July 5, 2022 Staff Report PED17203(b) Short-Term Rentals, Licensing Short-Term Rentals (STR) was presented for discussion to the Planning Committee. This included the results of the on-line public survey, public consultation and staff preliminary findings for a proposed approach and amendments to the Business Licensing By-law 07-170 (Licensing By-law) to regulate STR uses in the City to be received and brought back to a future Planning Committee meeting.

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

The *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting the licensing of businesses, and the well-being of the municipality and its inhabitants.

Staff's review considered the City's Licensing, Zoning, Property Standards, Nuisance By-laws, and the following applicable Provincial Legislation:

- *Municipal Act, 2001, S.O. 2001, c.25*
- *Planning Act, R.S.O. 1990, c.P.13*
- *Ontario Building Code Act, 1992, S.O. 1992, c.23*
- *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*
- *Residential Tenancies Act, 2006, S.O. 2006, c. 17*
- *Hotel Registration of Guests Act, R.S.O. 1990, c.H.17*
- *Innkeepers Act, R.S.O.1990, c.I.7*
- *Occupiers' Liability Act, R.S.O. 1990, c. O.2*
- *Condominium Act, 1998, S.O. 1998, c. 19*

Public notice has been provided in accordance with the City Public Notice Policy By-law 07-351.

### **RELEVANT CONSULTATION**

Legal Services, Fire, Building, Zoning, Planning, Tourism and Culture, Healthy and Safe Communities, Housing, IT, Finance and Communications Services, were consulted in the preparation of the draft By-law attached as Appendix "A" to Report PED17203(c).

Following the July 5<sup>th</sup> Planning Committee meeting, there was further consultation with Staff from Legal Services, Planning, Housing, Tourism and Culture to examine several alternatives in preparation of this report.

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 5 of 10**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Overall, municipalities are adopting or moving to the ‘house-sharing’ principle, limiting operators to a single STR unit within their principal residence, and disallowing commercial or multi-listing operators. The objective for this requirement is to improve neighbourhood fit by ensuring personal accountability for the dwelling unit, and to protect the long-term rental housing market by prohibiting STR as investment properties and limiting the STR use of secondary dwelling units.

The trend observed in other cities shows a very dynamic market, with high turnover in terms of both STR units and their operators. The consensus among policy-makers and academics is that STR is complex and difficult to regulate.

On July 5, 2022, Staff presented to the Planning Committee a proposed By-law to regulate and license STR based upon the principal residence concept as described and detailed in Staff Report PED17203(b) Short-Term Rentals, Licensing Short-Term Rentals (STR) comprising a thorough analysis including the following:

- Zoning implications
- Short-Term Rental market in Hamilton
- Stakeholder and public consultation findings
- On-line public survey results
- Building and fire safety requirements
- Proposed licensing regulations for STR in Hamilton
  - allowing residents with a licence to rent their own principal residence;
  - for short periods (no more than 28 nights consecutively) to the travelling public with a cap of 120 nights annually;
  - principal residence requirements:
    - a place where a person lives and designates as their principal residence on government records;
    - a person can only have one principal residence;
    - a corporation cannot have a principal residence;
  - commercial operators would not be permitted to operate a STR;
- Good neighbour requirements
  - Operators are required to provide a guest information package that contains detailed information to contact the Operator, emergency and non-emergency services; and instruction to help minimize negative community experiences associated with STR in residential and mixed-use areas including excessive noise, increased garbage, parking issues, safety concerns, and negative behaviours around unknown guests.
- Advertising and booking requirements
- STR Broker licence (On-line Platforms) Fee of \$5,000

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 6 of 10**

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- STR Operator application fee of \$70.80 plus licence fee depending on dwelling unit
  - Fees (details provided in Schedule of Fees attached as Appendix “B” to Report PED17203(c))

Staff propose regulations to establish a new type of business licence for STR operators and STR brokers (on-line platforms) in the Licensing By-law requiring licensees to pay an annual fee and meet conditions established in the Licensing By-law and any corresponding agreement (attached as Appendix “A” to Report PED17203(c)).

The proposed approach to amend the Licensing By-law to regulate STR operators, and STR brokers (on-line platforms) can be summarized as:

- allowing residents with a licence to rent their own principal residence;
- for short periods (no more than 28 nights consecutively) to the travelling public with a cap of 120 nights annually;
- principal residence requirements:
  - a place where a person lives and designates as their principal residence on government records;
  - a person can only have one principal residence;
  - a corporation cannot have a principal residence;
- commercial operators would not be permitted to operate a STR.

### **Implementation Plan**

The implementation plan will begin with a public awareness campaign that will explain the regulations and impose a deadline to make an application. Staff will work with Communications to establish a presence on the City of Hamilton website to provide information and guidelines for applications. It is anticipated that the months following will focus on the registration and agreements of on-line platform(s), followed by the review, processing and approval of STR Operator applications.

The enforcement approach will be reactive based on public complaint, as well as proactive on periodic reviews of listings of STR platforms and cross-referencing with the City list of licensed STR Operators. Officers will follow our progressive enforcement approach of first seeking voluntary compliance, escalating to a fine and/or license suspension for serious or repeat offenders.

### **Timing of Implementation:**

As with the introduction of any new By-law amendment, there is an initial period of preparation, education, and consultation regarding operational regulations, internally administrative organization, and system modifications. During the implementation period, existing STRs not in immediate compliance with By-law regulations will be given an opportunity to voluntarily comply with the new licensing requirements. The

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**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 7 of 10**

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Implementation Plan and timelines are attached as Appendix “C” to Report PED17203(c).

**Phase One (Intake):**

Following enactment of the By-law, Staff will:

- Recruit/train the required staff;
- Update operating databases for,
  - License applications/records;
  - Tracking and reporting of enforcement statistics and
  - Financial data.
- Begin a public awareness campaign to explain rules to applicants and encourage compliance;
- Prepare/publish information and guidelines for applications on the City of Hamilton website;
- Accept and review applications;
- Work with STR Operators to process their applications for registrations;
- Inspect STRs as required;
- Issue licenses to eligible applicants;
- Identify illicit STRs and inform property owners about what they need to do to become compliant; and,
- Draft/execute agreements with STR Brokers.

During the intake period, existing STRs not in immediate compliance with By-law regulations will be given an opportunity to voluntarily comply with the new licensing requirements. The deadline for all STR operators (hosts) to register and receive a STR license is May 31, 2023.

**Phase Two (Enforcement):**

Enforcement will commence June 1, 2023 following the initial education and intake phase.

Reactive Enforcement (public complaint):

The primary enforcement focus will be responding to public complaint as a result of any nuisances, parties or by-law infractions, following the progressive enforcement approach. Complaints are investigated based on officer availability, urgency, and risk.

Proactive:

Continuous surveillance of on-line platforms and audits of licensed operators will ensure STRs are inspected for compliance with the City’s By-laws. Where STR operators

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 8 of 10**

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knowingly provide false or misleading information in their application there will be a zero-tolerance approach to revoke licenses, subject to appeal before the Business Licensing Tribunal.

Administrative Penalties System (APS)

In addition to obtaining approval for set fines under the Provincial Offences Act with the Ministry of the Attorney General, Staff propose amending the APS By-law to include those contraventions in the Licensing By-law amendment prior to the enforcement phase. The use of APS has produced positive impacts to administer and enforce minor contraventions. Issuing APS tickets does not include the lengthy formal process found in the Provincial Offences Court. It has proven to be an important step in the Progressive Enforcement Policy enforcing the Licensing By-law as a fair, effective and efficient enforcement tool to compel voluntary compliance.

**Monitoring and Performance Measurement:**

Staff will monitor STR activity to assess the overall impacts and the effectiveness of the regulatory regime. Key metrics considered for assessment include:

- The number and location of STRs;
- Compliance rates for municipal by-laws, Building/Fire Code, Public Health and safety concerns;
- Impacts on housing availability and affordability, where possible;
- The resulting revenue and staffing implications; and
- Budget and service impacts.

