


**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Planning Division*

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 9
<b>COMMITTEE DATE:</b> June 19, 2012	
<b>SUBJECT/REPORT NO:</b> Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Joe Muto (905) 546-2424, Ext. 7859
<b>SIGNATURE:</b> 	

**RECOMMENDATION:**

- (a) That approval be given to **Official Plan Amendment Application OPA-11-008, by 2268329 Ontario Inc. o/a Albion Developments Inc. (Albion), Owners**, for Official Plan Amendment No. [REDACTED], to amend Schedule "A3-2" Nash Neighbourhood Secondary Plan to redesignate lands to "Open Space - Walkway", "Low Density Residential", "Medium Density Residential 1", and "Medium-High Density Residential", for the lands located at 220 Mud Street West, (Stoney Creek) as shown on Schedule "A" to Appendix "B" to Report PED12079, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12079, be adopted by Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan for the Greater Golden Horseshoe and the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED], to amend Map B.7.5-1 - Nash Neighbourhood Secondary Plan for redesignation from "Utility" to "Low Density Residential 2" and "Natural Open Space"; from "Medium Density Residential 2" to "Natural Open Space", "Medium Density Residential 3", "Medium Density Residential 2h", "General Open Space", "Natural Open Space", "Low Density Residential 2", and "Utility"; from "Medium Density Residential 3" to "Natural Open Space"; and, from "Natural Open Space" to "Utility" designations; to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 220 Mud Street West (Stoney Creek), as shown on Schedule "I" to Appendix "H" to Report PED12079,
- (c) That approval be given to **Zoning Application ZAC-11-051, by 2268329 Ontario Inc. o/a Albion Developments Inc., Owners**, for changes in zoning to By-law No. 3692-92 from the Single Residential "R2" Zone, the Single Residential "R2-14" Zone, with a Special Exception, the Single Residential "R2-15" Zone, with a Special Exception, the Single Residential "R3" Zone, the Multiple Residential Holding "RM3-2(H)" Zone, with a Special Exception, and the Multiple Residential Holding "RM5-3(H)" Zone, with a Special Exception, to the Single Residential "R3-33" Zone, with a Special Exception (Blocks 1, 2, 4, 6, and 7), the Single Residential "R6-6" Zone, with a Special Exception (Blocks 8, 10, 12, and 13), the Multiple Residential "RM2-29" Zone, with a Special Exception (Blocks 9 and 11), the Multiple Residential "RM3-45" Zone, with a Special Exception (Block 14), the Multiple Residential "RM3-46" Zone, with a Special Exception (Blocks 3 and 5), the Multiple Residential "RM5-10" Zone, with a Special Exception (Block 15), the Single Residential "R3-34" Zone, with a Special Exception (Blocks 16, 17, and 18), and adding lands to Zoning By-law No. 05-200 to the Conservation/Hazard (P5) Zone (Blocks 1 and 2) and the Conservation/Hazard (P5, 29) Zone, with a Special Exception (Block 3), as shown on Schedule "A" to Appendices "C" and "D" to Report PED12079, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED12079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the amending By-law be added to Schedule "A", Map No. 10 of Zoning By-law No. 3692-92.
- (iii) That the draft By-law, attached as Appendix "D" to Report PED12079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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- (iv) That the amending By-law be added to Schedule "A", Map Nos. 1404 and 1455 of Zoning By-law No. 05-200; and,
  - (v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That approval be given to **Draft Plan of Subdivision Application 25T-201108, by 2268329 Ontario Inc. o/a Albion Developments Inc., Owners**, to establish a draft plan of subdivision known as "Paramount", on lands at 220 Mud Street West, in the former City of Stoney Creek, as shown on Appendix "E" to Report PED12079, subject to the following conditions:
- (i) That this approval apply to "Paramount", 25T-201108, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated August 19, 2011, as revised January 19, 2012, showing 115 lots for single detached dwellings (Lots 1-82, and 97-129), 24 lots for 48 semi-detached dwellings (Lots 83-96 and 130-139), nine blocks for 53 freehold townhouse units (Blocks 140-148), two blocks for 117 townhouse condominium units (Blocks 149 and 150), one block for future high density development for 32 units (Block 151), two blocks for walkways (Blocks 154 and 155), one hedgerow block (Block 153), four ESA blocks (Blocks 156-158 and 160), one stormwater management pond (Block 159), one block for the Felker Channel and future pedestrian connection (Block 161), one block for open space (Block 152), and the creation of 4 public roads (Streets "A", "B", "C", and "D"), attached as Appendix "E" to Report PED12079, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "F" to Report PED12079;
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:
    - (1) The Stormwater Management Facility, from an approved Capital Budget Source, in accordance with applicable Council policies.
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Blocks 140 to 151, for which payment shall be

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based on the value of the land on the day prior to the issuance of the first building permit for each said block.

With regard to Lots 1-82 and 97-129 (Single-Detached Residential) and Lots 83-96 and 130-139 (Semi-Detached Residential) a parkland dedication at a ratio of 5% shall be required.

With regard to Blocks 140-148 (Street Townhouses), a parkland dedication at a ratio of 1 ha per 300 dwellings units shall be required.

With regard to Blocks 149-151 (Maisonettes/High Density Residential), a parkland dedication at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed shall be required.

All in accordance with the financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

#### **EXECUTIVE SUMMARY**

The purpose of these applications is to amend the City of Stoney Creek Official Plan, the City of Stoney Creek Zoning By-law, and seek approval of a draft plan of subdivision known as "Paramount" (see Appendix "E"). The applicant is requesting to permit the development of the lands for 115 single detached dwelling lots, 48 semi-detached dwelling units, 53 street townhouse units, two townhouse condominium blocks for 117 units, one high density residential block for 32 units, totalling 365 dwelling units, including various open space blocks and 4 internal public roads.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement and conform with the Growth Plan for the Greater Golden Horseshoe and the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area, and is in keeping with the intent of the Stoney Creek Official Plan and the Nash Neighbourhood Secondary Plan, and upon finalization of the Official Plan Amendment, the proposal will be in conformity with both Plans.

*Alternatives for Consideration - See Page 49.*

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**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** The City's financial share of this development is identified in Recommendation (d) (ii).

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision.

**HISTORICAL BACKGROUND (Chronology of events)**

The applicant has submitted a plan of subdivision application, together with applications to amend the City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, and introduce open space lands into Zoning By-law No. 05-200, in order to permit the implementation of the proposed plan of subdivision.

The subject lands were previously owned by the Ontario Realty Corporation (ORC), and received Council approvals in March 2011, for Official Plan and Zoning By-law Amendments, and a draft plan of subdivision (see Appendix "G"). The current owner, Albion Developments Inc. (Albion), has since purchased the lands from the ORC and is seeking to modify those approvals to allow for the following (see Appendix "E"):

**Proposal**

The applicant has applied for an amendment to rezone and redesignate a portion of the lands. The current application seeks to rezone some of the lands which were approved in March 2011, under By-law No. 11-091. The current proposal for the change in zoning is seeking to modify some residential zones to allow for a mix of single detached, semi-detached, street townhouses, and block townhouse dwelling units. The existing ORC approval allows for the development of 550 units, whereas the current applications are proposing 365 units, which is a reduction in total unit yield of 185 units. The Official Plan Amendment is required in order to recognize the various changes in designations, which were also approved in March 2011, through Official Plan Amendment No. 164. These amendments will implement the proposed draft plan of subdivision, and are further discussed below.

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**Plan of Subdivision:**

The proposed draft plan of subdivision (see Appendix "E") is intended to create:

- 115 Single Detached dwelling lots (Lots 1-82 and 97-129);
- 48 Semi-detached dwelling units (Lots 83-96 and 130-139);
- Nine blocks for 53 street townhouse units (Blocks 140-148);
- Two blocks for 117 townhouse condominium units (Blocks 149 and 150);
- One future high density residential block for 32 units (Block 151);
- Two walkway blocks (Blocks 154 and 155);
- One hedgerow (Block 153);
- Four ESA buffer lands (Blocks 156-158 and 160);
- One stormwater management pond (Block 159);
- One block for the Felker Channel buffer and future pedestrian connection (Block 161);
- One open space block (Block 152); and,
- Four internal public roads (Streets A-D).

Access to the proposed development will be via Mud Street West, primarily through the new road connection of Street "A", as well as from Street "B", which will have limited access (right-in and right-out) to the subject lands.

**Zoning By-law Amendments:**

A corresponding application to amend the Stoney Creek Zoning By-law is also required to rezone portions of the lands to allow the various residential zones proposed. Given the number of blocks to be rezoned from amending By-law No. 11-091 to the current proposal, staff proposes to repeal By-law No. 11-091 in its entirety, which would thereby simplify the proposed implementing By-law for the Albion proposal (see Appendix "C"). These modifications are discussed in detail in the Analysis/Rationale for Recommendation section of the Report.

Further, the proposed draft plan of subdivision maintains two pedestrian walkways, which will connect the development to the City's Heritage Green Community Sports Park. These two pedestrian walkways are identified as Blocks 1 and 2 in Appendix "D", and will be added to Hamilton Zoning By-law No. 05-200 as Conservation/Hazard (P5) Zone to ensure that they are maintained in perpetuity as pedestrian connections to the Heritage Green Community Sports Park. A portion of the subject lands will also be added to the site-specific Conservation/Hazard (P5, 29) Zone, Modified (see Appendix "D" - Block 3), which was established through the ORC approval. These proposed zones are also described in greater detail in the Analysis/Rationale for Recommendation section of the Report.

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**Official Plan Amendment:**

An application to amend the Stoney Creek Official Plan (Schedule "A3-2" Nash Neighbourhood Secondary Plan) is required in order to redesignate some of the subject lands as a result of the proposed draft plan from:

- "Medium-High Density Residential" and "Medium Density Residential 1" to "Low Density Residential";
- "Medium Density Residential 1" to "Medium-High Density Residential";
- "Medium-High Density Residential" to "Medium Density Residential 1"; and,
- "Medium Density Residential 1" and "Medium-High Density Residential" to "Open Space - Walkway".

**Chronology**

September 7, 2010: Report PED10196 for Applications ZAC-08-062, OPA-08012, and 25T-200806 (c/o the Ontario Realty Corporation) is considered by the Planning Committee. Committee approved a motion which tabled the applications until such time as a peer review for a landfill impact assessment was completed and that the Ward Councillor meet with the applicant and staff regarding the bridge at Mistywood Drive, extension of the natural area east of Davis Creek and south of Mistywood Drive, decreasing density adjacent to the conservation area and, lastly, that appropriate warnings be included regarding possible bacterial contamination of the stream on the east side of the Davis Creek.

March 21, 2011: The above noted motion was satisfied, and Report PED10196(a) was approved by Planning Committee.

March 23, 2011: Council approved Planning Committee's decision on this matter with the following added condition:

(d)(iv) That the owner agrees that development of the subject lands not exceed 50% of the total developable land area until the Lower Davis Creek downstream erosion works have commenced construction or an assessment of the increased erosion risk has been completed that would determine if additional development can proceed.

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- April 11, 2011: The ORC Draft Plan of Subdivision is draft approved.
- April 13, 2011: Submission of Formal Consultation Application FC-11-043 by Albion.
- April 27, 2011: Statutory declaration issued by the Clerk's Department advising that the Official Plan Amendment and the Zoning By-law are in force and effect for the ORC proposal.
- May 25, 2011: FC-10-043 is discussed at Development Review Committee, and shortly thereafter a Formal Consultation Document is issued to the applicant identifying the requisite list of planning applications, studies, and reports necessary to deem any future Planning Act application(s) complete.
- August 19, 2011: Applications OPA-11-008, ZAC-11-051, and 25T-201108 are received with the requisite list of studies and reports. Applications are deemed complete on September 1, 2011.
- September 12, 2011: Applications OPA-11-008, ZAC-11-051, and 25T-201108 are circulated to the relevant departments and agencies.
- September 15, 2011: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 metres of the subject lands.
- June 1, 2012: Notice of Public Meeting is mailed to all residents within 120 metres of the subject lands.

**DETAILS OF SUBMITTED APPLICATIONS:**

**Location:** 220 Mud Street West, Part of Lot 29, Concession 6 (Saltfleet), in the former City of Stoney Creek (see Appendix "A").

**Owners:** 2268329 Ontario Inc. o/a Albion Developments Inc.

**Agent:** A.J. Clarke & Associates (c/o Steve Fraser)

**Property Size:**

Area: 17.86 hectares

Frontage: 205.97 metres (along Mud Street West)

Depth : Varies



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**EXISTING LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b><u>Subject Lands:</u></b>	Vacant	Multiple Residential (Holding) "RM5-3(H)" Zone, Multiple Residential (Holding) "RM3-2(H)" Zone, Single Residential "R3-3" Zone, Single Residential "R2", "R2-14" and "R2-15" Zones, Open Space "OS" and "OS-3" Zones
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Open Space/Natural Area	Conservation/Hazard (P5) Zone
<b>South</b>	Valley Park	City Wide (P3) Zone
<b>East</b>	Heritage Green Community Sports Park and Retired Landfill Site	City Wide (P3) Zone and Intensive Recreation "IR-2" Zone
<b>West</b>	Existing Single Detached Dwellings/Open Space/Existing Townhouse Dwellings	Single Residential "R2" Zone, Single Residential "R3" Zone, Multiple Residential "RM2" Zone, and Multiple Residential "RM3-3" and "RM3-29" Zones

**POLICY IMPLICATIONS**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS), and is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

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Policy 1.1.1(c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. In addition, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity on the site associated with the proposed use such that there will be no adverse effects. Staff notes that the subject lands are located adjacent to a closed landfill site. Further, as part of the previously approved ORC planning applications for the subject lands (OPA-08-012, ZAC-08-062, and 25T-200806), a Landfill Impact Assessment was prepared by Terraprobe, entitled *Preliminary Report Landfill Impact Assessment (D-4 Study) Nash Neighbourhood ORC Lands, Hamilton (Stoney Creek) Ontario*, dated January 24, 2011. The Terraprobe Report concluded that the likelihood for potential future impacts on the subject lands from the closed and operating landfills is low, and that the existing monitoring and control systems employed at the closed and operating landfills are considered to be suitable to detect and address potential impacts on the subject lands. The Terraprobe Report was peer reviewed for the City by AMEC (*Peer Review of the Landfill Impact Assessment of the Proposed Nash Neighbourhood - ORC Properties*), dated February 14, 2011. AMEC agreed with the conclusions of the Terraprobe Report. Therefore, there are no further requirements in this regard.