**ALTERNATIVES FOR CONSIDERATION**

**Alternative One:**

Council may consider broader permissions for property owners to include secondary dwelling units and laneway suites that are located on the same property as the owner's principal residence, which may assist homeowners to subsidize the costs associated with their principal residence. As highlighted at the July 5<sup>th</sup> Planning Committee Meeting, nuisances are generally diminished when STRs are restricted to principal residences; this logic could be extended to include secondary units and laneway suites, on the same property as one's principal residence.

A principal residence unit is defined as a sub-component of a principal property or parcel of land. In the draft By-law attached as Appendix "A" to Report PED17203(c), an Operator shall be deemed to have only one principal residence and would be eligible for one STR operator licence for the dwelling unit they occupy and live in.

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 9 of 10**

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Alternative One is not a significant departure from the recommended approach. While Alternative One may result in some units that would otherwise be available as rental units being shifted into the short-term rental market, the impact on the rental market is likely to be modest. And the desired goal of having the principal residence owner on the same property as the STR would still be maintained. The Bylaw that would implement Alternative One is attached as Appendix "D" to Report PED17203(c).

For clarity, the Operator would only be issued one STR license. This means that the Operator would only be permitted to use one dwelling unit as a STR on their own property, the principle residence, laneway home or secondary suite.

**Alternative Two**

Council may also consider permitting a homeowner to have an STR on property that is not their principle residence property and permitting a homeowner to have more than one STR. With this alternative, Council may choose to cap the number of STR units per licence holder(s). Staff do not recommend this alternative as it exacerbates the issues of housing supply, affordability, and potential nuisances.

It is anticipated that this alternative would increase the number of units used as STR within the City, doing so erodes the principal residence concept and would pose increased challenges to monitor, review, identify, enforce and regulate or control STR use. It is preferred this approach not be pursued at this time but re-examined in the future when Staff are able to determine the overall impacts on housing availability and affordability.

As an alternative, property owners may opt for a Bed and Breakfast license under the Licensing By-law 07-170. Low density 'C' and 'D' districts under Hamilton Zoning By-law 6593 and various Downtown Zones under Hamilton Zoning By-law 05-200 permit a Bed and Breakfast establishment for up to three (3) lodgers within any single or two-family dwelling. Applicants for a Bed and Breakfast license are required to obtain a zoning verification.

**Alternative Three**

Staff examined the idea of providing exception for special annual single events and concluded a separate class of license is required to maintain control of STR use. Preliminary review of several traditional special events in the City did not provide reason to support this approach currently. However, revised amendments to introduce a new licensing category for single event STR licences could be examined in the future should Staff encounter a specific need.

**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) - Page 10 of 10**

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**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED17203(c) – Draft By-law to amend the Licensing By-law 07-170

Appendix “B” to Report PED17203(c) – Schedule of Fees

Appendix “C” to Report PED17203(c) – Implementation Plan

Appendix “D” to Report PED17203(c) – Draft By-Law to amend the Licensing By-law 07-170 (alternative one)



**Appendix “A” to Report PED17203(c)**  
**Page 1 of 15**

**Authority:** Item,  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**Short-Term Rental By-law XX-XXX to Amend By-law 07-170, a By-law to License  
and Regulate Various Businesses**

**WHEREAS** pursuant to the provisions of Part IV of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) the Council of the City of Hamilton (“Council”) may provide for a system of licences with respect to businesses;

**WHEREAS** the City of Hamilton has a Business Licensing By-law 07-170 which regulates a variety of businesses and Council deems it necessary to also regulate Short-Term Rentals;

**WHEREAS** pursuant to Section 10 of the *Municipal Act, 2001*, Council is exercising its authority to regulate Short-Term Rentals in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**WHEREAS** section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

**WHEREAS** section 390 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

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

1. That By-law 07-170 be amended by adding the following at the end of Section 6 (1) (e) (i), after Schedule 30 Transient Traders:  
Schedule 32            Short Term Rentals
2. That By-law 07-170 be amended by adding the following at the end of Section 30:

**Appendix "A" to Report PED17203(c)**  
**Page 2 of 15**

Schedule 32            Short-Term Rentals

3. That By-law 07-170 be amended by adding Schedule 32 to the list of Schedules in Appendix "B" Departmental Policy Standard Character and Driving Record Criteria for Conditional Issuance and Refusal of Establishment and Trade Licence Applications or Renewals.
4. That By-law 07-170 be amended by adding Appendix A to this amending by-law as Schedule 32 – Short-Term Rentals;
5. That By-law 07-170 be amended by adding the following subsection after 27 (3):

27 (4) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

6. That in all other respects, By-law 07-170 is confirmed; and
7. That the provisions of this by-law shall become effective on the date passed by Council.

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

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A. Horwath  
Mayor

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A. Holland  
City Clerk

## Appendix A

## SCHEDULE 32

## SHORT-TERM RENTALS

## 1: DEFINITIONS

- 1.1 For the purposes of this Schedule and any forms, contracts or policies prepared in relation to this Schedule:

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

“**Building Code**” means Ontario Regulation 332/12 established under the Building Code Act;

“**By-law**” means the City’s By-law No. 07-170, a By-law to License and Regulate Various Businesses, as amended, and includes this Schedule 32;

“**User Fees and Charges By-law**” means the City’s user fees and charges by-law, as amended and as approved annually by Council;

“**Fire Protection and Prevention Act**” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4;

“**Fire Code**” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*;

“**Health Protection and Promotion Act**” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7;

“**Operator**” means any individual who operates a Short-Term Rental and does not include a corporation;

“**Principal Residence**” means a dwelling unit owned or rented by an individual, either alone or jointly with others, where the individual is ordinarily resident, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver’s licenses, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information;

“**Property Standards By-law**” means the City’s By-law No. 10-221, being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, as amended, or any successor by-law thereto;

**Appendix “A” to Report PED17203(c)**  
**Page 4 of 15**

**“Reservation”** means a booking or commitment between an Operator and a person that a Short-Term Rental will be available for the person’s use for a specified period of time;

**“Schedule”** means this Schedule 32 under the By-law;

**“Short-Term Rental”** means all or part of a dwelling unit used to provide sleeping accommodations to the travelling public for any rental period that is less than 28 consecutive days in exchange for payment or other remuneration;

**“Short-Term Rental Broker”** means any person who advertises, facilitates the advertisement of, or brokers Short-Term Rental Reservations via the internet, or otherwise, and who:

- (1) receives payment, compensation, or any financial benefit, due to, as a result of, or in connection with a person making or completing a Short-Term Rental Reservation; or
- (2) collects, accesses, or holds information on the number of nights that Reservations of any Short-Term Rental are made or completed;

This definition does not include a person who facilitates or brokers Reservations for a Short-Term Rental that is the Principal Residence of that person.

In this definition, “person” includes multiple persons who, acting together, carry on the business of a Short-Term Rental Broker, despite the fact that no single one of those persons carries on the activity in its entirety, and such may be held jointly and severally responsible for each other’s actions.

**“Zoning By-Law”** means a by-law enacted by the City under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

## **2. APPLICATION**

2.1 This By-law does not apply to:

- (a) a hotel, motel, inn, resort, bed and breakfast or tourist home as defined and regulated by the Ontario Building Code and/or Zoning By-law;
- (b) a residence operated by a post-secondary institution;
- (c) an accommodation rented out to tenants in accordance with the *Residential Tenancies Act*, 2006, S.O. 2006, C. 17.
- (d) a home for special care operated under the authority of a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c. H. 12;

**Appendix “A” to Report PED17203(c)**  
**Page 5 of 15**

- (e) a long-term care home operated under the authority of a licence issued under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8;
- (f) a retirement home operated under the authority of a licence issued under the *Retirement Homes Act, 2010*, S.O. 2010, c. 11; or
- (g) a boarding, lodging or rooming house, as defined in the Building Code and/or Zoning By-law.

### **3. PROHIBITIONS**

- 3.1 No person shall operate a Short-Term Rental unless they have obtained a licence to do so from the City.
- 3.2 No person shall operate a Short-Term Rental unless the Short-Term Rental is that person’s Principal Residence.
- 3.3 No person shall act as a Short-Term Rental Broker unless they have obtained a licence to do so from the City.
- 3.4 No person shall provide or advertise a Short-Term Rental without prominently displaying in each advertisement or listing:
  - (a) the Operator’s licence number; and
  - (b) the maximum overnight guest limit as established by Section 4.9 of this Schedule;
- 3.5 No person shall fail to remove an advertisement for a Short-term Rental that is prohibited under this by-law within seven (7) days of becoming aware of the prohibition or receiving notice to do so by the Director.
- 3.6 No person shall provide or advertise a Short-Term Rental to a number of guests that is in excess of the overnight guest limit established in Section 4.9 of this Schedule.
- 3.7 No person shall provide or advertise a Short-Term Rental with a Short-Term Rental Broker that is not licenced in accordance with this By-law.
- 3.8 Every Short-Term Rental Broker and Operator is required to maintain insurance as specified in this Schedule.
- 3.9 No person who is required under this Schedule to maintain insurance shall fail to keep the policy in force for the period for which the licence is in effect, inclusive of any renewal period.

**Appendix “A” to Report PED17203(c)**  
**Page 6 of 15**

3.10 Any lapse in maintaining the insurance coverage required in this Schedule invalidates any licence issued under this By-law.

**4. OPERATORS**

4.1 To apply for an Operator’s licence or its renewal, an applicant shall submit to the City the information required by this By-law, together with all applicable fees, as prescribed by the User Fees and Charges By-law.

4.2 An application for an Operator’s licence shall be in a form approved by the Director and require the applicant to provide:

(a) The Operator’s name, phone number and e-mail address;

(b) The address of the Operator’s Short-Term Rental;

(c) A floor plan showing the square footage of the residential unit in which the Short-Term Rental will be located including the number of bedrooms in the Short-Term Rental, along with the number of smoke alarms and carbon-monoxide detectors and their respective locations;

(d) A description of what parts of the property will be used for Short-Term Rental;

(e) A description of the type of building in which the Short-Term Rental is located;

(f) The number of off-street parking spaces available for the Short-Term Rental;

(g) The guest information package, as further described in section 4.16;

(h) A detailed fire escape plan;

(i) Proof of adequate insurance coverage in accordance with section 4.17;

(j) Approval of condo board and/or owner of property, if applicable

(k) Statutory declaration that the property is in compliance and will be maintained in compliance with the *Fire Protection and Prevention Act* and any regulations made thereunder including the Fire Code;

(l) Zoning verification for secondary dwelling units;

(m) The name and telephone number of an emergency contact person who will be available 24 hours a day during rental periods;

(n) List of companies used to advertise the listing;

**Appendix “A” to Report PED17203(c)**  
**Page 7 of 15**

- (o) Government-issued identification that is satisfactory to the Director to demonstrate the Short-Term Rental is the Operator’s Principal Residence;
  - (p) The applicant’s original criminal record, provided that if no original criminal record exists, the applicant shall submit instead original certification from the police that no such record exists;
  - (q) A list of any criminal or provincial offences in all jurisdictions for which the applicant has been convicted and not pardoned and which do not appear on any original criminal record submitted; and
  - (r) Any other information or documents required by the Director.
- 4.3 No Short-Term Rental Operator’s licence shall be issued to a corporation and no more than one Short-Term Rental Operator licence per Operator is permitted.
- 4.4 An applicant for an Operator’s licence or its renewal shall be an individual who is 18 years of age or older.
- 4.5 All licences issued to Operators shall be issued a unique licence number and will be valid for one year after issuance. Operators may renew their licences annually by paying the applicable fees and submitting the required documents.

*Principal Residence Requirement:*

- 4.6 For the purpose of this By-law, an Operator shall be deemed to have only one Principal Residence at any time.
- 4.7 No Operator shall rent or advertise a property for Short-Term Rental unless it is the Operator’s Principal Residence at that time.

*Limitations regarding rentals*

- 4.8 No Operator shall rent a Short-Term Rental for a total of more than 120 nights per calendar year.
- 4.9 No Operator shall exceed the maximum limit for overnight guests of two (2) persons per sleeping room. For the purpose of this requirement, children that are two (2) years old or younger are exempt.
- 4.10 Operators shall ensure that their respective secondary dwelling units comply with the Zoning By-law and are recognized by the City through the issuance of a building permit and undergo inspections to confirm compliance with the Property Standards By-law, *Building Code Act, and Electricity Act, 1998, S.O. 1998, c. 15, Sched. A.*

**Appendix “A” to Report PED17203(c)**  
**Page 8 of 15**

- 4.11 All Operators shall post their fire escape plan on all floors of their building in a conspicuous place.
- 4.12 All Operators shall have working smoke alarms and carbon monoxide detectors in their buildings in accordance with the Fire Code.

*Requirements regarding guests and collection of information*

- 4.13 Every Operator shall keep a record of each concluded transaction related to the Operator’s Short-Term Rental for three years following the date of the transaction. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
- (1) The number of nights the Short-Term Rental was rented;
  - (2) The nightly and total price charged for each rental; and
  - (3) Any other information required by the Director.
- 4.14 Every Operator shall provide the information referred to above to the City within 30 days of being requested to do so by the Director.
- 4.15 Every Operator shall provide the guest who made the reservation with an information package for each rental period:
- (a) Electronically at the time of booking; and
  - (b) Within the residential unit, in a printed document that is visible and accessible to all guests.
- 4.16 The information package prescribed above shall include:
- (a) contact information for the Operator or person who is available to receive communications from any guest during the rental period;
  - (b) instructions for use of the 9-1-1 emergency system;
  - (c) the name and address of the nearest two (2) hospitals or emergency medical services providing emergency care;
  - (d) non-emergency contact information for Hamilton Police Service;
  - (e) a floor plan for the residential unit indicating emergency evacuation routes and the location of safety equipment;
  - (f) notice to guests of the presence of any system onsite that is making video or audio recordings or photographs;



**Appendix “A” to Report PED17203(c)**  
**Page 9 of 15**

- (g) instructions for solid waste disposal, to include information on the applicable waste collection day and instruction for composting and recycling;
- (h) instruction for legal parking onsite and in the vicinity of the property, as applicable; and
- (i) copy of the applicable Operator licence, occupancy limits and any conditions imposed on the licence.

*Insurance*

- 4.17 Every Operator shall have and maintain Homeowners Insurance, Condominium Insurance, or Renters Insurance, as appropriate, that includes the following:
- (a) coverage for Short-Term Rental or home sharing activity that is appropriate for the nature of the property,
  - (b) Host Liability or Commercial General Liability coverage of not less than One Million Dollars (\$1,000,000.00) per occurrence for personal injury, bodily injury, death, and damage to property, and,
  - (c) a provision that the City will be notified with no less than thirty (30) days written notice of any cancellation.

**5. SHORT-TERM RENTAL BROKERS**

- 5.1 To obtain a Short-Term Rental Broker licence with the City, an applicant shall submit to the City the information required in this By-law together with all applicable fees, as prescribed in the User Fees and Charges By-law.
- 5.2 A person may apply for a licence as a Short-Term Rental Broker by providing the Director with the following:
- (a) A completed application form prescribed by the Director containing:
    - (i) the full name of the applicant;
    - (ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated certified copy of an annual return with a list of shareholders of the corporation;
    - (iii) If the applicant is a partnership, certified documents indicating the name of the partnership and the names and addresses of each partner; and

**Appendix “A” to Report PED17203(c)**  
**Page 10 of 15**

- (b) Proof that the applicant is eighteen (18) years of age or older, if the applicant is a natural person;
  - (c) The address of a place of business in the Province of Ontario, which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this By-law and which the applicant or the applicant’s agent will accept receipt of such notice, documentation or communication;
  - (d) The name, telephone number and e-mail address of a designated representative;
  - (e) Proof of insurance as required under this Schedule;
  - (f) Details of the process by which the company will remove advertisements for a Short-Term Rental if its Operator has not obtained a licence from the City;
  - (g) Details of the company’s procedure for dealing with problem Operators and responding to complaints; and
  - (h) Any other information or documents required by the Director.
- 5.3 In any of the above required information changes during the term of the licence, the Short-Term Rental Broker shall notify the City at its earliest convenience.
- 5.4 A Short-Term Rental Broker licence shall be valid for five (5) years and may be renewed by paying the applicable fees and submitting the required documents pursuant to this By-law.