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odor, noise and other contaminants, and minimize risk to public health and safety. In this regard, the subject lands are intended to be developed for residential purposes and are located adjacent to Mud Street West. The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a Noise Study. In this regard, noise issues will be addressed through the Standard Form Subdivision Agreement (Clause 1.25).

In addition, Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The subject lands are within Felker's Falls Escarpment Environmentally Significant Area (ESA #53). This issue will be addressed through a draft plan condition (see Appendix "F" - Condition No. 1).

Further, Policy 2.6.2 of the PPS outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage

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integrity of the site may be permitted. These final two items are further discussed in the Analysis/Rationale for Recommendation section of the Report.

**Places to Grow**

The Places to Grow Plan is formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005, by the Province of Ontario. The Plan's main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity to each other.

The subject lands are located outside of the built boundary and, therefore, considered to be Greenfield development. The Plan further states that designated Greenfield areas will be planned, designated, and zoned in a manner that contributes to creating complete communities, which includes street configurations, densities, and urban form that supports walking, cycling, and transit. The Plan further identifies that density targets of not less than 50 residents and jobs combined per hectare should be a goal for all municipalities. The Plan also includes policies about building complete communities where residents can live, work, and play; and it provides direction with respect to sustainable living that is transit supportive and environmentally friendly. This proposal meets those policies.

In this regard, a total average of 66 people and jobs per hectare can potentially be created from this development, which exceeds the minimum density target. Further, the applicant has provided a Market and Feasibility Review, prepared by urbanMetrics Inc., which provides a conclusive review of these policies. The urbanMetrics Report is discussed below in the Analysis/Rationale for Recommendation section of this Report. Based on the foregoing, this development proposal conforms to of the Places to Grow Plan.

**Niagara Escarpment Plan**

The subject lands are within the Niagara Escarpment Plan Area and designated "Urban Area" and "Escarpment Natural Area" in the Plan. Through the Nash Neighbourhood Secondary Plan process, the Niagara Escarpment Commission (NEC) provided feedback, and policies were incorporated into the Secondary Plan which addressed their mandate. Policy 13.3.8.12 (f) of the Secondary Plan states that development proposals within 150 metres of the Niagara Escarpment shall have a maximum height of two storeys, and that prior to the approval of a draft plan of Subdivision and/or Zoning By-law, visual analysis shall be required to determine the maximum building height and minimum setbacks.

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The subject lands are located in close proximity to the brow of the Niagara Escarpment. As part of the ORC application submission, the applicant provided a Viewshed Analysis. The Niagara Escarpment Commission had previously reviewed the ORC Draft Plan of Subdivision, Environmental Impact Statement (EIS), and the Visual Impact Assessment. At the time, NEC staff advised that they have no objections to the proposed Official Plan Amendment, and that the supporting documentation has demonstrated that the Plan of Subdivision and Zoning By-law are in compliance with the Urban Area development objectives of the Niagara Escarpment Plan, subject to certain conditions and regulations which were incorporated into the previous planning approvals.

Through the NEC's review of the ORC applications, they recommended the preparation of Architectural Guidelines as a condition of draft plan approval that include consideration of design elements that will reduce the visual presence of the future built form by considering sympathetic roof heights, pitches, profiles, and surface materials, as well as building materials that are based on earth tones and reduce reflectivity in areas within the view lines of roads and the nearby Bruce Trail. With respect to the Albion applications, the NEC has advised that all their previous comments and conditions from the ORC proposal still apply. The Albion submission also included an Urban Design Report, prepared by Lintack Architects Inc., which provides clarity with respect to design, character, and integration. However additional review of this Report is required and, therefore, in regard to architectural guidelines, these requirements continue to be included as a condition of draft plan of subdivision approval (see Appendix "F" - Conditions No. 2 and 4).

The Visual Impact Assessment (VIA) had demonstrated that the height of buildings on the site above ground level grades will not intrude into the viewshed from vantage points below the escarpment. As the foundation for the effectiveness of the VIA is based on a definable consistent measurement of elevation, metres above sea level (masl), the NEC had requested that there be control over both finished grades of the land within the subdivision and the height of buildings that may be constructed on the subject lands once finished grades have been established. Therefore, in order to ensure that development occurs in a manner that is consistent with the recommendations of the VIA, the NEC has requested to have an opportunity to review the grading plan for the site. The preparation of a grading plan is a standard condition of draft plan approval. As a result, the NEC has been included as a consulting agency for the final approval of the grading plan (see Appendix "F" - Condition No. 7).

In addition, the implementing Zoning By-law Amendment will include height restrictions based on both the height of the building from the finished grade and the peak height of the building above sea level (see Appendix "C"). Lastly, the NEC has also advised that with the ORC proposal all development is setback in excess of 150 metres from the brow and, therefore, satisfied that no further setback regulations are necessary. As the ultimate boundary of development has not changed in the Albion proposal, no further

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setback regulations would be necessary. However, where the Albion lands abut an Environmentally Sensitive Area, all the proposed single detached dwellings will be subject to site plan control, at which time grading, building mass, and landscaping will be further reviewed to ensure conformity with the recommendations of the Visual Impact Assessment (see Appendix "F" - Condition No. 5).

**Hamilton-Wentworth Official Plan**

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Policy B-2.3 states that the identification of contaminated sites is essential. The subject lands are located adjacent to a closed landfill site. Staff further notes that as part of the previously approved ORC planning applications for the subject lands (OPA-08-012, ZAC-08-062, and 25T200806) a Landfill Impact Assessment was prepared by Terraprobe, entitled *Preliminary Report Landfill Impact Assessment (D-4 Study) Nash Neighbourhood ORC Lands, Hamilton (Stoney Creek) Ontario*, dated January 24, 2011. The Terraprobe Report concluded that the likelihood for potential future impacts on the subject lands from the closed and operating landfills is low, and that the existing monitoring and control systems employed at the closed and operating landfills are considered to be suitable to detect and address potential impacts on the subject lands. The Terraprobe Report was peer reviewed by AMEC (*Peer Review of the Landfill Impact Assessment of the Proposed Nash Neighbourhood - ORC Properties*), dated February 14, 2011. AMEC agreed with the conclusions of the Terraprobe Report and, therefore, have no further requirements in this regard.

Policy B-9.2 of the Hamilton-Wentworth Regional Official Plan states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. Stage 1-2 and Stage 3-4 Archaeological Reports were prepared by Archaeological Assessments Ltd. and submitted for the ORC applications. The Ministry of Tourism and Culture signed-off in a letter dated June 28, 2008, and the City also concurs with the recommendations made in the Reports. Therefore, there is no further interest in the subject lands with respect to archaeology.

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As mentioned above, the subject property falls within the Felker's Falls Escarpment Environmentally Significant Area (ESA #53). Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

- i) Will not adversely affect, degrade, or destroy any of the qualities which are the basis for the area's designation;
- ii) Will not cause any significant impacts upon water quantity and quality; and,
- iii) Will not adversely affect the implementation of any resource protection policies or plans.

An Environmental Impact Study (EIS) was prepared by LGL Limited - Environmental Research Associates in September 2008, and the subsequent EIS Addendum in June 2009. These EIS Reports were reviewed by ESAIEG at its June, 2009 meeting. They were satisfied with the content of the EIS and its recommendations. Staff has reviewed the EIS in conjunction with the Albion submission.

When comparing the revised "Paramount" draft plan of subdivision to the EIS recommendations, which ESAIEG accepted, staff identified some initial minor inconsistencies regarding labelling of boundaries and as-approved environmental buffers along the ESA blocks and the Creek. The applicant has clarified these matters by providing staff with the revised "Paramount" overlay on the approved ORC draft plan of subdivision. Staff has reviewed the recent information provided by the applicant and is satisfied that the minimum 15 metre fisheries buffer is being provided along Felker's (Davis) Creek, with the exception of the south end (where the wooded slope is located), which is in keeping with the June 2009 ESAIEG review and direction.

Staff advises that the northern portion of Lot 20 shows a portion of the rear lot line located within the buffer area, the applicant will need to demonstrate that the ESA is not impacted, and, alternatively, Lot 20 may not be permitted. In this regard, the Stormwater Management Report will need to be updated to further address any potential impact (see Appendix "F" - Condition No. 15).

### **City of Stoney Creek Official Plan**

The subject lands are designated "Residential" and the most northerly portion of the lands as "Open Space" on Schedule "A" - General Land Use Plan in the Stoney Creek Official Plan. The "Residential" objectives of the Plan are to accommodate expected population growth and changing demands for residential development. Another objective of the residential designation is to provide a range of housing types and densities which vary in style and provide amenities for the local residents. Further, the

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proposed development meets the residential densities identified in the Plan and the Nash Neighbourhood Secondary Plan, as discussed below. The subject lands have access to full urban services and provide for a full range of housing types appropriate for this neighbourhood. Through the ORC proposal, the northern portion of the subject lands were reviewed with respect to the environmental studies submitted. Through that previous approval process, the open space character was preserved through detailed boundary delineation through OPA No. 164. The proposed development conforms to the general intent of the Stoney Creek Official Plan policies, as it relates to the "Residential" and "Open Space" land use designations.

The subject lands fall within the Nash Neighbourhood Secondary Plan Area of the City of Stoney Creek Official Plan. The ORC proposal redesignated the lands through Official Plan Amendment No. 164. The OPA allowed for "Open Space", "Medium-High Density Residential", "Stormwater Pond", "Environmentally Significant Area", and "Medium Density Residential 1" uses. The Albion proposal will maintain most of the aforementioned designations. However, some of the residential boundaries will be modified in order to implement the current draft plan of subdivision known as "Paramount". The new reconfigured boundaries would only apply to the existing residential area of the subject lands which would include the following proposed designations; "Low Density Residential", "Medium Density Residential 1", "Medium-High Density Residential", and "Open Space - Walkway" (see Appendix "B").

These proposed designations reflect the overall draft plan of subdivision and the development product of Albion. To justify this proposed concept, Albion submitted a Market and Feasibility Review for the "Paramount" draft plan of subdivision proposal, prepared by urbanMetrics Inc., and dated August 2011. Staff is of the opinion that the "Paramount" subdivision proposal continues to provide a mix of residential housing types at a human scale, which provides for an appropriate variety of streetscape. The Albion submission also included an Urban Design Report, prepared by Lintack Architects Inc. This Report provides some clarity with respect to the design variety and streetscape character and integration. However, additional review is required and can be appropriately achieved through draft plan conditions (see Appendix "F" - Conditions No. 2 and 4). The Urban Design Report is further discussed in the Analysis/Rationale for Recommendation section of the Report.

The "Paramount" subdivision proposal continues to foster many of the ORC principles, as it relates to safe public access and connectivity to the existing neighbourhood to the west and the community park to the east. The current plan maintains the intent and importance of the existing natural open space located within the draft plan and the abutting lands. The "Paramount" plan continues to protect and conserve natural heritage elements, while adequately linking and connecting the community to these areas via a network of open space pathways and park systems which complements an attractive, compact, safe, and pedestrian oriented environment.

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The general land use policies of the Nash Neighbourhood Secondary Plan provide for a mix of housing opportunities in terms of lot size, unit size, style, tenure, income groups, lifestyles, and household structures. Further, this policy also encourages medium to medium-high densities throughout the neighbourhood through the provision of smaller lots in interior locations and medium-high density developments located along external locations of the neighbourhood. Staff is of the opinion that the proposed development meets the general intent of the land use policies.

With respect to the proposed residential designations, the "Low Density Residential" designation is consistent with the permitted land uses, and conforms to the density range of 20 to 35 units per net residential hectare. As well, the proposed units will not exceed more than 3-storeys in height. Further to height, the recommendations of the Visual Impact Analysis have also been incorporated into the implementing Zoning By-law for the subject lands. The proposed locations of the "Low Density Residential" uses are interior to the neighbourhood and adjacent to local roads. The proposed units conform to the "Low Density Residential" designation.

The proposed "Medium Density Residential 1" designation is also consistent with the policies of the Nash Neighbourhood Secondary Plan, in that the proposed dwellings are permitted, meet the density range of 30-49 units per net residential hectare, shall not exceed 3-storeys in height, and are generally located at the periphery of the neighbourhood. It is staff's opinion that the proposed designation is consistent with these policies.

The proposed "Medium-High Density Residential" designation will also be consistent, as block townhouses are permitted and the proposed OPA will be limited in height and not exceed 3-storeys, whereas the parent designation permits a maximum 8-storeys. Further, the proposed density for this block is approximately 60 units per net residential hectare, which is within the policy range of 50 to 99 units. The proposal also conforms with the locational attributes identified in this designation as the proposed block is in close proximity to an open space area.