*Data Collection*

- 5.5 A Short-Term Rental Broker shall execute an agreement with the City governing the collection, use, disclosure and retention of information on Short-Term Rentals, Operators and guests, on terms satisfactory to the Director and City Solicitor.
- 5.6 If required by law, a Short-Term Rental Broker shall obtain the consent of the Operators and guests for the collection, use and potential disclosure of the Operator’s and guest information to and by the City for the purpose of the administration of this By-law, as amended from time to time, or its successor by-laws.
- 5.7 Every Short-Term Rental Broker shall keep a record of each concluded transaction in relation to a Short-Term Rental listed or advertised on its platform in the city of Hamilton for three years following the last day of the rental period. A transaction is concluded on the last day of the rental period. The records retained shall include the following:

## Appendix "A" to Report PED17203(c)

Page 11 of 15

- (a) The listing identification number and corresponding licence number of each Short-Term Rental listing for which it has provided Short-Term Rental Broker services;
  - (b) The total number of nights each Short-Term Rental listing has been rented in each calendar year or part thereof;
  - (c) The total amount of revenue collected for accounts associated with each Short-Term Rental listing in each calendar year, or part thereof;
  - (d) The total number of complaints received by the Short-Term Rental Broker in respect of each Short-Term Rental in each calendar year or part thereof; and
  - (e) Any other information required by the Director.
- 5.8 No Short-Term Rental Broker shall fail to remit to the Director the records required above every three (3) months during the licence term.
- 5.9 No Short-Term Rental Broker shall fail to make available to the Director the records or information required pursuant to this Schedule for a specific Short-Term rental listing within seven (7) days following a request to do so.
- 5.10 Every Short-Term Rental Broker shall make available to the City the number of Short-Term Rental listings or advertisements that have been removed from its platform in accordance with section 3.5 of this Schedule.
- 5.11 Every Short-Term Rental Broker shall maintain and make publicly available its procedure for dealing with complaints it receives about nuisances, criminal activity, and or contravention of federal, provincial or municipal law related to a Short-Term Rental.
- 5.12 Every Short-Term Rental Broker shall have and maintain a system for receiving and responding to complaints from the public.
- 5.13 Every Short-Term Rental Broker shall convey any communications issued by the Director that relate to the requirements of this By-law to all Operators listing or advertising their Short-Term Rental with the Short-Term Rental Broker in a format and manner prescribed by the Director.

*Insurance*

- 5.14 Each Short-Term Rental Broker shall have and maintain:
- a) **Commercial General Liability Insurance** subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual

## Appendix "A" to Report PED17203(c)

## Page 12 of 15

- liability, premises and operations liability, products and completed operations liability, contingent employers liability; personal injury, owners and contractors protective coverage; broad form property damage; occurrence property damage; employees as additional insured, and cross liability and severability of interest provision to the satisfaction of the City;
- b) **Comprehensive Crime Insurance**, broad form coverage *endorsed to include third parties* to adequately protect against loss of monies, securities or other properties, while such property is in the Broker's care, custody, and control, for dishonesty, disappearance and destruction, to protect against incidents arising out of but not limited to theft, robbery or burglary; having a limit of not less than \$50,000) for Employee Dishonesty (Commercial Blanket Form A), Loss inside the Premises, and Loss outside the Premises and Computer Funds Transfer Fraud.
- c) **Cyber Liability and Privacy Breach Liability** insurance in an amount of not less than \$1,000,000 per occurrence, to protect against privacy breach and violations as a result of but not limited to unauthorized access to or wrongful disclosure or dissemination of any private information, failure to properly handle, manage, store, destroy or control personal or confidential information and include the failure to comply with any privacy laws;
- i. extend to include the costs associated with notification of affected parties including credit monitoring costs for those individuals, regardless if required by statute as well as any third party fines or penalties or costs imposed as a result of any privacy or cyber breach including judgements, settlements, or defense of any regulatory action involving a breach of privacy;
  - ii. Privacy breach expenses including crisis management and credit monitoring expenses related to electronic and non-electronic breaches to a limit of not less than \$1,000,000;
- 5.15 The insurance provided in accordance with the above shall name the City as additional insured.
- 5.16 The insurance provided in accordance with the above shall include an endorsement to provide the City with no less than 30 days prior notice of any cancellation.
- 6. GENERAL REQUIREMENTS**
- 6.1 No person shall enjoy a right in the continuance of a licence and at all times the value of a licence shall be the property of the City.

**Appendix “A” to Report PED17203(c)**  
**Page 13 of 15**

- 6.2 No person shall sell or transfer a licence issued under this Schedule.
- 6.3 No person licensed under this Schedule shall advertise, promote or carry on business under any name other than that endorsed upon that person’s licence.
- 6.4 The City shall, upon receipt of an application for a licence, or its renewal, investigate as necessary with respect to the application and shall:
- (1) if there are any reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence based on the criteria identified in this By-law, send notice of this fact to the applicant; or
  - (2) subject to the provisions of this By-law, issue or renew the licence, with or without conditions and send the appropriate notice to the applicant.
- 6.5 In addition to the criteria in section 12 of By-law 07-170, the Director shall issue or renew a license to any person who meets the requirements of this By-law, except where:
- (1) the conduct, or past conduct, of the person affords the Director reasonable grounds to believe that the person has not or will not carry on the Short-Term Rental or the Short-Term Rental Broker business in accordance with applicable law or with honesty and integrity;
  - (2) the applicant is a corporation and its conduct or the conduct of its officers, directors, employees, or agents afford reasonable grounds to believe that its business has not been, or will not be carried on in accordance with law or with integrity and honesty;
  - (3) The Director reasonably believes that the issuing of a license to a person could be adverse to the public interest;
  - (4) The Director reasonably believes that the carrying on of the Short-Term Rental or Short-Term Rental Broker business by the applicant has resulted, or will result, in a breach of this By-law, a Zoning By-law or any other law;
  - (5) The Director has reasonable grounds to believe that the premises, advertising, or platform in respect of which the licence is required have not complied or will not comply with the provisions of this By-law, a Zoning By-law or any other law;
  - (6) The lot and/or building on which the Short-Term Rental is situated is subject to an order, or orders, made pursuant to (or by): the Property Standards By-law, the *Building Code Act*, the *Fire Protection and Prevention Act*; the *Health Protection and Promotion Act* or any regulations made thereunder;
  - (7) The Short-Term Rental, the building in which it is situated, or the lot on which the building is situated is not in compliance with the applicable Zoning By-law;

**Appendix “A” to Report PED17203(c)****Page 14 of 15**

- (8) The person or the subject lot is indebted to the City by way of fines, penalties, judgements or outstanding (past due) property taxes; or
  - (9) The conduct of the applicant or other circumstances afford reasonable grounds to believe that the operation of the Short-Term Rental or the acting as Short-Term Rental Broker by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, their health and safety.
- 6.6 Where an applicant for a Short-Term Broker licence is a corporation or a partnership, section 6.5 shall apply to any of the officers or directors of the corporation or partners in the partnership.
- 6.7 The Director may deny the issuance or renewal of a license where the applicant has been convicted within the past five (5) years of a criminal offence for which a pardon has not been granted.
- 6.8 The collection, use, disclosure, transmission, retention and destruction of personal information by any Operator or Short-Term Rental Broker must be conducted in accordance with the requirements of PIPEDA.

**7. ENFORCEMENT**

- 7.1 Notwithstanding anything else in this By-law, for the purpose of investigating compliance with the By-law, the Director may audit or examine all books, records and any account, voucher, letter, facsimile, and electronic or other document held by a Short-Term Rental Broker or Operator that relates or may relate to information that is or should be in the person’s books or records.
- 7.2 A Short-Term Rental Broker and Operator shall comply with all audit directions given by the Director within the time he or she specifies, including;
- (a) Giving the Director all reasonable assistance with their audit or examination;
  - (b) Answering all questions relating to the audit or examination either orally or, if the Director requires, in writing, on oath or affirmation, or by statutory declaration;
  - (c) Attending at a premise or place where the business is carried on or any City office for the purposes of giving the Director reasonable assistance and answering questions related to the audit or examination; and
  - (d) Producing on oath or affirmation or otherwise all books, letters, accounts, invoices, financial statements, electronic or such other documents as the Director considers necessary to determine compliance with this By-law.

**Appendix “A” to Report PED17203(c)**  
**Page 15 of 15**

- 7.3 Any person authorized by the Director may at all reasonable times and in accordance with any applicable requirements in the *Municipal Act, 2001*, as amended, inspect any premises used for the carrying on of any business in respect of which a person is required to be licensed under this Schedule.
- 7.4 No person who has or is required to have a licence under this Schedule shall obstruct or permit to be obstructed the making of the inspection.
- 7.5 If requested by the City, an inspection shall be scheduled and conducted within seven (7) days of the City’s request.

**8. DIRECTOR AUTHORITY AND ADMINISTRATIVE PROVISIONS**

- 8.1 The Director may, at their discretion, issue interpretation bulletins or guidelines on matters relating to this Schedule, including its enforcement or application
- 8.2 The Director may establish standards and guidelines applicable to the issuance, renewal or entitlement to all licences issued under this Schedule.
- 8.3 The Director may delegate any authority or function provided for in this Schedule to any employee of the City designated by the Director.
- 8.4 All communication relating to this Schedule between the City and an applicant or licensee, shall be sent via e-mail to the e-mail address most recently provided to the City as part of the licensing process under this Schedule, except where another method is authorized by the Director.
- 8.5 Any e-mail sent in accordance with 8.4 shall be deemed for the purposes of this Schedule to have been received by the addressees on the day it is sent.
- 8.6 All records and information that must be maintained by a Short-Term Rental Broker or Operator or that may be audited, examined or collected by the City under this Schedule are deemed to be collected and properly used for the purposes of administering and enforcing this By-law.

## Appendix "B" to Report PED17203(c)

Page 1 of 1

**FEE SCHEDULE**  
**Short-Term Rentals (STR)**

**STR Broker**

Registration/license fee	\$5,000	one-time
Renewal Fee	\$60.00	annual

**STR Operator**

Application/registration fee (plus HST)	\$72.57	one-time
Renewal Fee	\$60.00	annual
License fee (includes LIC inspection):		
• Entire Dwelling Unit	\$390	annual
• Partial Dwelling Unit	\$90	annual
○ self-certification (random audits)		

**Additional Fees** (currently in place)

Certificate of Compliance (includes LIC inspection):		
• Single detached dwelling	\$320.35	tri-annual
• A two, three or multiple unit	\$320.35	tri-annual
○ Additional unit fee	\$46.02	
Electrical Safety Authority inspection	\$350+	tri-annual
Fire Administrative fee (plus HST)	\$37	annual
Zoning Verification (as applicable)	\$131	one-time



## Implementation/Action Plan

### Short Term Rental Licensing

#### Communications Plan

- Media releases
- Establish Website presence
- Contact Centre (messaging/script)

#### Enforcement Strategy

- Finalize reactive/proactive approaches
- Establish Operational/Enforcement Policies & Procedures
- Templates for municipal orders
- Apply for POA set fines
- Separate report for APS
- Checklist(s) for inspections (consistency)

#### Forms (on-line, hard copy)

- Application/renewal
- Self-certification/declaration
  - Principle residence – Government-issued identification
  - Compliance with municipal bylaws and provincial legislation
- Guidelines
  - Application process
  - Operator Q&A
  - Code of Conduct guideline
  - Fire Escape Plans (guideline)
  - Good Neighbor Handbook
  - House Sharing Guideline

#### IT/Finance

- Portal for data sharing/revenue
- Data collection/retention (AMANDA)
  - Registry
  - Administrative
  - Enforcement
  - Financial

#### Legal

- Broker (on-line platforms) Data sharing agreement

## Phased Approach

### Phase 1 Intake (Months 1- 5)

- Staff recruitment
- Finalize Communication Plan and Enforcement Strategy
- Establish Data management systems
- Create Website presence
- Finalize/post all forms, guidelines, policies and procedures
- Licensing on-line platforms
  - Negotiate/process agreements
  - Establish on-line portal links
- Registration/applications
  - Media release
  - Establish on-line portals
  - Receive/process applications
  - Inter-department data sharing
- Licensing inspection to verify application form and compliance with:
  - Licensing Bylaw
  - Property Standards By-law
  - *Fire Protection and Prevention Act*
  - *Electrical Standards Act.*
  - Zoning verification (as required)

### Phase 2 Enforcement (Month 6+)

*based on officer availability, urgency, and risk*

- Reactive:
  - Compliance and enforcement of licensed Operators (terms/conditions of license)
  - Respond to Public complaint (licensed/unlicensed)
- Proactive enforcement
  - Regular audits of licensees
  - Establish processes for surveillance of various websites/media to enforce unregistered *operators/brokers*
  - Examine 3<sup>rd</sup> party surveillance software

**Appendix “D” to Report PED17203(c)**  
**Page 1 of 15**

**Authority:** Item,  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**Short-Term Rental By-law XX-XXX to Amend By-law 07-170, a By-law to License  
and Regulate Various Businesses**

**WHEREAS** pursuant to the provisions of Part IV of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) the Council of the City of Hamilton (“Council”) may provide for a system of licences with respect to businesses;

**WHEREAS** the City of Hamilton has a Business Licensing By-law 07-170 which regulates a variety of businesses and Council deems it necessary to also regulate Short-Term Rentals;

**WHEREAS** pursuant to Section 10 of the *Municipal Act, 2001*, Council is exercising its authority to regulate Short-Term Rentals in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**WHEREAS** section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

**WHEREAS** section 390 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

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

1. That By-law 07-170 be amended by adding the following at the end of Section 6 (1) (e) (i), after Schedule 30 Transient Traders:  
Schedule 32            Short Term Rentals
2. That By-law 07-170 be amended by adding the following at the end of Section 30:

**Appendix “D” to Report PED17203(c)**  
**Page 2 of 15**

Schedule 32            Short-Term Rentals

3. That By-law 07-170 be amended by adding Schedule 32 to the list of Schedules in Appendix “B” Departmental Policy Standard Character and Driving Record Criteria for Conditional Issuance and Refusal of Establishment and Trade Licence Applications or Renewals.
4. That By-law 07-170 be amended by adding Appendix A to this amending by-law as Schedule 32 – Short-Term Rentals;
5. That By-law 07-170 be amended by adding the following subsection after 27 (3):

27 (4) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

6. That in all other respects, By-law 07-170 is confirmed; and
7. That the provisions of this by-law shall become effective on the date passed by Council.

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

---

A. Horwath  
Mayor

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A. Holland  
City Clerk

## Appendix A

## SCHEDULE 32

## SHORT-TERM RENTALS

## 1: DEFINITIONS

- 1.1 For the purposes of this Schedule and any forms, contracts or policies prepared in relation to this Schedule:

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

“**Building Code**” means Ontario Regulation 332/12 established under the Building Code Act;

“**By-law**” means the City’s By-law No. 07-170, a By-law to License and Regulate Various Businesses, as amended, and includes this Schedule 32;

“**User Fees and Charges By-law**” means the City’s user fees and charges by-law, as amended and as approved annually by Council;

“**Fire Protection and Prevention Act**” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4;

“**Fire Code**” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*;

“**Health Protection and Promotion Act**” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7;

“**Operator**” means any individual who operates a Short-Term Rental and does not include a corporation;

“**Principal Residence**” means a dwelling unit owned or rented by an individual, either alone or jointly with others, where the individual is ordinarily resident, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver’s licenses, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information;

“**Property Standards By-law**” means the City’s By-law No. 10-221, being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, as amended, or any successor by-law thereto;

**Appendix “D” to Report PED17203(c)**  
**Page 4 of 15**

**“Reservation”** means a booking or commitment between an Operator and a person that a Short-Term Rental will be available for the person’s use for a specified period of time;

**“Schedule”** means this Schedule 32 under the By-law;

**“Short-Term Rental”** means all or part of a dwelling unit used to provide sleeping accommodations to the travelling public for any rental period that is less than 28 consecutive days in exchange for payment or other remuneration;

**“Short-Term Rental Broker”** means any person who advertises, facilitates the advertisement of, or brokers Short-Term Rental Reservations via the internet, or otherwise, and who:

- (1) receives payment, compensation, or any financial benefit, due to, as a result of, or in connection with a person making or completing a Short-Term Rental Reservation; or
- (2) collects, accesses, or holds information on the number of nights that Reservations of any Short-Term Rental are made or completed;

This definition does not include a person who facilitates or brokers Reservations for a Short-Term Rental that is the Principal Residence of that person or a Short-Term Rental that is located on the same property as the Principal Residence of that person.