Two blocks have been identified in the draft plan of subdivision for "Open Space - Walkway" (see Appendix "E" - Blocks 154 and 155). These two blocks are necessary in order to facilitate pedestrian connection from the development to the community park known as Heritage Green Community Sports Park and the greater trail system which connects this development to the other natural open space corridors in this Nash Neighbourhood and the Niagara Escarpment area. In regard to the existing open space areas within the "Paramount" draft plan, they will continue to exist as currently approved under the ORC applications. The intent of the Secondary Plan environmental policies is being maintained as the existing open spaces, stormwater management facility, and environmentally significant areas have been preserved and designated via the ORC approval process.



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Based on the foregoing, policies, the proposal meets the general intent of the policies with respect to land use compatibility, environmental protection, and pedestrian connectivity identified in the Stoney Creek Official Plan and the Nash Neighbourhood Secondary Plan, and upon finalization of the Official Plan Amendment will be in conformity with both Plans.

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice in the staff Report and Notice of Adoption.

The current Nash Neighbourhood Secondary Plan policies have been carried forward into the Urban Hamilton Official Plan. Therefore, an amendment to the Urban Hamilton Official Plan will also be undertaken to change the boundaries of the various designations to more appropriately coincide with the proposed land uses (see Appendix "H"). As noted in the discussion about the Stoney Creek Official Plan, staff is satisfied that the re-designations implement the principles, objectives, and policies of the Plan.

The subject lands are designated as "Neighbourhoods" on Schedule "E" - Urban Structure and as "Neighbourhoods" and "Open Space" on Schedule "E-1" - Land Use Designations. The subject lands are also designated as "Medium Density Residential 1", "Medium Density Residential 3", and "Natural Open Space" Map B.7.5-1 - Nash Neighbourhood Secondary Plan, which forms part of the Urban Hamilton Official Plan.

The subject lands are considered as "Greenfield" area, and partially within the "built-up" area. Hamilton is required to achieve a minimum of 40% of all residential development within the built-up area, and "Greenfield" areas must be planned to achieve an overall minimum density of 50 people and jobs per hectare. (Vol.1, A.2.3.3.3, A.2.3.3.4). The proposal exceeds this density requirement, as it provides for up to 66 people and jobs per hectare, which assists the City in achieving this policy.

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The proposal is also consistent with the Urban Housing goals outlined in the plan to provide for a range of housing types, forms, and densities in the urban area to meet the social, health, and well-being requirements of current and future residents (Vol. 1, B.3.2.1.1, B.3.2.4.1), and with the Urban Design policies of Section B.3.3 (Vol.1) of the Plan, in that it respects existing development patterns, promotes design consistent with the surrounding environment, and it conserves the natural features on and abutting the existing lands. It also contributes to the creation of a continuous street edge, and contributes to sustainability by achieving a compact development.

The "Medium Density Residential 2" designation of the Nash Neighbourhood Secondary Plan permits multiple dwellings such as street and block townhouses, duplexes, triplexes and quadruplexes with a density range of 30 to 49 units per hectare (Vol. 2, B.7.3.1.4). The Albion proposal will maintain some of the "Medium Density Residential 2" designation. Those lands have been calculated to have a density of approximately 45 units per hectare.

The Albion proposal would also include a redesignation from "Medium Density Residential 2" to "Low Density Residential 2". This designation permits single detached, semi-detached, duplex, and street townhouse dwelling units. The proposed dwelling units have been calculated to have a density of approximately 25 units per net hectare. The "Low Density Residential 2" Policy identifies a density range of 20 to 35 units per net residential hectare. Therefore, the proposed redesignation conforms to this range.

The proposal will also redesignate lands from "Medium Density 2" to "Medium Density 3". The proposed development will be comprised of block townhouses, and shall not exceed 3-storeys for Block 149 (see Appendix "E"), whereas the current designation allows for 8-storeys. Further, the proposed development will maintain a density of approximately 60 units per net residential hectare, which is in keeping with the range of 50 to 99 units. The proposed block is adjacent to an open space area. In this regard, the proposed "Medium Density 2" designation is in conformity with the intent of the respective policies.

Since the previous ORC draft amendment to the Urban Official Plan has not yet been incorporated and is currently before the OMB, the southerly portion of the subject lands will, therefore, need to be recognized in this draft amendment (see Appendix "H").

### **City of Hamilton Staging of Development**

The proposal is consistent with the criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides employment opportunities, and upon finalization of the Official Plan Amendment will conform with the land use policies of the City of Stoney

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Creek Official Plan. The application has been identified in the Staging Plan with a proposed draft plan approval date of 2010.

**RELEVANT CONSULTATION**

**Forestry and Horticulture Section, Maintenance and Operations Division (Public Works Department)** advised that their assessment of the proposed Draft Plan of Subdivision, Environmental Impact Statement, and the Urban Design Report submitted on behalf of Albion Developments Inc. to develop the Paramount Subdivision shows that there are no direct Urban Forestry Tree conflicts, but identify concerns for the trees on the west side of the Heritage Green Community Sports Park.

They further advise that there are no significant Municipal Tree Assets located on the Mud Street West road allowance fronting the site. They do advise that there are Municipal trees abutting the Heritage Green Community Sports Park in Vegetative Community FOD9-3, which is located adjacent to the area identified as a future access road to the park. They advise that the trees must be shown to not be impacted via submission of a Tree Management Plan (see Appendix "F" - Condition No. 3).

The Forestry and Horticulture Section requests that a Tree Management Plan be prepared by a Landscape Architect, which will include the inventory of trees extending 10 metres into Heritage Green Community Sports Park. All trees within this 10 metre wide area must be surveyed, identified, and accurately plotted on the plan. They also advise that care should be taken to avoid grade changes which may channel excess water toward the driplines of retained trees. Excess water will limit air and carbon dioxide exchange in the root system and make the soil more prone to compaction. The inclusion of a quantity of photos on the Tree Management Plan is encouraged. These will aid in referencing significant trees, such as endangered species or woodlots to plotted locations. If it is determined and verified that existing trees can remain, a Tree Protection Zone (T.P.Z.) Detail, with notes showing Tree Preservation Techniques, shall be included on the submission, as per the Tree Preservation and Protective Measures for Trees Affected by Construction Policy.

They further indicate that signs must be mounted on all sides of the Tree Protection Barriers. The signs should be a minimum of 40 cm x 60 cm (15.7 " x 23.6") and made of white gator board or equivalent material. Signage contents may vary, but must include information stating that the delineated area around the tree is a T.P.Z and that no construction activity, grade changes, surface treatments, or excavations may take place within the confines of the hoarding.

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Further, improvements to existing infrastructure or the extension of existing roads are often required to service the needs of the proposed development. Any new road or sidewalk construction adjacent to this site, including underground service upgrades or installation that are directly related to this proposed development, must be included within the design, including identification and management of Municipal trees. Although this work may be under the direction of the City of Hamilton, tree management of all Municipal Assets residing outside the development area is the sole responsibility of the applicant, and the Tree By-law and associated Policies are applicable. The clearance of a Street Tree Planting condition will be provided upon receipt of a plan depicting new trees and a cash payment, as required in Clause 2.8 of the completed Subdivision Agreement. The remittance is to be made payable directly to the Forestry and Horticulture Section. The Forestry and Horticulture Section will not accept cash-in-lieu of trees to be installed in Stormwater Management Ponds, Entrance Features, or Round-a-Bouts.

In summary, they provide the following comments:

- There are no significant Municipal Tree Assets located on the Mud road allowance fronting this proposed development.
- There are Municipal Tree Assets located adjacent to the Heritage Green Community Sports Park on the east side of this proposed development and, therefore, Tree Management is required for an area extending 10 metres into the park.
- A Landscape Planting Plan, prepared and signed by a Landscape Architect, will be required. This plan should address the development components of Stormwater Management Pond, Entrance Features, and Round-a-Bouts.
- The approved Tree Management Plan/Landscape Plan, stamped and signed by the Landscape Architect who created the plan, must be on-site during construction, as representatives of Forestry and Horticulture conduct periodic site inspections and may ask to see the document.
- The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees, and a cash payment, as required in Clause 2.8 of the completed Subdivision Agreement.
- The clearance by Forestry and Horticulture of an imposed Tree Management Condition is reliant on fulfilling the provisions of the Tree By-law, its five associated Policies, payment in full of replacement fees or assigned securities, and full compliance with all amendments requested, in writing, by a designate of the Manager of Forestry and Horticulture.

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Staff is satisfied that these concerns have been addressed through conditions of draft plan of subdivision (see Appendix "F" - Conditions No. 1 and 3) and through the Standard Form Subdivision Agreement.

**Traffic Engineering and Operations Section, Operations and Maintenance Division (Public Works Department)** advised that they have no objection to the proposed development; however, provide the following comments and conditions:

The applicant has submitted an On-Street Parking Plan.

- i. The section of Street 'A' between Mud Street West and the future Park entrance will have painted on-street bike lanes. As such, there will not be on-street parking permitted unless the applicant wishes to construct parking bays and note that there are several spaces shown on Street 'A' south of the Park entrance that will need to be relocated.
- ii. They suggest that on-street parking also not be permitted in the short section of curved Street 'A' between the Park entrance and Street 'C'. Drivers leaving the Park do not have complete unobstructed visibility due to the curvature of Street 'A', and on-street parking will further reduce the sightlines and, therefore, recommend that the two spaces shown on the plan be relocated.
- iii. They also note that on-street parking spaces have been illustrated in the cul-de-sac at the north limits. The cul-de-sac bulb is designed to provide a turning area for larger municipal and service vehicles, and the standard configuration does not take into account on-street parking. Those spaces should also be relocated.

They recommend that the applicant be responsible for providing a sidewalk on Mud Street from Street 'A' across the frontage of the property. The applicant must demonstrate that the driveways for corner lots and those situated in roadway bends on Streets 'A', 'B', and 'D' do not overlap onto adjacent private driveways. The proposed Heritage Green Community Sports Park access must be confirmed in location and design. It is imperative that appropriate, safe, sightlines be provided for drivers exiting the Park looking to the north around the curve on Street 'A'. Traffic has requested that the applicant provide a drawing with a scale of 1:500 showing the location of the ROW, municipal sidewalk and curbing. The location of the driveway should be relocated so that it either aligns with Street 'C' or is shifted southerly by approximately 15 metres to provide 40 metres separation from Street 'C'.

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Traffic further advises that the developer will be responsible to supply and install signal hardware including signal utility poles, signal heads, arms, controller, and wiring, at the owner's expense. The cost of labour and materials is the applicant's responsibility. All other roadway and traffic signal installation works (ducts, hand holes, controller pad, pole bases, moving or adding poles, islands, curbs, and sidewalk changes) and streetlights will be completed by the applicant's contractor through an External Works Agreement with Development Engineering.

With respect to the draft plan of subdivision, Traffic has requested a list of draft plan conditions (see Appendix "F" - Condition Nos. 42 to 49).

**Environment and Sustainable Infrastructure (ESI) (Public Works Department)**

advises that the proponent should follow the recommendations in the Urban Hamilton Official Plan referring to Schedule C-2 - Future Road Widening. The City of Hamilton is undergoing a Pedestrian Master Plan, and this development needs to provide appropriate pedestrian amenities from the City's ROW to building access points to encourage walking as well as considering the needs of pedestrians with disabilities (i.e. barrier free designs), as well as incorporating trees into the boulevard and the provision of street benches and including Transportation Demand Management (TDM) initiatives, i.e. provide adequate cycling facilities, convenient bike parking (including secure spaces). They also advise that this development proposal should follow the approved Transit Oriented Development (TOD) guidelines. With respect to these concerns, the Traffic Engineering and Operations Section comments noted above address many of the issues identified. In regard to pedestrian and urban design concerns, those are addressed in the Analysis/Rationale for Recommendation section of the Report.

ESI has also advised that a sidewalk connection from Street "A" to Mud Street West is preferred on the easterly side of Street "A". This sidewalk will be provided, and is included as a draft plan condition (see Appendix "F" - Condition No. 25). They further advise that a pedestrian connection is required from Block 161 to the bulb of Street "B", as identified in the ORC draft plan of approval. Staff agrees, and a condition has been included addressing this concern (see Appendix "F" - Condition No. 40). ESI has also indicated that the *Park Entrance Intersection* does not currently provide for a proper connection/street alignment with the entrance of the park. Traffic staff has addressed the intersection of Street 'A' and Street 'C' regarding the entrance to the park on the "Paramount" draft plan via draft plan condition (see Appendix "F" - Condition No. 43), which will require that the final plan be revised to ensure the provision of appropriate sight lines.

ESI further advises that if the developer is interested in including the construction of the recreational trail(s) in their scope of work, they will need to enter into a Park Development Finance Agreement, which is included as a condition (see Appendix "F" - Condition No. 41).

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**Public Health Services (Health Protection Division)** has provided the following recommendations:

1. That an assessment be completed in accordance with respective Ministry of Environment (MOE) D Guideline Series. This includes D-1 on Land Use Compatibility, D-6 on Compatibility between Industrial Facilities and Sensitive Land Uses, and D-4 for Land Use On or Near Landfills and Dumps. Through submission of the various technical studies provided and reviewed, it is staff's opinion that these Guidelines have been satisfied.
2. A dust mitigation plan be developed and put in place for the actual subdivision development. The plan must identify all potential sources of dust generation (both pre and post construction). Details must be provided regarding effective practices to be used (i.e. wetting, sodding etc.) through all stages of development for the purpose of dust abatement. This should also include measures for adjacent lands including, but not limited to roadways, sidewalks etc. This concern has been attached as a draft plan condition (see Appendix "F" - Condition No. 33).
3. When any party inquires, and prior to any offer to purchase any of the proposed properties, clear written information will be provided that indicates: 1) an operating, non-municipal landfill exists nearby (Newalta Corp., 65 Green Mountain Road West); 2) the location of the landfill site relative to the proposed residential development; and 3) the expected date of closure or lifespan of the landfill operation. This information can be used to notify any future residents of the potential for nuisance factors that may be associated with the operation of the landfill.