In this definition, “person” includes multiple persons who, acting together, carry on the business of a Short-Term Rental Broker, despite the fact that no single one of those persons carries on the activity in its entirety, and such may be held jointly and severally responsible for each other’s actions.

**“Zoning By-Law”** means a by-law enacted by the City under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

## **2. APPLICATION**

2.1 This By-law does not apply to:

- (a) a hotel, motel, inn, resort, bed and breakfast or tourist home as defined and regulated by the Ontario Building Code and/or Zoning By-law;
- (b) a residence operated by a post-secondary institution;
- (c) an accommodation rented out to tenants in accordance with the *Residential Tenancies Act*, 2006, S.O. 2006, C. 17.

**Appendix “D” to Report PED17203(c)**  
**Page 5 of 15**

- (d) a home for special care operated under the authority of a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c. H. 12;
- (e) a long-term care home operated under the authority of a licence issued under the *Long-Term Care Homes Act*, 2007, S.O. 2007, c.8;
- (f) a retirement home operated under the authority of a licence issued under the *Retirement Homes Act*, 2010, S.O. 2010, c. 11; or
- (g) a boarding, lodging or rooming house, as defined in the Building Code and/or Zoning By-law.

### **3. PROHIBITIONS**

- 3.1 No person shall operate a Short-Term Rental unless they have obtained a licence to do so from the City.
- 3.2 No person shall operate a Short-Term Rental unless the Short-Term Rental is that person’s Principal Residence or unless the Short-Term Rental is on the same property as the person’s Principal Residence.
- 3.3 No person shall act as a Short-Term Rental Broker unless they have obtained a licence to do so from the City.
- 3.4 No person shall provide or advertise a Short-Term Rental without prominently displaying in each advertisement or listing:
  - (a) the Operator’s licence number; and
  - (b) the maximum overnight guest limit as established by Section 4.9 of this Schedule;
- 3.5 No person shall fail to remove an advertisement for a Short-term Rental that is prohibited under this by-law within seven (7) days of becoming aware of the prohibition or receiving notice to do so by the Director.
- 3.6 No person shall provide or advertise a Short-Term Rental to a number of guests that is in excess of the overnight guest limit established in Section 4.9 of this Schedule.
- 3.7 No person shall provide or advertise a Short-Term Rental with a Short-Term Rental Broker that is not licenced in accordance with this By-law.
- 3.8 Every Short-Term Rental Broker and Operator is required to maintain insurance as specified in this Schedule.

**Appendix “D” to Report PED17203(c)**  
**Page 6 of 15**

- 3.9 No person who is required under this Schedule to maintain insurance shall fail to keep the policy in force for the period for which the licence is in effect, inclusive of any renewal period.
- 3.10 Any lapse in maintaining the insurance coverage required in this Schedule invalidates any licence issued under this By-law.

#### **4. OPERATORS**

- 4.1 To apply for an Operator’s licence or its renewal, an applicant shall submit to the City the information required by this By-law, together with all applicable fees, as prescribed by the User Fees and Charges By-law.
- 4.2 An application for an Operator’s licence shall be in a form approved by the Director and require the applicant to provide:
- (a) The Operator’s name, phone number and e-mail address;
  - (b) The address of the Operator’s Short-Term Rental;
  - (c) A floor plan showing the square footage of the residential unit in which the Short-Term Rental will be located including the number of bedrooms in the Short-Term Rental, along with the number of smoke alarms and carbon-monoxide detectors and their respective locations;
  - (d) A description of what parts of the property will be used for Short-Term Rental;
  - (e) A description of the type of building in which the Short-Term Rental is located;
  - (f) The number of off-street parking spaces available for the Short-Term Rental;
  - (g) The guest information package, as further described in section 4.16;
  - (h) A detailed fire escape plan;
  - (i) Proof of adequate insurance coverage in accordance with section 4.17;
  - (j) Approval of condo board and/or owner of property, if applicable
  - (k) Statutory declaration that the property is in compliance and will be maintained in compliance with the *Fire Protection and Prevention Act* and any regulations made thereunder including the Fire Code;
  - (l) Zoning verification for secondary dwelling units;
  - (m) The name and telephone number of an emergency contact person who will be available 24 hours a day during rental periods;



**Appendix “D” to Report PED17203(c)**  
**Page 7 of 15**

- (n) List of companies used to advertise the listing;
  - (o) Government-issued identification that is satisfactory to the Director to demonstrate the Short-Term Rental is the Operator’s Principal Residence or located on the same property as the Operator’s Principal Residence;
  - (p) The applicant’s original criminal record, provided that if no original criminal record exists, the applicant shall submit instead original certification from the police that no such record exists;
  - (q) A list of any criminal or provincial offences in all jurisdictions for which the applicant has been convicted and not pardoned and which do not appear on any original criminal record submitted; and
  - (r) Any other information or documents required by the Director.
- 4.3 No Short-Term Rental Operator’s licence shall be issued to a corporation and no more than one Short-Term Rental Operator licence per Operator is permitted.
- 4.4 An applicant for an Operator’s licence or its renewal shall be an individual who is 18 years of age or older.
- 4.5 All licences issued to Operators shall be issued a unique licence number and will be valid for one year after issuance. Operators may renew their licences annually by paying the applicable fees and submitting the required documents.

*Principal Residence Requirement:*

- 4.6 For the purpose of this By-law, an Operator shall be deemed to have only one Principal Residence at any time.
- 4.7 No Operator shall rent or advertise more than one dwelling unit as a Short-Term Rental on the property where the Operator’s Principal Residence is located.

*Limitations regarding rentals*

- 4.8 No Operator shall rent a Short-Term Rental for a total of more than 120 nights per calendar year.
- 4.9 No Operator shall exceed the maximum limit for overnight guests of two (2) persons per sleeping room. For the purpose of this requirement, children that are two (2) years old or younger are exempt.
- 4.10 Operators shall ensure that their respective secondary dwelling units comply with the Zoning By-law and are recognized by the City through the issuance of a building permit and undergo inspections to confirm compliance with the Property

**Appendix “D” to Report PED17203(c)**  
**Page 8 of 15**

Standards By-law, *Building Code Act, and Electricity Act, 1998, S.O. 1998, c. 15, Sched. A.*

- 4.11 All Operators shall post their fire escape plan on all floors of their building in a conspicuous place.
- 4.12 All Operators shall have working smoke alarms and carbon monoxide detectors in their buildings in accordance with the Fire Code.

*Requirements regarding guests and collection of information*

- 4.13 Every Operator shall keep a record of each concluded transaction related to the Operator’s Short-Term Rental for three years following the date of the transaction. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
  - (1) The number of nights the Short-Term Rental was rented;
  - (2) The nightly and total price charged for each rental; and
  - (3) Any other information required by the Director.
- 4.14 Every Operator shall provide the information referred to above to the City within 30 days of being requested to do so by the Director.
- 4.15 Every Operator shall provide the guest who made the reservation with an information package for each rental period:
  - (a) Electronically at the time of booking; and
  - (b) Within the residential unit, in a printed document that is visible and accessible to all guests.
- 4.16 The information package prescribed above shall include:
  - (a) contact information for the Operator or person who is available to receive communications from any guest during the rental period;
  - (b) instructions for use of the 9-1-1 emergency system;
  - (c) the name and address of the nearest two (2) hospitals or emergency medical services providing emergency care;
  - (d) non-emergency contact information for Hamilton Police Service;
  - (e) a floor plan for the residential unit indicating emergency evacuation routes and the location of safety equipment;

**Appendix “D” to Report PED17203(c)**  
**Page 9 of 15**

- (f) notice to guests of the presence of any system onsite that is making video or audio recordings or photographs;
- (g) instructions for solid waste disposal, to include information on the applicable waste collection day and instruction for composting and recycling;
- (h) instruction for legal parking onsite and in the vicinity of the property, as applicable; and
- (i) copy of the applicable Operator licence, occupancy limits and any conditions imposed on the licence.

### *Insurance*

- 4.17 Every Operator shall have and maintain Homeowners Insurance, Condominium Insurance, or Renters Insurance, as appropriate, that includes the following:
- (a) coverage for Short-Term Rental or home sharing activity that is appropriate for the nature of the property,
  - (b) Host Liability or Commercial General Liability coverage of not less than One Million Dollars (\$1,000,000.00) per occurrence for personal injury, bodily injury, death, and damage to property, and,
  - (c) a provision that the City will be notified with no less than thirty (30) days written notice of any cancellation.

## **5. SHORT-TERM RENTAL BROKERS**

- 5.1 To obtain a Short-Term Rental Broker licence with the City, an applicant shall submit to the City the information required in this By-law together with all applicable fees, as prescribed in the User Fees and Charges By-law.
- 5.2 A person may apply for a licence as a Short-Term Rental Broker by providing the Director with the following:
- (a) A completed application form prescribed by the Director containing:
    - (i) the full name of the applicant;
    - (ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated certified copy of an annual return with a list of shareholders of the corporation;

**Appendix “D” to Report PED17203(c)**  
**Page 10 of 15**

- (iii) If the applicant is a partnership, certified documents indicating the name of the partnership and the names and addresses of each partner; and
  - (b) Proof that the applicant is eighteen (18) years of age or older, if the applicant is a natural person;
  - (c) The address of a place of business in the Province of Ontario, which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this By-law and which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
  - (d) The name, telephone number and e-mail address of a designated representative;
  - (e) Proof of insurance as required under this Schedule;
  - (f) Details of the process by which the company will remove advertisements for a Short-Term Rental if its Operator has not obtained a licence from the City;
  - (g) Details of the company's procedure for dealing with problem Operators and responding to complaints; and
  - (h) Any other information or documents required by the Director.
- 5.3 In any of the above required information changes during the term of the licence, the Short-Term Rental Broker shall notify the City at its earliest convenience.
- 5.4 A Short-Term Rental Broker licence shall be valid for five (5) years and may be renewed by paying the applicable fees and submitting the required documents pursuant to this By-law.

*Data Collection*

- 5.5 A Short-Term Rental Broker shall execute an agreement with the City governing the collection, use, disclosure and retention of information on Short-Term Rentals, Operators and guests, on terms satisfactory to the Director and City Solicitor.
- 5.6 If required by law, a Short-Term Rental Broker shall obtain the consent of the Operators and guests for the collection, use and potential disclosure of the Operator's and guest information to and by the City for the purpose of the administration of this By-law, as amended from time to time, or its successor by-laws.
- 5.7 Every Short-Term Rental Broker shall keep a record of each concluded transaction in relation to a Short-Term Rental listed or advertised on its platform in the city of

**Appendix “D” to Report PED17203(c)**  
**Page 11 of 15**

Hamilton for three years following the last day of the rental period. A transaction is concluded on the last day of the rental period. The records retained shall include the following:

- (a) The listing identification number and corresponding licence number of each Short-Term Rental listing for which it has provided Short-Term Rental Broker services;
  - (b) The total number of nights each Short-Term Rental listing has been rented in each calendar year or part thereof;
  - (c) The total amount of revenue collected for accounts associated with each Short-Term Rental listing in each calendar year, or part thereof;
  - (d) The total number of complaints received by the Short-Term Rental Broker in respect of each Short-Term Rental in each calendar year or part thereof; and
  - (e) Any other information required by the Director.
- 5.8 No Short-Term Rental Broker shall fail to remit to the Director the records required above every three (3) months during the licence term.
- 5.9 No Short-Term Rental Broker shall fail to make available to the Director the records or information required pursuant to this Schedule for a specific Short-Term rental listing within seven (7) days following a request to do so.
- 5.10 Every Short-Term Rental Broker shall make available to the City the number of Short-Term Rental listings or advertisements that have been removed from its platform in accordance with section 3.5 of this Schedule.
- 5.11 Every Short-Term Rental Broker shall maintain and make publicly available its procedure for dealing with complaints it receives about nuisances, criminal activity, and or contravention of federal, provincial or municipal law related to a Short-Term Rental.
- 5.12 Every Short-Term Rental Broker shall have and maintain a system for receiving and responding to complaints from the public.
- 5.13 Every Short-Term Rental Broker shall convey any communications issued by the Director that relate to the requirements of this By-law to all Operators listing or advertising their Short-Term Rental with the Short-Term Rental Broker in a format and manner prescribed by the Director.

*Insurance*

- 5.14 Each Short-Term Rental Broker shall have and maintain:

## Appendix "D" to Report PED17203(c)

Page 12 of 15

- a) **Commercial General Liability Insurance** subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual liability, premises and operations liability, products and completed operations liability, contingent employers liability; personal injury, owners and contractors protective coverage; broad form property damage; occurrence property damage; employees as additional insured, and cross liability and severability of interest provision to the satisfaction of the City;
- b) **Comprehensive Crime Insurance**, broad form coverage *endorsed to include third parties* to adequately protect against loss of monies, securities or other properties, while such property is in the Broker's care, custody, and control, for dishonesty, disappearance and destruction, to protect against incidents arising out of but not limited to theft, robbery or burglary; having a limit of not less than \$50,000) for Employee Dishonesty (Commercial Blanket Form A), Loss inside the Premises, and Loss outside the Premises and Computer Funds Transfer Fraud.
- c) **Cyber Liability and Privacy Breach Liability** insurance in an amount of not less than \$1,000,000 per occurrence, to protect against privacy breach and violations as a result of but not limited to unauthorized access to or wrongful disclosure or dissemination of any private information, failure to properly handle, manage, store, destroy or control personal or confidential information and include the failure to comply with any privacy laws;
- i. extend to include the costs associated with notification of affected parties including credit monitoring costs for those individuals, regardless if required by statute as well as any third party fines or penalties or costs imposed as a result of any privacy or cyber breach including judgements, settlements, or defense of any regulatory action involving a breach of privacy;
  - ii. Privacy breach expenses including crisis management and credit monitoring expenses related to electronic and non-electronic breaches to a limit of not less than \$1,000,000;
- 5.15 The insurance provided in accordance with the above shall name the City as additional insured.
- 5.16 The insurance provided in accordance with the above shall include an endorsement to provide the City with no less than 30 days prior notice of any cancellation.

**Appendix “D” to Report PED17203(c)**  
**Page 13 of 15**

**6. GENERAL REQUIREMENTS**

- 6.1 No person shall enjoy a right in the continuance of a licence and at all times the value of a licence shall be the property of the City.
- 6.2 No person shall sell or transfer a licence issued under this Schedule.
- 6.3 No person licensed under this Schedule shall advertise, promote or carry on business under any name other than that endorsed upon that person’s licence.
- 6.4 The City shall, upon receipt of an application for a licence, or its renewal, investigate as necessary with respect to the application and shall:
- (1) if there are any reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence based on the criteria identified in this By-law, send notice of this fact to the applicant; or
  - (2) subject to the provisions of this By-law, issue or renew the licence, with or without conditions and send the appropriate notice to the applicant.
- 6.5 In addition to the criteria in section 12 of By-law 07-170, the Director shall issue or renew a license to any person who meets the requirements of this By-law, except where:
- (1) the conduct, or past conduct, of the person affords the Director reasonable grounds to believe that the person has not or will not carry on the Short-Term Rental or the Short-Term Rental Broker business in accordance with applicable law or with honesty and integrity;
  - (2) the applicant is a corporation and its conduct or the conduct of its officers, directors, employees, or agents afford reasonable grounds to believe that its business has not been, or will not be carried on in accordance with law or with integrity and honesty;
  - (3) The Director reasonably believes that the issuing of a license to a person could be adverse to the public interest;
  - (4) The Director reasonably believes that the carrying on of the Short-Term Rental or Short-Term Rental Broker business by the applicant has resulted, or will result, in a breach of this By-law, a Zoning By-law or any other law;
  - (5) The Director has reasonable grounds to believe that the premises, advertising, or platform in respect of which the licence is required have not complied or will not comply with the provisions of this By-law, a Zoning By-law or any other law;
  - (6) The lot and/or building on which the Short-Term Rental is situated is subject to an order, or orders, made pursuant to (or by): the Property Standards By-law,