Through the ORC approved planning applications, a Landfill Impact Assessment was prepared by Terraprobe, entitled *Preliminary Report Landfill Impact Assessment (D-4 Study) Nash Neighbourhood ORC Lands, Hamilton (Stoney Creek) Ontario*, dated January 24, 2011. The Terraprobe Report concluded that the likelihood for potential future impacts on the subject lands from the closed and operating landfills is low, and that the existing monitoring and control systems employed at the closed and operating landfills are considered to be suitable to detect and address potential impacts on the subject lands. The Terraprobe Report was peer reviewed by AMEC (*Peer Review of the Landfill Impact Assessment of the Proposed Nash Neighbourhood - ORC Properties*), dated February 14, 2011. AMEC agreed with the conclusions of the Terraprobe Report. The Report did not recommend any notification requirements for future residents within the draft plan of subdivision.

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The Hamilton Conservation Authority advised in their letter of November 30, 2011, that the subject property is located adjacent to Felker's (Davis) Creek, being a tributary of the Red Hill Creek. The section of creek traversing the property has previously been realigned and reconstructed as a concrete lined channel. Consequently, the flood and erosion hazard lands associated with the watercourse are contained within the confines of the channel. In order to further protect the watercourse, the Hamilton Conservation Authority (HCA) requires a minimum 15 metre fisheries buffer, measured horizontally from the top-of-channel bank, be established. HCA staff notes that this fisheries buffer is contained within Block 161, identified on the draft plan as the "Felker Channel".

Associated with the watercourse is a valley slope, which transects the south-westerly side of the property. The top-of-valley slope and toe-of-slope were delineated and staked by HCA staff in conjunction with a previous draft plan of subdivision by the ORC. Based on HCA's Planning and Regulation Policies and Guidelines, a minimum development setback of 7.5 metres from the top-of-slope and 5.0 metres from toe-of-slope was established. In this regard, the HCA advises that a development setback for these lands has been illustrated on the draft plan, but not specifically identified as separate development restrictive parcels, and that five of the townhouse units encroach into the 5.0 metre development setback from toe-of-slope. While HCA previously agreed to ORC's request to include the 5 metre development setback from toe-of-slope within the townhouse block (i.e. area to be included for total lot area), HCA had requested that the 5.0 metre setback be restricted from development through the implementation of appropriate zoning. In addition, HCA had requested that the 7.5 metre development setback from top-of-bank be identified as a separate Open Space block to prevent future development within this area.

In addition to natural hazard lands, the northerly portion of the subject property is located adjacent to a natural heritage feature, with the northerly lot line following the boundary of the Felker's Falls Escarpment Valley Environmentally Significant Area (ESA) that was delineated through a staking exercise by staff from the City of Hamilton and the HCA. As per the requirements of the 2005 Provincial Policy Statement, an Environmental Impact Study (EIS) was prepared by LGL Limited, dated September 2008, that recommended that all new development maintain a minimum 30 metre buffer from the limit of the ESA. Due to constraints on the site, the ORC requested approval to construct a portion of the maintenance access road for the stormwater management pond within the 30 metre buffer. The City of Hamilton also requested approval to encroach within the 30 metres in order to construct a passive recreational trail to link with the subdivision and the community park to the east. Hence, City of Hamilton and HCA staff agreed to allow a slight encroachment of the stormwater management facility into the buffer and to recognize the existing servicing on the north side of the proposed stormwater management pond. Consequently, it was agreed that a 20 metre wide strip of land, immediately abutting the ESA (identified as Block 157) would be preserved as natural area and dedicated to HCA; that a portion of the maintenance access road and some



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grading works associated with the stormwater management facility and the recreational trail would be confined to the outer 10 metre strip of the 30 metre ESA buffer and dedicated to the municipality; and, that the existing municipal infrastructure located within the ESA buffer area would be contained within a separate block and be dedicated to the City of Hamilton (identified as Block 156). In accordance with the recommendations of the EIS, HCA staff also request that the ESA be preserved, protected, and enhanced through the planting of native plant material in the ESA buffer lands (see Appendix "F" - Condition No. 53), and that the ESA buffer lands be placed in the Conservation/Hazard Land P5 Zone.

Due to the above noted natural hazard and natural heritage features on the site, a portion of the property is also located within an area affected by HCA's *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*. Therefore, a permit from HCA will be required for any new development, including the construction of any buildings or structures and grading activities within the regulated area, and any watercourse alteration. In their November 30, 2011, letter, the HCA also provided draft plan conditions, which addresses their concerns (see Appendix "F" - Condition Nos. 50 to 56).

The HCA provided a subsequent letter on March 15, 2012, in response to the second draft plan submission by Albion, and also provided a formal response to the Preliminary Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited, dated February 2012. HCA staff reviewed the Report and the enclosed engineering drawings, including the Preliminary Engineering Plan, Drawing No. GS-1; the Preliminary Grading Plan, Drawing No. GR-1; and, the Preliminary Storm Area Drainage Plan, Drawing No. ST-1, and notes that the following information is required to complete their issues with the FSR:

1. A comprehensive Stormwater Management Report supporting development for the entire subdivision including:
  - Calculations of minor and major systems;
  - Information (including tables) summarizing existing peak flows for full range of storm events and the proposed design flows;
  - Performance parameters of the quality and quantity control system(s); and,
  - Summary of study findings and recommendations.
2. A detailed Site Plan to scale 1:500 or better illustrating all hazards associated with flood, erosion, and slope stability is required.

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3. A detailed Grading Plan to scale 1:500 or better illustrating how the proposed works will blend with the adjacent areas if changes to final grades are proposed. Drawing(s) should also delineate the limits of work/disturbance area.
4. A Servicing Plan to scale 1:500 or better illustrating the storm drainage system, facilities and location of all minor and major outlets.
5. An Erosion and Sediment Control Plan focusing on any erosion and sediment control works to prevent overland migration of sediment into the watercourse and adjacent ESA. HCA supports sediment control for all catch basins in the form of silt sacks and the silt fencing, as per OPSD 219.130.
6. A copy of the Geotechnical Report clearly discussing:
  - Fill and retaining wall stability along Street "B"; and,
  - Groundwater table and soil types within the entire development area.
7. All final construction drawings and the report must be stamped and signed by a qualified engineering professional.

The HCA further notes that the Preliminary Engineering Report indicates that due to site topography constraints, a portion of the site within the southerly limit of the property has to be diverted to the existing 2700mm storm sewer servicing Mud Street West. HCA staff has no objections to draining a portion of the site runoff to the storm sewer, however, they do request that appropriate quality and quantity controls in the form of a treatment train are designed since the Authority does not support a compensation treatment within the stormwater management pond itself. Due to increased runoff at the storm sewer outlet, downstream erosion could result. As such, they request that the scouring potential at the outfall be investigated.

A design of the stormwater management facility must comply with the City of Hamilton requirements outlined in the draft "City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design", 2007. In this regard, the sediment decanting area should be located adjacent to the forebay and not next to the main cell, all drainage exceeding the designed quantity control flow must bypass the forebay, and cross-sections and all applicable elevations must be illustrated and labeled on the plan and profile drawings. In addition to demonstrating that the minimum length to width ratios of the facility and forebay comply with the City standard, a more natural outline of the pond should be considered. Revision of the pond inlet and outlet locations are also required in order to achieve a maximum available travel time within the forebay and main cell.

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HCA typically requests that a stormwater management facility be drained by gravity. However, in this instance, full dewatering cannot be achieved by gravity, mechanical dewatering must be provided in such a manner that erosion and sediment deposition into the creek is prevented. HCA requests that this be discussed further in the FSR and label an appropriate location of the dewatering device/structure on the plan drawing (if any). As no erosion should occur at the pond inlet and outlets to the creek, HCA requests that additional details of the outlet structures be provided, including a detailed cross-sectional view, plan view, and size/type of stone, and that the design of the pond demonstrate that:

Velocities entering and leaving the pond provide adequate settling within the forebay and prevent scouring at the outlet and overland spillway;

- Impacts to the creek channel are minimized by directing the stormwater management pond discharge to a maximum 45 degree angle to downstream flow; and,
- The outlet structures have appropriate water energy dissipation and are located outside of the channel bankfull.

HCA also requests that an Operation and Maintenance procedure be prepared, which clearly identifies an access to the forebay and method of the forebay dewatering and sediment removal.

The HCA's March 15, 2012, letter provides technical comment with respect to the FSR. These comments do not preclude their November 30, 2012, comments, which still apply as the March 15, 2012, comments can be further addressed through the draft plan conditions (see Appendix "F" - Condition Nos. 50 to 56).

**Bell Canada** has requested service to these lands. Their concerns will be addressed through the Standard Form Subdivision Agreement (Clause 1.21).

**Canada Post Corporation** has requested centralized mail facilities provided through their Community Mailbox Program. Their concerns will be addressed through the Standard Form Subdivision Agreement (Clause 1.22).

**Hamilton-Wentworth District School Board** had previously provided comment on the ORC applications. Staff is satisfied that their concerns have been incorporated into the "Paramount" proposal, which will be addressed through draft plan conditions (see Appendix "F" - Condition Nos. 57 to 59).

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The following Departments and Agencies had no comments or objections:

- Hydro One.
- Waste Management Division, Public Works Department.
- Recreation, Community Services Department.
- Hamilton Street Railway.
- Horizon Utilities.

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 179 property owners within 120 metres of the subject lands on September 15, 2011, and a Public Notice sign was posted on the property on October 13, 2011. Five letters of concern were submitted by local residents (see Appendix "I"), and are discussed in the Analysis/Rationale for Recommendation section of this Report. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

## **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed changes in zoning and draft plan of subdivision have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and conform with the Places to Grow Plan, as they represent an opportunity for growth in Settlement Areas.
  - (ii) They conform to the Hamilton-Wentworth Official Plan.
  - (iii) They will conform with the City of Stoney Creek Official Plan upon finalization of the Official Plan Amendment.
  - (iv) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
  - (v) The proposed development represents good planning by, among other things, providing an urban form consistent with that envisioned in the Nash Neighbourhood Secondary Plan.

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2. Staff has had consideration for the criteria contained in Sub-section 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:
- (a) It complies with the Provincial Policy Statement.
  - (b) Through the phasing of development within the Nash Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest.
  - (c) It conforms with the general intent of the Official Plan.
  - (d) The lands can be appropriately used for the uses for which they are to be subdivided.
  - (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system.
  - (f) The dimensions and shape of the lots are appropriate.
  - (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval and the Standard Form Subdivision Agreement.
  - (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.
  - (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the Standard Form Subdivision Agreement.
  - (j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.
  - (k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Form Subdivision Agreement and final registration of the plan of subdivision.
  - (l) Efforts will be made, where possible, during development and thereafter, to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.

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- (m) The proposed block townhouses/private roads will be subject to further Planning Act approvals, while the remainder of the proposed subdivision will not.
3. The applicant has requested amendments to City of Stoney Creek Zoning By-law No. 3692-92 in order to provide development regulations implementing the draft plan of subdivision. The requested amendment includes site-specific regulations for each of the single detached dwelling lots and street townhouse blocks. Hamilton Zoning By-law No. 05-200 will also be amended to include two blocks for pedestrian walkways to the open space trail system and the Heritage Green Community Sports Park, and a third block to be added to the existing site-specific (P5, 29) Zone. For administrative reasons, the ORC implementing Zoning By-law No. 11-091 will be repealed by the proposed "Paramount" implementing Zoning By-law (see Appendix "B"). The proposed modifications are discussed below:

**Multiple Residential "RM5-10" Zone (see Appendix "C" - Block 15):**

The applicant is maintaining the same provisions for the Multiple Residential "RM5-10" Zone as was approved via the ORC approval. However, since Implementing By-law No. 11-091 is being repealed, the proposed By-law for the "Paramount" plan of subdivision is carrying over the same provisions as approved in March 2011.

**Single Residential "R3-33" and "R3-34" Zones (see Appendix "C" - Blocks 1, 2, 4, 6, 16, 17, and 18):**

Minimum Lot Area:

The applicant has requested a reduction in minimum lot area of 250 square metres, except 270 square metres for a corner lot, whereas the Stoney Creek Zoning By-law requires 370 square metres and 425 square metres for a corner lot. In order to provide for a higher density and diverse gradation of lot areas, this request is supportable as it conforms to the policies outlined in the Nash Neighbourhood Secondary Plan. Furthermore, the majority of lots will be in excess of 300 square metres.

Maximum Height:

With respect to the proposed height in the "R3-33" and "R4-34" Zones, the requested change in height is in keeping with the recommendation of the Visual Impact Analysis as the modification to the height provision will allow for a maximum of 3-storeys and the elevation of the peak of the roof shall be a maximum of 203 masl. With respect to height, the overall intent of the Official

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Plan is maintained, and is considered minor as there will be no noticeable impact at street level. It will provide increased flexibility for an innovative design that enhances streetscape character and good urban design principles.

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 10 metres per dwelling unit, except 11.7 metres for a corner unit, whereas the By-law requires 12 metres and 13.75 metres for a corner unit. In this regard, 20 lots have a minimum frontage of 10 metres, 55 lots have a minimum frontage of 11 metres, 27 lots have a minimum frontage of 12 metres, and 13 lots have a minimum frontage of 13.7 metres. Notwithstanding this requested provision, corner Lots 10, 120, and 121 in the draft plan (see Appendix "E") are irregularly shaped and, therefore, do not meet the definition of Lot Line - Front, Rear, and Side. For those lots referenced, the minimum lot frontage shall be 8.2 metres. This request is considered minor and appropriate as it maintains the intent of the Official Plan and By-law, and merely recognizes the irregularly shaped lots.

Minimum Side Yard and Flankage Yard:

Modifications to the minimum required side yard are also being requested from 1.2 metres on one side and 0.6 metres on the other side, except for a corner lot abutting a flankage street, which shall be 2.4 metres; and where the garage fronts onto the flankage street, it shall not be located within 6.0 metres of the flankage lot line for all residential zones. The By-law requires 1.25 metres on one side and 1.0 metres on the other side, as well as a 3.0 metre side yard for a corner lot, and 5.5 metres for the flankage lot line. In keeping with other recent development approvals, the City has further modified this request to specify that the 1.2 metres shall be on the garage side and the 0.6 metres shall be on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres. In addition, with the narrower sideyard provision, split drainage for each lot will be a requirement in order to convey surface drainage in accordance with the City's grading policy. The maintenance easement will permit the encroachment across neighbouring properties for maintenance purposes only. Staff is satisfied that this additional modification will allow for appropriate and reasonable access to the rear yard, while maintaining technical engineering requirements with respect to overland stormwater movement and, therefore, is supportable.

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**Single Residential "R6-6" Zone (see Appendix "C" - Blocks 12 an 13):**

Minimum Lot Area:

The applicant has also requested a reduction in the minimum lot area of 380 square metres for an undivided semi-detached interior lot, and 190 square metres for a divided semi-detached interior lot, whereas the Stoney Creek Zoning By-law requires 600 square metres for an undivided semi-detached interior lot and 300 square metres for a divided semi-detached interior lot. The variation in lot areas provides for a higher density and mix of lot areas, which is in keeping with the Nash Neighbourhood Secondary Plan. These modifications are supportable as it introduces and provides for a diverse and affordable product aside from townhouse units.

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 15 metres for an undivided semi-detached interior lot, and 7.5 metres for a divided semi-detached interior lot, whereas the By-law requires 18 metres for an undivided semi-detached interior lot, and 9 metres for a divided semi-detached interior lot. This request is considered minor and appropriate, as it maintains the intent of the Official Plan and By-law without a noticeable impact to streetscape frontage.

Minimum Side Yard:

Modification to the minimum required side yard is also being requested for 1.2 metres on the side of a dwelling not attached by a common wall separating two dwelling units, whereas the By-law requires 1.25 metres. The modification is considered minor, and can be supported.

Maximum Lot Coverage:

The applicant has also requested that the maximum 40 per cent lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. The City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.



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**Multiple Residential "RM2-29" Zone (see Appendix "C" - Blocks 9 and 11):**

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 4.45 metres per dwelling unit, whereas the By-law requires 6 metres for an interior unit, 8 metres for an end unit, and 9 metres for a corner unit. The request for 4.45 metres is to address 7 townhouse units within Block 149 of the draft plan. Similar relief has been requested throughout the City and supported, one recent example being the Branthaven Beach House development in Hamilton. Staff is of the opinion that the request is considered good planning and appropriate, as it maintains the intent of the By-law and Official Plan and is consistent with the Nash Neighbourhood Secondary Plan.

Minimum Lot Area:

The applicant has also requested a reduction in the minimum lot area of 120 square metres for an interior unit, 145 square metres for an end unit, and 185 square metres for a corner unit, whereas the By-law requires 180 square metres for an interior unit, 240 square metres for an end unit, and 270 square metres for a corner unit. In order to provide for a higher density and diverse mix of lot areas, this request is supportable, as it conforms to the policies outlined in the Nash Neighbourhood Secondary Plan. Further, similar reductions have been supported and approved within the former municipalities of Stoney Creek and Glanbrook.

Minimum Rear Yard:

The applicant has requested that the site-specific zone be reduced to 7.0 metres, whereas 7.5 metres is required. This requested modification can not be supported by staff as any reduction in rear yard will impact the overall amenity space as well, any additional development (i.e. deck or accessory structure) would also impact overland stormwater runoff.

Minimum Privacy Area:

The applicant is requesting a Minimum Privacy Area of 25 square metres, whereas the By-law requires 36 square metres. However, since the parent 7.5 metre minimum rear yard is being maintained, the minimum privacy area will now be 27 square metres. Staff is supportive of this request, as each unit provides a sufficient amenity space given that the parent rear yard setback provision of 7.5 metres will be maintained. The difference of 9 square metres is considered minor. Zoning By-law No. 05-200 has eliminated this provision. Further, the By-law defines "privacy area" as an outdoor area exclusively used by occupants of a

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dwelling unit. In this regard, the proposed dwelling units provide for an appropriate outdoor area in conjunction with a 20 per cent landscape open space. The development also provides additional outdoor amenity through the various trail systems provided, which residents can unilaterally enjoy as passive outdoor space.

Minimum Landscape Open Space:

The applicant originally proposed that the minimum landscape open space not be applicable to this Zone, whereas 30 per cent of the lot area which may include the privacy area is required. Staff advised that such a request would not be supported, and after further review and discussion, the applicant advised that 20 per cent could be maintained. Staff is satisfied that a reduction of 10 per cent is considered minor and still maintains the intent of the Official Plan and the Zoning By-law.

**Multiple Residential "RM3-45" Zone (see Appendix "C" - Block 14):**

Minimum Lot Area:

The applicant has also requested a reduction in the minimum lot area of 105 square metres for a unit, whereas the By-law requires 4,000 square metres for the entire lot area. The intent of this regulation is to address larger, standard condominium developments. However, the applicant has requested specific regulations as it relates to the details of the proposed built form back-to-back townhouse (maisonette). The tenure of the proposed units will be freehold on a common elements condominium road. Based on this, the request is considered to be minor and maintains good planning principles, as it allows for an increase in density, while still maintaining a private amenity area. The modification requested is consistent with zoning for maisonettes elsewhere within the City of Hamilton.

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 6.0 metres per dwelling unit, except 8.0 metres for a corner unit, whereas the By-law identifies 50 metres for the entire parcel being developed. Similar to the request for the reduction in lot area, this change is to address the form of development being freehold on a common element condominium. This request is considered minor and appropriate, as it maintains the general intent of the By-law and Official Plan and is consistent with the Nash Neighbourhood Secondary Plan.

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Minimum Side Yard:

Modifications to the minimum required side yard are also being requested from 1.2 metres and 2.4 metres for a corner unit. The By-law requires that maisonettes, townhouses, and dwelling groups provide 6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached, or duplex dwellings, and 3 metres where an end unit abuts a lot line of a street townhouse. As mentioned above, the applicant has requested specific regulations as it relates to the details of the proposed built form back-to-back townhouse (maisonette). Further, the tenure of the proposed units will be freehold on a common elements condominium road. Staff is satisfied that this request is considered minor and maintains good planning principles, as it allows for an increase in density, while still maintaining a private amenity area and, more importantly, not impact the existing neighbourhood to the west. The modifications requested are consistent with zoning for maisonettes elsewhere within the City of Hamilton.

Minimum Rear Yard:

This site-specific zone would also provide for a modification to the minimum rear yard to 6.0 metres, whereas the By-law requires that maisonettes, townhouses, and dwelling groups provide 6 metres, and 7.5 metres abutting a zone for single, semi-detached, or duplex dwellings, or a street. For this block, it would reflect the provision from street. An additional modification has been included to the rear yard requirement, in this regard; the HCA requirement for no development within the open space buffer area has been included. This modification is supportable and considered minor, as there would be no foreseeable impact and that the proposed development is removed from the other dwelling types identified in the parent By-law.

Minimum Distance Between Buildings on the Same Lot/Block:

The applicant has requested that this provision not apply. Staff is of the opinion that regulations are needed in order to provide appropriate separation from a Building Code requirement, as well as from a design perspective, and to ensure that quality open space areas are provided for future residents. Therefore, the following regulations are proposed: 12 metres between front walls, 2.4 metres between end walls of a block of townhouses and/or block of back-to-back units, 12 metres between rear walls of a block of townhouses and/or block of maisonette units, 7.0 metres between end walls and rear walls of a block of townhouses and/or block of maisonette units; and Separation distances shall not be applied to individual townhouse and/or maisonette units and/or their future property boundaries created by way of an application to remove part lot control and/or

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established by a condominium corporation. Staff is of the opinion that these regulations are reasonable and appropriate.

Maximum Density:

The applicant also requires relief to allow 65 units per hectare, exclusive of lands designated as Open Space, whereas the By-law permits 40 units per hectare (uph). Staff is of the opinion that given the proposed Official Plan designation is for "Medium-High Density Residential", and that the Urban Hamilton Official Plan policies and designation will be "Medium Density Residential 3", both of which will allow a range of 50 to 99 uph, it would be appropriate to permit 65 uph in the implementing By-law. The proposed higher density blocks are situated on the periphery of the plan, close to transit. The proposed increased density is in keeping with the Urban Hamilton Official Plan and the current Provincial policies related to development and growth, and considered good planning.

Privacy Area Per Unit:

A modification to the privacy area requirement is also being requested to allow 3.5 metres, whereas the By-law requires 4.5 metres. This request is considered to be minor and supportable.

**Other Modifications Requested for the "RM3" Zone:**

Common Element Condominium Road:

A provision has also been included with respect to the potential tenure and interpretation thereto. In this regard, a provision has been included to allow street townhouses, townhouses, or maisonettes on a common element condominium road.

Maximum Number of Units per Building:

The applicant has identified on the "Paramount" draft plan that two of the townhouse blocks (see Appendix "C" - Blocks 3 and 5) conceptually provide for 9 units within a block, whereas the By-law provides for 8 units. Staff is of the opinion that this is minor and supportable.

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Visitor Parking:

The applicant is also requesting that a minimum 0.4 visitor parking spaces per unit be applied, including spaces for special needs within the limits of the future condominium. The By-law requires that 2 parking spaces be provided for each townhouse or maisonette, plus 0.5 visitor spaces. The units would allow for a garage and 1 parking space in the driveway, thereby allowing 2 spaces in tandem. Based on the concept provided, staff does not support the requested relief. The applicant has also provided a preliminary on-street parking plan, which will be further reviewed via the draft plan of subdivision review process. Based on existing concerns within recently established Greenfield developments, staff is not supportive of any deviation in parking standards due to the neighbourhood impacts and demand for parking.

The applicant has also requested that the regulations for parking be modified to ensure that no visitor parking space be located closer than 2.75 metres to any lot line on the same lot, whereas the Stoney Creek By-law requires 3 metres on the same lot. Staff is of the opinion that this modification is minor and supportable.

Yard Encroachment:

The applicant has requested that the front stairs for each unit be permitted to encroach 3.5 metres into the required front yard. These provisions are consistent with other developments in Stoney Creek, Ancaster, and Glanbrook. The request is justifiable, and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Places to Grow Plan and the Urban Hamilton Official Plan, and is consistent with the Secondary Plan policies. Further, it is consistent with some of the built form in the City and other municipalities from a new urbanism approach.

**Common Modifications Applicable for Site-Specific Zones in the Implementing By-law:**

Minimum Front Yard:

Single Detached and Semi Detached Dwellings:

Relief is also being sought for a minimum front yard of 4.5 metres to the dwelling, except 6.0 metres to a garage, whereas the By-law requires 6.0 metres for a front yard. This request is considered appropriate and corresponds with guiding principles of urban streetscape character and design, while maintaining

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consistency of front yards for the entire draft plan of subdivision, and provides for tandem parking, as per the zoning By-law parking provisions.

Street Townhouse Dwellings:

A reduction has also been requested for a minimum front yard of 3.4 metres to the dwelling, except 5.75 metres to a garage, whereas the By-law requires 7.5 metres for a front yard for the Multiple Residential "RM3" Zone. This proposed back-to-back block townhouse use will provide for appropriate visitor parking and tandem parking for each unit. This proposal will allow for a higher unit yield, while incorporating a new urbanism approach. These modifications are required since the current zone provisions do not address or recognize freehold units on a common elements road. Staff is of the opinion that the location of this block in the subdivision is appropriate for this modification.

Minimum Side Yard:

Modifications to the minimum required side yard are also being requested from 1.2 metres on one side and 0.6 metres on the other side, except for a corner lot abutting a flankage street, which shall be 2.4 metres; and where the garage fronts onto the flankage street, it shall not be located within 6.0 metres of the flankage lot line for all residential zones. The By-law requires 1.25 metres on one side and 1.0 metres on the other side, as well as a 3.0 metre side yard for a corner lot, and 5.5 metres for the flankage lot line. In keeping with other recent development approvals, the City has further modified this request to specify that the 1.2 metres shall be on the garage side and the 0.6 metres shall be on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres. In addition, with the narrower sideyard provision, split drainage for each lot will be a requirement in order to convey surface drainage in accordance with the City's grading policy. The maintenance easement will permit the encroachment across neighbouring properties for maintenance purposes only. Staff is satisfied that this additional modification will allow for appropriate and reasonable access to the rear yard, while maintaining technical engineering requirements with respect to overland stormwater movement and, therefore, is supportable.