**Appendix “D” to Report PED17203(c)**  
**Page 14 of 15**

the *Building Code Act*; the *Fire Protection and Prevention Act*; the *Health Protection and Promotion Act* or any regulations made thereunder;

- (7) The Short-Term Rental, the building in which it is situated, or the lot on which the building is situated is not in compliance with the applicable Zoning By-law;
  - (8) The person or the subject lot is indebted to the City by way of fines, penalties, judgements or outstanding (past due) property taxes; or
  - (9) The conduct of the applicant or other circumstances afford reasonable grounds to believe that the operation of the Short-Term Rental or the acting as Short-Term Rental Broker by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, their health and safety.
- 6.6 Where an applicant for a Short-Term Broker licence is a corporation or a partnership, section 6.5 shall apply to any of the officers or directors of the corporation or partners in the partnership.
- 6.7 The Director may deny the issuance or renewal of a license where the applicant has been convicted within the past five (5) years of a criminal offence for which a pardon has not been granted.
- 6.8 The collection, use, disclosure, transmission, retention and destruction of personal information by any Operator or Short-Term Rental Broker must be conducted in accordance with the requirements of PIPEDA.

## **7. ENFORCEMENT**

- 7.1 Notwithstanding anything else in this By-law, for the purpose of investigating compliance with the By-law, the Director may audit or examine all books, records and any account, voucher, letter, facsimile, and electronic or other document held by a Short-Term Rental Broker or Operator that relates or may relate to information that is or should be in the person’s books or records.
- 7.2 A Short-Term Rental Broker and Operator shall comply with all audit directions given by the Director within the time he or she specifies, including;
- (a) Giving the Director all reasonable assistance with their audit or examination;
  - (b) Answering all questions relating to the audit or examination either orally or, if the Director requires, in writing, on oath or affirmation, or by statutory declaration;



**Appendix "D" to Report PED17203(c)****Page 15 of 15**

- (c) Attending at a premise or place where the business is carried on or any City office for the purposes of giving the Director reasonable assistance and answering questions related to the audit or examination; and
  - (d) Producing on oath or affirmation or otherwise all books, letters, accounts, invoices, financial statements, electronic or such other documents as the Director considers necessary to determine compliance with this By-law.
- 7.3 Any person authorized by the Director may at all reasonable times and in accordance with any applicable requirements in the *Municipal Act, 2001*, as amended, inspect any premises used for the carrying on of any business in respect of which a person is required to be licensed under this Schedule.
- 7.4 No person who has or is required to have a licence under this Schedule shall obstruct or permit to be obstructed the making of the inspection.
- 7.5 If requested by the City, an inspection shall be scheduled and conducted within seven (7) days of the City's request.

**8. DIRECTOR AUTHORITY AND ADMINISTRATIVE PROVISIONS**

- 8.1 The Director may, at their discretion, issue interpretation bulletins or guidelines on matters relating to this Schedule, including its enforcement or application
- 8.2 The Director may establish standards and guidelines applicable to the issuance, renewal or entitlement to all licences issued under this Schedule.
- 8.3 The Director may delegate any authority or function provided for in this Schedule to any employee of the City designated by the Director.
- 8.4 All communication relating to this Schedule between the City and an applicant or licensee, shall be sent via e-mail to the e-mail address most recently provided to the City as part of the licensing process under this Schedule, except where another method is authorized by the Director.
- 8.5 Any e-mail sent in accordance with 8.4 shall be deemed for the purposes of this Schedule to have been received by the addressees on the day it is sent.
- 8.6 All records and information that must be maintained by a Short-Term Rental Broker or Operator or that may be audited, examined or collected by the City under this Schedule are deemed to be collected and properly used for the purposes of administering and enforcing this By-law.

Dear Sir and Madam,

I am very concerned that Hamilton Council is considering limits for home sharing in the City. With housing prices, rents and interest rates high, home sharing through short term rentals has become a very important part of people's ability to live in the city.

I am a senior citizen living on a Pension and I own a legal duplex in Crown Point East, in Hamilton. I regularly rent out my second apartment, mostly through Airbnb, in order to keep and maintain my home. Without this extra income, I would not be able to pay my utilities, taxes, repairs and my mortgage, especially now that interest rates have risen dramatically. I understand that fully 25% of Airbnb Hosts in Hamilton are seniors like me. Renting my unit to a long-term tenant is not a possibility for me. Last year, I had long-term tenants who, among other things, were delinquent in their rent to me. I consulted a lawyer and was shocked to learn that it would take in upwards of 10 months to evict these tenants. Ten months with no rental income and massive legal bills boded poorly for me to be able to keep my house.

I had to call the police on these tenants for threatening me personally and for what appeared to be illegal drug activity in the apartment. I was so upset at the time that I moved out of my home and in with family for a month. Luckily, the tenants decided that my apartment was not conducive to their businesses and moved out on their own accord.

This enabled me to keep my home. I then decided that I could not afford, to risk losing money and my home by renting my apartment long-term to another bad tenant who also frightened my neighbours. So I furnished my rental apartment with used but nice and registered with Airbnb for short-term rentals. My shortest stay is 1 week.

I am very happy with my decision to rent through Airbnb because I am offered good guests through them and have had only positive experiences in renting my place. Having the regular income for my hosting has enabled me to keep my home and not add to Hamilton's long wait lists for affordable rentals for seniors. My neighbours are also happy that I have good tenants/guests who do not disturb their peace.

An added bonus of having my short-term rentals from all over the world is that I am able to add to the tourism economy of my neighborhood. I have prepared a local guide that I give to my guests with recommendations of the stores, restaurants, services and attractions of my beloved Crown Point neighborhood. It pleases that I can send customers to my local businesses

to spend money in their shops. It works both ways since very few of my guests have cars and it pleases them that they can shop and eat within walking distance of their accommodations.

I know that short-term rentals, particularly the weekend only ones, have caused problems in some cities but that can easily be corrected with minor restrictions and perhaps a hosting fee.

I urge you to consider in your report the needs of the hosts of Short Term Rentals. Most of us do it to help defray the high cost of owning a house in Hamilton. We are certainly not rich businessmen who own multiple units and don't care about disturbing their neighbors.

Thank you for your attention.

Lilli Jones

November 21, 2022

Dear members of Hamilton City Council,

I had the pleasure of speaking with newly elected Councillor, Matt Francis, on the subject of the proliferation of air b&b's on the Beach Strip.

I retired to the Beach Community 13 years ago and purchased a small bungalow. I was attracted by the strong, cohesive community. My neighbours were also a senior couple with one tenant. Unfortunately, they sold their home 3 years ago to investors from Brampton who converted the home to an air b&b which houses as many as a dozen guests routinely throughout the summer months. This is but one example of the many homes I have seen along the beach converted solely for the purpose of running short-term rentals/air b&b's.

I feel I am losing my community as a result of the increasing numbers of large homes that have been converted to short-term rental units. I no longer have neighbours on two sides of my home. I no longer am familiar with the people who are populating my neighbourhood. From time to time, I feel unsafe.

I also operate an air b&b. It is in within my primary residence. There are never any more than two guests and they are always respectful of my home and of my neighbours. I rely on this income to supplement my fixed retirement income to help cover increasing maintenance and overhead costs.

It is my understanding that a proposed new By-law will require that short-term rental units (air b&b's) be in the primary home/residence of the renter. I am in support of this upcoming recommendation. I am not, however, in support of increased taxes. Investors simply write-off the taxes. Applying a special tax to investors does not address my concerns about loss of community. I also do not support a limitation on the number of rental days in my space.

I appreciate you giving my comments your consideration. I would be happy to discuss this matter further with any one of you.

Sincerely,  
Norah McIntyre