Minimum Rear Yard:

The applicant has requested that the site-specific zone be reduced to 7.0 metres, whereas 7.5 metres is required. This requested modification cannot be supported by staff, as the cumulative impact from the front and side yard reductions in conjunction with any reduction to the required rear yard will impact the overall

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amenity space as well, any additional development (i.e. deck or accessory structure) would also impact overland stormwater runoff.

Yard Encroachments:

Additional provisions have been requested to ensure that some flexibility is permitted with the final construction of units, thereby avoiding the unnecessary submission of potential minor variance applications. They include covered porches projecting 3.0 metres into a front yard and 1.8 metres into a flankage yard, bay windows projecting 0.9 metres into any yard, and stairs projecting 3.4 metres into any front yard, whereas the By-law permits 1.5 metres into the front yard, but does not provide a provision for a flankage yard, and bay windows are permitted to project 0.5 metres. These provisions are consistent with other developments in Stoney Creek, Ancaster, and Glanbrook. The request is justifiable, and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Places to Grow Plan and the Urban Hamilton Official Plan, and is consistent with the Secondary Plan policies.

Daylight Triangle:

The applicant has requested relief from the required setback from a "daylight triangle". The General Provisions Section of By-law No. 3692-92 identifies a Special Setback for Daylight Triangles. This provision has been amended from 3 metres from the hypotenuse of the daylight triangle to 1.0 metre for a building or porch, including porch foundations, walls and eaves, or gutters. This request is consistent with developments in other areas of Stoney Creek and, to date, has not created any negative impacts. Based on this, the request can be supported. Furthermore, it maintains the intent of the By-law, while permitting increased densities outlined in the Nash Neighbourhood Secondary Plan.

**Modifications Applicable to Only the "RM2" and "RM3" Site-Specific Zones in the Implementing By-law:**

Minimum Landscaped Open Space:

For the medium density blocks, the applicant is seeking relief to allow for a minimum landscaped open space of 20%, whereas the By-law requires that 30% of the lot area be landscaped and shall include the privacy area. Staff is satisfied that there are sufficient measures in place to ensure that there is an enhanced level of landscaping and, therefore, this modification can be supported. This will be further assessed through site plan control.

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Maximum Lot Coverage:

The applicant has also requested that the maximum 35 and 50 per cent lot coverage requirement be deleted for the "RM2" and "RM3", respectfully. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. The City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

**Modification to Hamilton Zoning By-law No. 05-200 Conservation/Hazard Land (P5) Zone (See Appendix "D" - Blocks 1, 2, and 3):**

The parent (P5) Zone has been included so as to recognize and maintain in perpetuity the linkage from the proposed lands to the Heritage Green Community Sports Park, thereby ensuring the two pedestrian walkways are established. These two walkways have also been included in the OPA for the Albion proposal. The introduction of a third block is required, which is in keeping with By-law No. 11-092. This block will be placed into the Conservation/Hazard Land (P5, 29) Zone, Modified. The (P5, 29) Zone will allow for the calculation of lot area and setbacks for the development on the lots that include a portion of the (P5) Zone.

4. The Nash Neighbourhood Secondary Plan contains polices at Sub-section 13.3.18.12 e) advising that development within 500 metres of the Taro East Landfill Site may be required to be supported by studies demonstrating no adverse effects on development or that the effects can be mitigated. In terms of the scope of the adverse impact assessment, the direction from the Secondary Plan and the Ministry of Environment's Guidelines for "Land Use On or Near Landfills and Dumps" (Guideline D-4) indicates assessments may include the review of hydrogeology, traffic, air quality, noise, fires, surface run off, vectors, and vermin and methane gas migration.

As part of the previously approved ORC planning applications for the subject lands (OPA-08-012, ZAC-08-062, and 25T200806), a Landfill Impact Assessment was prepared by Terraprobe, entitled *Preliminary Report Landfill Impact Assessment (D-4 Study) Nash Neighbourhood ORC Lands, Hamilton (Stoney Creek) Ontario*, dated January 24, 2011. The Terraprobe Report concluded that the likelihood for potential future impacts on the subject lands from the closed and operating landfills is low, and that the existing monitoring and control systems employed at the closed and operating landfills are considered to be suitable to detect and address potential impacts on the subject lands. The Terraprobe Report was also peer reviewed by AMEC on behalf of the City (*Peer Review of*



**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 41 of 50**

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*the Landfill Impact Assessment of the Proposed Nash Neighbourhood - ORC Properties*), dated February 14, 2011. AMEC agreed with the conclusions of the Terraprobe Report and, therefore, have no further requirements in this regard.

5. Through the ORC approval process, Stage 1-2 and Stage 3-4 archaeological assessments of the subject lands were undertaken. The Ministry of Tourism and Culture cleared the development of any archeological concern in their letter dated June 28, 2008, and the City concurred with the Ministry's recommendations. Based on this, there are no further concerns with respect to archaeology.
6. The proposal is consistent with policies of the Nash Neighbourhood Secondary Plan with respect to parkland dedication. As no parkland is being dedicated, the proposed development will require a Cash-in-Lieu of Parkland dedication payment in accordance with the City's Parkland Dedication and Cash-in-Lieu of Parkland By-law. Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse/High Density site Blocks 149-151, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block. With regard to Blocks 140-148 (Freehold Townhouses), a parkland dedication, at a ratio of 0.6 ha per 300 dwellings units will be required. Lots 1-139 (Single Detached and Semi-Detached Residential) will require a parkland dedication ratio of 5%. This requirement has been included in Recommendation (d) (iii), and will be further addressed through the Standard Form Subdivision Agreement (Clause 1.6).
7. The Development Engineering Section has advised that they have no objection to the proposed Official Plan Amendment. The subject lands must be developed under a satisfactory plan of subdivision. They advise that the proposed side yard setbacks shall have a minimum 1.2 metres on both sides of all lots in order to accommodate one-way (back-to-front) drainage, and accommodate the required drainage swales so as to provide for unobstructed pedestrian access to the back yard. However, with respect to the City's new grading policy for one-way drainage, there must be an appropriate separation distance between the buildings and a minimum of 1.2 metres on the garage side; otherwise the lots will be required to utilize two-way (split) drainage (minimum 1.8m separation).

They have also reviewed the Draft Plan of Subdivision "Paramount", dated January 19, 2012, and the revised preliminary engineering report prepared by S. Llewellyn & Associates Ltd., dated February, 2012, and advise of the following:

Stormwater Management:

Details provided for the proposed Stormwater Management (SWM) pond indicate potential problems in providing a facility that meets the requirements of the City within the block shown on the draft plan.

Based on the information submitted, the following details should be provided to demonstrate how the Ministry of Environment (MOE) and City of Hamilton SWM criteria for each design element of the pond will be met.

- Show existing peak flows for full range of storm events and proposed design flows. The peak flows and required volume must be verified by HSPF modelling based on actual percent impervious for the proposed development. The total percent impervious calculation should consider drainage area to the SWM facility and any hard surface within the same drainage area.
- Verify and confirm that the proposed pond has met minimum 3:1 length to width ratio in order to maximize flow path and minimize short-circuiting potential. Further, the pond inlet and outlet should be reconfigured to provide longer flow path.
- Demonstrate that the size of the forebay meets the minimum length to width ratio of 2:1. Pond inlet should be aligned with flow direction. Also, confirm that the forebay can provide an appropriate settling/dispersion length. The water jet velocity leaving the forebay must not exceed 0.15 m/sec.
- The decanting area should be located immediately adjacent to the sediment forebay. The proposed decanting area on the ESA buffer area is not acceptable.
- Show a suitable emergency spillway for the SWM pond, as per Item 9 of Section 6.4.2 of the City of Hamilton Stormwater Management Guidelines. Appropriate scouring and erosion protection measures must be taken to minimize a hydraulic jump at the creek outlet.
- Provide for a minimum of 0.3 metre free board above the maximum water elevation on the emergency spillway system.

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 43 of 50**

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- Confirm and show an overland flow route from Street "B" to the pond bypassing the forebay. Also show that Street "B" has adequate overland flow capacity. The proposed overland flow route on ESA buffer area is not acceptable.
- The storm sewer inlet to the pond shown through ESA buffer lands is not acceptable. Identify adequate lands abutting Street "B" for the purposes of an overland flow route, storm sewer inlet, and a maintained access to the SWM facility.
- The SWM facility should be drained by gravity from an operation and maintenance perspective.
- Retaining walls within the stormwater block are not acceptable, and revisions to the engineering submissions are required.
- Show pond liner design details, per Geotechnical Report.
- Demonstrate how the quality and quantity controls for the portion of the site within the southerly limit of the property being diverted to the existing 2,700 mm storm sewer servicing Mud Street are being handled.

Please note that the pond may require additional lands than what is currently shown on the draft plan in order to meet the City and MOE's criteria and standards.

Roads and Servicing:

- Block 156 should be 10.0 metres along the entire length of the Block, as per the original draft plan.
- The inclusion of a retaining wall identified along the west side of Street "B" is not acceptable.
- Foundation drains for the subject development should be connected by a gravity system.
- The design of the cul-de-sac at the end of Street "B" is not per City standards. All road horizontal geometry shall conform to TAC Manual and City standards. The draft plan should be revised accordingly.

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 44 of 50**

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- The minimum horizontal centreline road radius for a local urban residential road is 90m, except at 90° corners at crescents and courts, as per the City's Engineering Guidelines. This requirement is not satisfied on Street "B" and Street "C". A similar requirement is not satisfied on Street "A", which is a minor urban residential collector. Refer to the Engineering Guidelines and ensure all horizontal road geometry requirements are adhered to.
- It appears that the storm sewer which outlets to the proposed SWM pond passes through Lot 20. The storm layout, as proposed, will be required to be revised.

Grading:

- Due to the narrow width of the lots within the proposed development, we've identified issues related to surface drainage, both internal and external.
- In practice, the ability to easily convey surface drainage in accordance with the City's Grading Policy is limited given that homeowners need the space between their lots for moving back and forth and often block drainage swales with walkways, landscaping, fences, etc. Therefore, "back-to-front drainage", per City policy, shall only be permitted where the combined side yard setback is 2.0m or greater. In this regard, the implementing Zoning By-law would allow for a minimum side yard setback of 1.8m for split drainage. In this instance, Engineering staff has accepted this minimum, however, one way drainage shall be 2.0m.
- Catchbasins in rear yard swales shall be designated as "private" and shall drain not more than:
  - i. A maximum 50m of a swale measured along the rear property lines;
  - ii. A maximum of 4 lots on either side of a catchbasin on any side of the catchbasin. Collection from both sides of the rear lot line is acceptable; and,
  - iii. A maximum residential area of 3600m<sup>2</sup>.
- The maximum ponding on rear yard catchbasins should not exceed 0.30m. Also, a minimum 2.0m space between foundation walls should be provided in order to accommodate an overland flow route for the proposed rear year catchbasin.

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 45 of 50**

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Cost Sharing:

Cost sharing for the proposed stormwater management facility will be in accordance with the City's current Development Charge Background Study and Financial Policies for Development. This is included in the Recommendation section of this Report as Recommendation d) ii) (1).

Based on their review of the draft plan and FSR, they have in essence maintained the original draft plan conditions, which were included in the ORC draft approval, as well as revising some of the ORC conditions to reflect the new blocks and lots. They have provided two new draft plan conditions which were not included as part of the ORC approval. These two conditions include updating the FSR and identification of driveway locations on the plan.

8. As indicated above, a Formal Consultation Document for the proposed development was issued after the Development Review Committee on May 25, 2011. As part of any future Planning Act application(s), a requisite list of studies and reports were identified in the Document; among them a Market and Feasibility Review. Staff requested such a study in order to assess the overall impacts between the ORC and Albion proposals. Albion retained urbanMetrics Inc. to prepare a Market and Feasibility Review, dated August 16, 2011.

The urbanMetrics Review identified two elements to the Albion proposal, which led to modifications from the ORC approved draft plan. They are as follows; can the subject lands physically accommodate 734 dwelling units and, second, the marketability of the plan as it relates to the existing stacked townhouses with centralized underground parking under each block. The urbanMetrics Review concludes that due to the existing environmental features, geotechnical characteristics of the lands, and shape of the existing development blocks, it would not be physically possible to accommodate the approved units in the current form without expending vast resources. These conclusions are outlined in detail below.

urbanMetrics analyzes the stacked townhouses currently permitted, and they advise that stacked townhouses are at the lower end of the housing ownership affordability spectrum, in respect to land prices in the Hamilton area. The Review indicates that land prices in Stoney Creek are still relatively affordable and, therefore, a sufficient demand does not exist to support such a concentration of stacked townhouses. Further, the Review indicates that stacked townhouse projects in Hamilton have targeted specific markets/areas, have been thirty units or less, and none have been developed or proposed with underground parking. Furthermore, the Review also provides that housing affordability and land value in Hamilton has driven a market oriented largely to single detached housing types,

thereby constraining the stacked townhouse market with the availability of other affordable housing types.

The urbanMetrics review identified that the economics of stacked townhouses with underground parking requirements are impractical, as the cost of underground parking would add a minimum of \$50,000 to the cost of constructing each unit. The cost could further rise given the rocky soil conditions of the site and, furthermore, this cost would be borne upon the end purchaser making the stacked townhouse even less marketable.

urbanMetrics also concludes that the Albion proposal combines for a more marketable and socially desirable housing mix. They advise that even though the overall maximum unit yield is lower than the ORC approvals, the number of persons accommodated in the Albion plan differs marginally. In regard to the Growth Plan conformity, the Albion plan would accommodate a population of 993 residents, compared to the 1,056 under the ORC approvals, which is a difference of approximately 63 persons. urbanMetrics also advises that on a gross area basis, the Albion proposal would accommodate a density of 55 persons per hectare versus 59 persons, and in both respects, represent densities which are above the 50 persons and jobs per hectare, as required by the Growth Plan.

The Albion proposal continues to conform with the Growth Plan. Staff is of the opinion that the proposed "Paramount" draft plan of subdivision is justifiable, and constitutes good planning given the locational attributes.

9. As a requirement of the Formal Consultation process, an Urban Design Report was required. Through the planning application process, the applicant submitted a Report. The "Losani Homes Paramount Subdivision Urban Design Report" was prepared by Lintack Architects Inc. The Report addresses a number of key design issues, as per the Nash Neighbourhood Secondary Plan. They include urban form such as priority locations, pedestrian routes, streetscapes, and residential building types. The Report also addresses other important design issues such as zoning, parks/open space, transportation, and infrastructure. An addendum was prepared to the Report with respect to some issues raised by staff, as well as to address some revisions as a result of the second submission of the draft plan of subdivision. This addendum provided additional information on streetscape design and built form, as well as the interface between the proposed "Paramount" subdivision and the existing neighbourhood to the west.

The Secondary Plan encourages architectural variation and style, as well as connectivity and a safe, pedestrian-friendly environment. The Plan also provides policy on entrance features and transportation. The Lintack Report identifies the importance of pedestrian movement throughout the neighbourhood. It provides

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 47 of 50**

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for linkages via two pedestrian bridges over the Felker (Davis) Creek to the existing neighbourhood to the west, as well as two pathways to the Heritage Green Community Sports Park. The proposed linkages provide for connectivity to the East Mountain Trail, as well as the City's Bicycle Trail and the HCA and NEC trail systems.

The Report also indicates a "Paramount" gateway entrance feature, which will be included on Block 151, which is the future High Density block. In order to achieve this, general draft plan conditions have been included (see Appendix "F" - Conditions No. 2 and 4) relating to urban design, as well through site plan control of the High Density block.

The Report also addresses other key design elements related to the variation of building types. They include street setback, streetscape variation, porches, roofscape, wall cladding, elevation detailing, garages, corner lots, and terminus lots. These issues primarily deal with the proposed single and semi-detached dwellings, as well as street townhouse dwellings. Staff is satisfied that these details will be further addressed through the implementing Zoning By-law (see Appendix "C"), as well as through draft plan conditions (see Appendix "F" - Conditions No. 2 and 4). The block townhouses and the higher density residential blocks will further be addressed through site plan control.

Staff has reviewed the original and amended Urban Design Report and provided recommendations which suggest that the majority builder/co-applicant not be left to enforce the urban design guidelines, as is suggested in the implementation section of the Report. Instead, a control architect should be a condition of draft approval (see Appendix "F" - Condition No. 4). This condition will address the outstanding concerns related to streetscape design, landscaping, and built form.

Staff is of the opinion that the Urban Design Guidelines and Secondary Plan policies will be adequately met through implementation of the Lintack Report, satisfying the draft plan conditions (see Appendix "F" - Conditions No. 2 and 4), the proposed implementing By-law (see Appendix "C"), and future site plan control applications.

10. Through the ORC proposal, an Environmental Impact Study (EIS) was prepared by LGL Ltd., dated September, 2008. Since the Albion applications do not propose any modification to the existing open space and natural features, this EIS was carried forward. The "Paramount" Plan maintains the previously approved ORC development boundary, while preserving all the previously zoned and designated open space and natural heritage features and elements. These features are further protected through a draft plan condition (see Appendix "F" - Condition No. 1).

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 48 of 50**

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The Albion submission was reviewed by both the City and HCA with respect to preservation of the natural heritage features. Minor comments were made, and staff is satisfied that these have been appropriately addressed.

11. As per the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 179 property owners within 120 metres of the subject lands on September 15, 2011, and a Public Notice sign was posted on the property on October 13, 2011. In total, 5 letters were received in objection to the proposed applications (see Appendix "I"). The overall concerns are generally summarized as follows:

- Increased densities versus property values;
- Request for Notice; and,
- Relocation of the proposed block townhouses (Block 149).

Increased Density and Property Values:

The public perception of this proposal having an increase in density is not justified. The previous ORC approval permitted the development of the subject lands for a total of 734 dwelling units, and was further reduced to permit 550 units. The development mix and built form within the ORC proposal was predominantly composed of street townhouse units and stacked townhouse units. The current Albion proposal provides for a total yield of 365 dwelling units, with the predominate mix consisting of single detached dwellings and townhouse units. It has a much less unit yield overall, with a majority of the higher density to the south of the subject lands, adjacent to Mud Street West.

No existing data currently exists regarding the decrease of property value. It is staff's opinion that new development has the potential to increase resale of existing housing stock, as new development tends to spark interest of homes in an existing neighbourhood. Further, the proposed block townhouses which are raising concern are for Block 149 (see Appendix "E"). This block identifies a total of 74 dwelling units, amenity area, and required parking area. This block will also be subject to site plan control, at which time, the City will further review and evaluate the proposal. The Urban Design Report provides a cross section of the specific area of concern (see Appendix "J"). This cross section identifies a 90 metre distance between the houses on Audubon Street South and the proposed townhouses. Staff is of on the opinion that proposed block townhouse units will not negatively impact the existing single detached dwellings on Audubon Street South.



**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 49 of 50**

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Notice:

It is a requirement that if a member of the public requests notice or additional information, that it will be provided. These requests have been forwarded to the Clerk's Department for individual public notices. With respect to the one letter that raises this as an issue, the residents are recent owners and, therefore, the City's tax roll had not been updated at the time of the original notice of complete applications and preliminary notice.

Relocation of Townhouses (Block 149):

Staff is of the opinion that the proposed location of the block townhouses are appropriate, as they meet the intent of the Secondary Plan, which states that medium-high density residential shall be located closer to the periphery of the neighbourhood and along open space areas. Given the physical constraints of the subject lands, the proposed location of the block townhouses are appropriate, as the combination of the Felker Channel and the additional open space trail and setbacks will result in a setback of approximately 90 metres between the existing single detached dwellings and the proposed block townhouses. In addition, with the height limitation imposed via the planning instruments, as well as the requirement for a tree management plan, staff is satisfied that the proposed location of the block townhouses will not impact the existing residents located on Audubon Street South. This block will be reviewed further at the Site Plan Control stage.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the applications be denied, the lands could be developed in accordance with the current draft plan of subdivision and current Single Residential "R4-29" and "R4-30" Zones, the Multiple Residential "RM2-25" Zone, the Multiple Residential "RM3-2(H)", "RM3-42", "RM3-42(a)", and "RM3-43" Zones, the Conservation/Hazard (P5) Zone, the Conservation/Hazard (P5, 29) Zone, and the Multiple Residential "RM5-10" Zone provisions, which would still permit a range of residential and open space land uses, buildings and structures and uses accessory thereto.

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan, Zoning No. By-law 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) - Page 50 of 50**

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**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Financially Sustainable City by 2020.
- ◆ Effective and sustainable Growth Management.

**Intergovernmental Relationships**

- ◆ Maintain effective relationships with other public agencies.

**Social Development**

- ◆ Everyone has a home they can afford that is well maintained and safe.

**Environmental Stewardship**

- ◆ Natural resources are protected and enhanced.
- ◆ Aspiring to the highest environmental standards.

**Healthy Community**

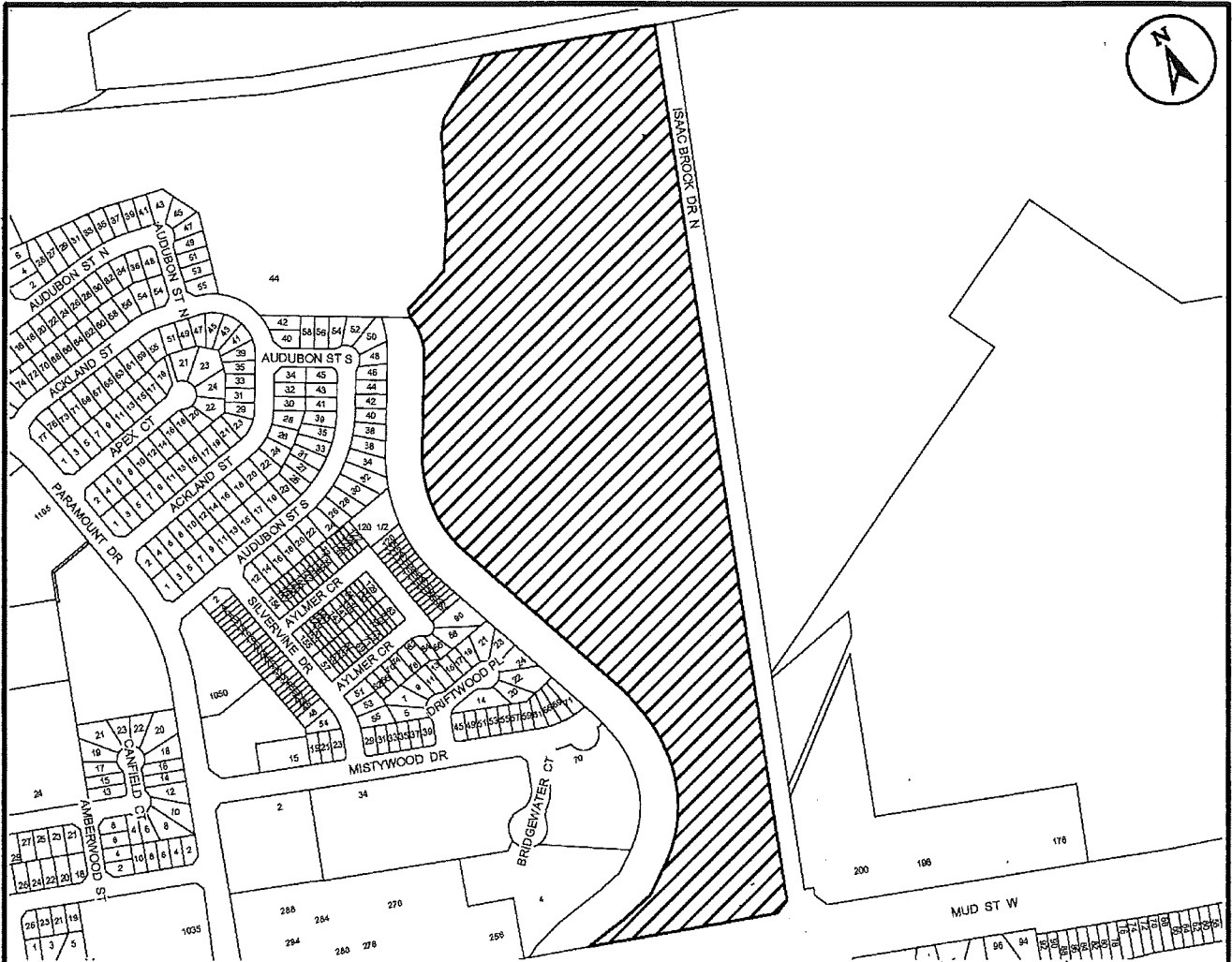
- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

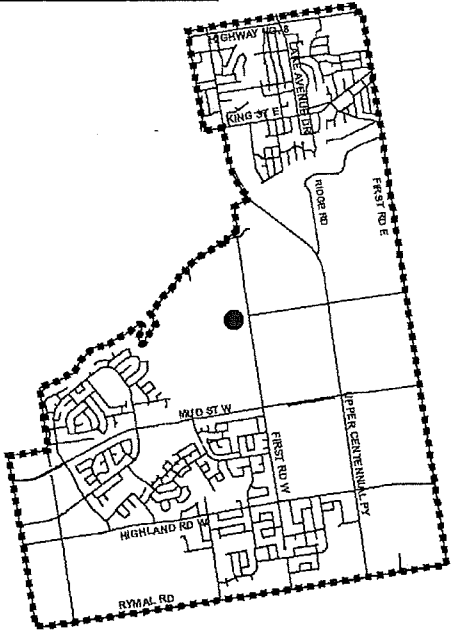
- Appendix "A": Location Map.
- Appendix "B": Draft Official Plan Amendment (Stoney Creek)
- Appendix "C": Draft Zoning By-law Amendment (3692-92)
- Appendix "D": Draft Zoning By-law Amendment (05-200)
- Appendix "E": "Paramount" Draft Plan of Subdivision
- Appendix "F": Draft Plan of Subdivision Conditions
- Appendix "G": "ORC" Approved Draft Plan of Subdivision
- Appendix "H": Draft Official Plan Amendment (Urban Hamilton Official Plan)
- Appendix "I": Resident Letters
- Appendix "J": Lintack Architects Inc. Urban Design Report - Cross Section

:JM

Attachs. (10)



● Site of the Application



Ward 9 Key Map

N.T.S.

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-11-051/OPA-11-008/25T-201108

Date:  
September 12, 2011

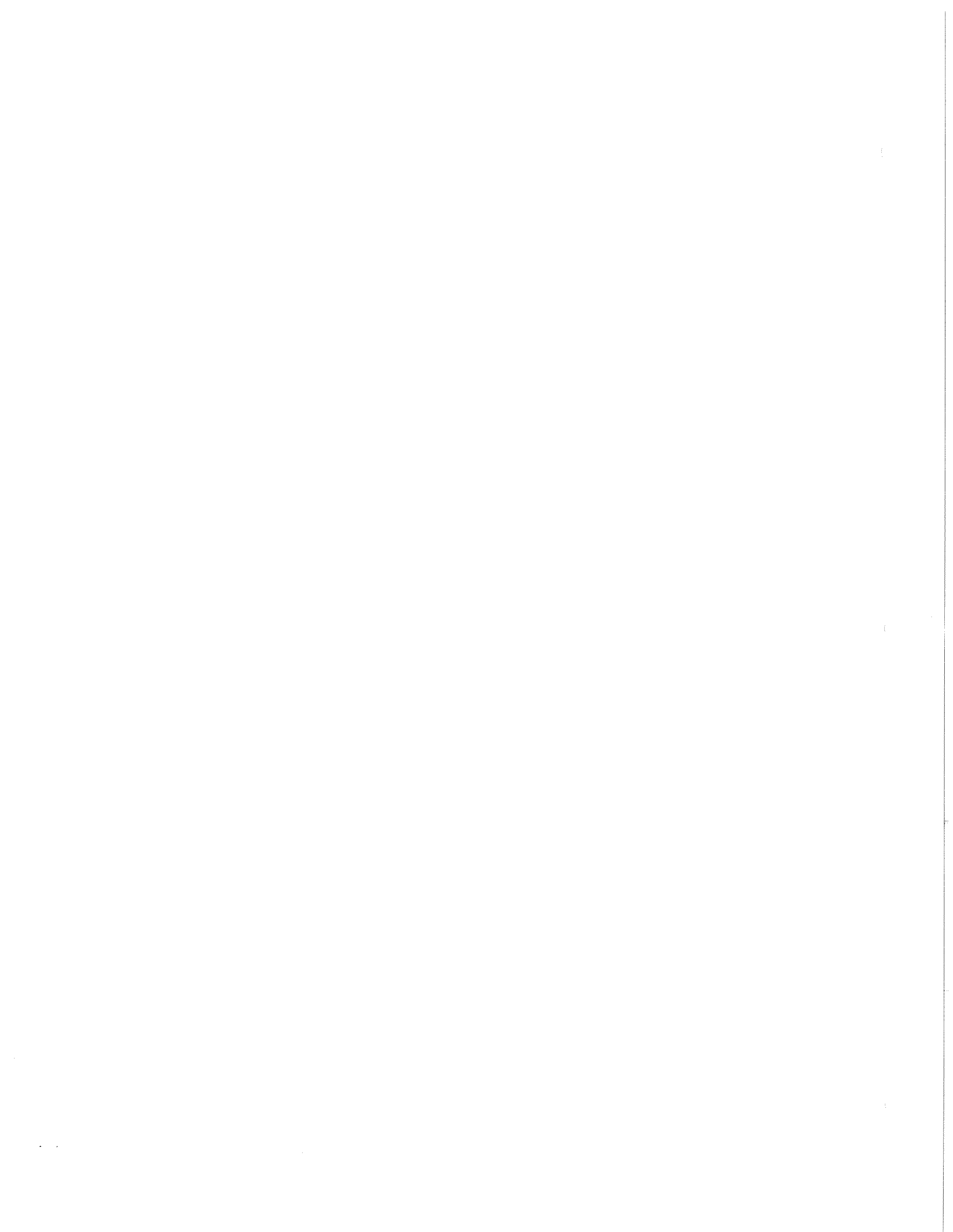
Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JWAL

**Subject Property**

Part of Lot 29, Concession 6 (Saltfleet)



Schedule "1"

Amendment No. [REDACTED]

to the

## Official Plan for the Former City of Stoney Creek

The following text, together with Schedule "A" [Schedule "A3-2", Nash Neighbourhood Secondary Plan], attached hereto, constitute Official Plan Amendment No. [REDACTED].

### Purpose:

The purpose of this Amendment is to revise various land use designations on the subject lands in order to permit a range of residential unit types and tenures. The Amendment will preserve the limits of environmental features including the Felker's Falls Environmentally Significant Area, Eramosa Embankment, Felker's Creek vegetative regeneration area, and the easterly hedgerow, together with their associated buffer areas, in order to reflect the previously approved amendment (Official Plan Amendment No. 164).

### Location:

The lands affected by this Amendment are located on the north side of Mud Street West, east of Felker's Creek, west of the un-opened Isaac Brock Road allowance, and south of the Niagara Escarpment Brow.

The limits of the "Environmentally Significant Area", "Open Space", and "Storm Water Management" designations delineated through OPA No. 164 resulted from detailed, site-specific field investigations carried out during the previous planning approval processes. The recent amendments within OPA 164 fulfill the "Open Space and Environmental Features" objectives of the Nash Neighbourhood Secondary Plan, and ensure the preservation and enhancement of significant environmental features, including Environmentally Significant Areas. The limits of these designations are maintained through this Amendment.

### Basis:

- The range of residential types and tenures permitted in the revised boundaries of the "Low Density Residential", "Medium Density Residential 2", and "Medium-High Density" designations, which will include apartment buildings, maisonettes, block and street townhouses, semi-detached and single detached dwellings, will assist in ensuring that the Residential objectives of the Nash Neighbourhood Secondary Plan will continue to be met. The range of residential uses will be compatible with adjacent development, which essentially consists of open space to the north, east, and west, as well as a mix of residential housing types.

**Actual Changes:**

**Map Changes:**

1. Schedule "A3-2", Nash Neighbourhood Secondary Plan, as amended, be revised by redesignating portions of the subject lands from:
  - a) "Medium-High Density" and "Medium Density 1" to "Low Density";
  - b) "Medium Density 1" to "Medium-High Density";
  - c) "Medium Density 1" and "Medium-High Density" to "Medium Density 2"; and,
  - d) "Medium Density 1" and "Medium-High Density" to "Open Space - Walkway";as shown on the attached Schedule "A" to this Amendment, including modifications to the location of certain Trail Links/Walkways.
2. Schedule "A3-3", Nash Neighbourhood Road Classification Plan, be revised by including road classifications for the subject lands, as shown on the attached Schedule "B".

**Text Changes:**

3. Sub-section 13.3.18.4 c) vi) is amended to allow semi-detached and street townhouse dwelling units to provide individual driveway connections onto a local street.
4. Sub-section 13.3.18.4 d) i) is amended to permit a height not exceeding 3-storeys.
5. Sub-section 13.3.18.4 e) is amended to remove the lands designated "Open Space" from the Net Residential Density calculation.

**Implementation:**

An implementing Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

The  
City of Hamilton

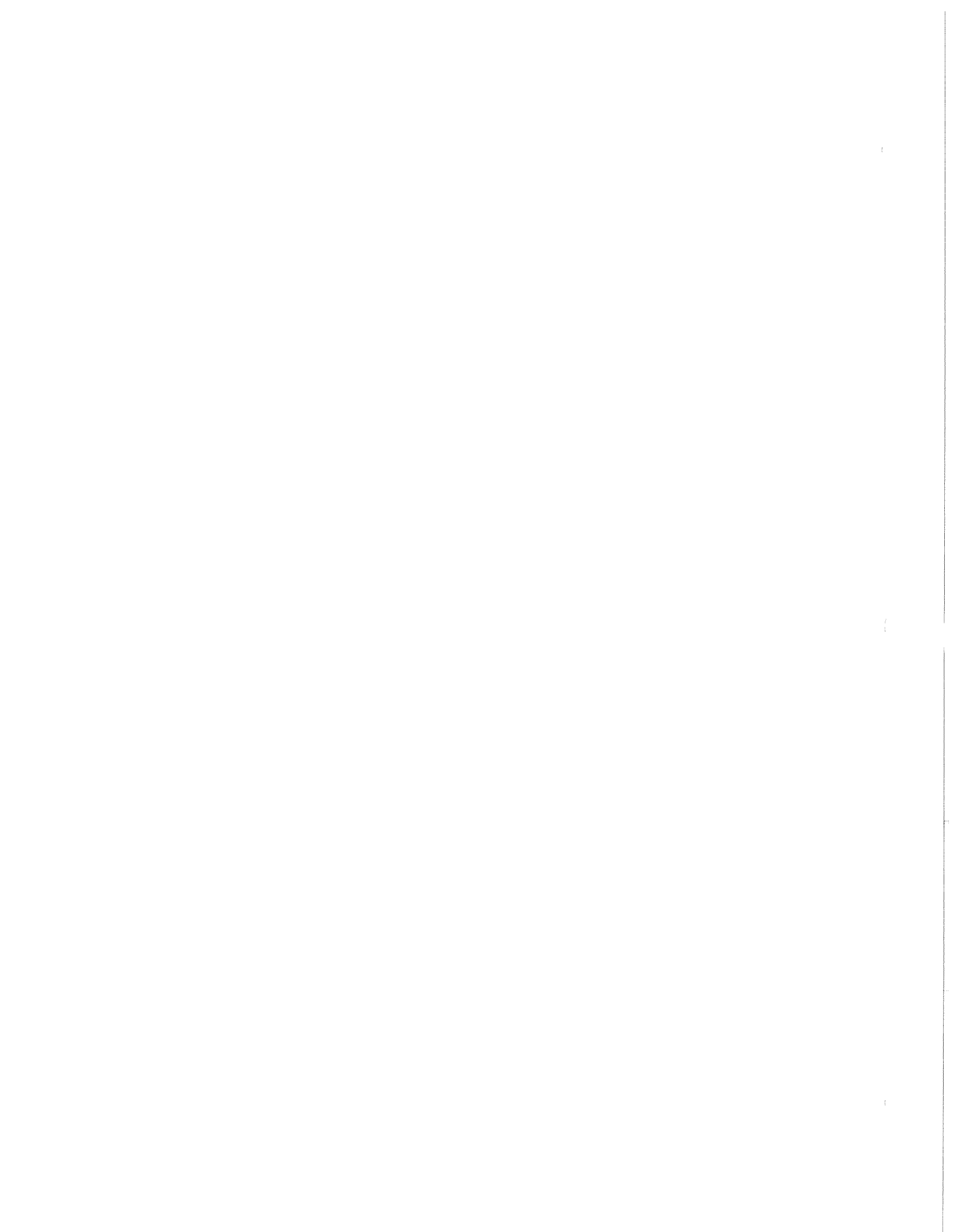
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R. Bratina  
Mayor

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R. Caterini  
Clerk







**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12079)  
CM: [REDACTED]

**Bill No.**

## CITY OF HAMILTON

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property  
Located at 220 Mud Street West, East of Felker's Creek**

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, 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 Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon the approval of Official Plan Amendment No. [REDACTED];

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

1. That By-law No. 11-091 is hereby repealed in its entirety.
2. That Map No. 10 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 Single Residential "R2" Zone to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 1";
  - (b) by changing the zoning from the Single Residential "R2-15" Zone, Modified, to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 2";
  - (c) by changing the zoning from the Single Residential "R2" Zone, to the Multiple Residential "RM3-46" Zone, Modified, the lands comprised of "Block 3";
  - (d) by changing the zoning from the Open Space "OS" Zone to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 4";
  - (e) by change the zoning from the Single Residential "R3-3" Zone, Modified, to the Multiple Residential "RM3-46" Zone, Modified, the lands comprised of "Block 5";
  - (f) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 6";
  - (g) by changing the zoning from the Single Residential "R2-14" Zone, Modified, to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 7";
  - (h) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R6-6" Zone, Modified, the lands comprised of "Blocks 8 and 10";
  - (i) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Multiple Residential "RM2-29" Zone, Modified, the lands comprised of "Blocks 9 and 11";
  - (j) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R6-6" Zone, Modified, the lands comprised of "Blocks 12 and 13";
  - (k) by changing the zoning from the Single Residential (Holding) "R3-2(H)" Zone, Modified, to the Multiple Residential "RM3-45" Zone, Modified, the lands comprised of "Block 14";

- (l) by changing the zoning from the Single Residential (Holding) "R3-3(H)" Zone, Modified, to the Multiple Residential "RM5-10" Zone, Modified, the lands comprised of "Block 15"; and,
- (m) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R3-34" Zone, Modified, the lands comprised of "Blocks 16, 17, and 18";

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

- 3. That in addition to the Public Uses set out in Section 4.17 of By-law No. 3692-92 (Stoney Creek), a public walkway shall be included as a permitted use.
- 4. That Sub-section 6.4.7, "Special Exemptions", of Section 6.4 Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R3-33", as follows:

**"R3-33" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (f), and (g) of Sub-section 6.4.3 of the Single Residential "R3" Zone, on those lands zoned "R3-33" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 250 square metres, except 270 square metres for a corner lot.
- (b) Minimum Lot Frontage: 10 metres, except 11.7 metres for a corner lot.
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to an attached garage.
- (d) Minimum Side Yard: 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side

yard of the lot adjacent the yard with a side yard setback less than 1.2 metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.

Minimum Flankage Yard:

On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

(f) Maximum Height:

3-storeys and the elevation of the peak of the roof shall be a maximum of 203.0 masl.

(g) Maximum Lot Coverage:

N/A.

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

In addition to the regulations of Sub-section 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;
- b) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres; and,
- c) Stairs may project into any required front yard a distance of not more than 4.5 metres.

5. That Sub-section 6.4.7, "Special Exemptions", of Section 6.4 Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R3-34", as follows:

**"R3-34" Schedule "A", Map No. 10**

In addition to the provisions of the "R3-33" Zone, the following shall also apply:

Notwithstanding the definitions of Lot Line - Front, Lot Line - Rear, and Lot Line - Side within Part 2 - Definitions of By-law No. 3692-92, for those lands Zoned Single Residential "R3-34" Zone, the minimum lot frontage shall be 8.2 metres.

6. That Sub-section 6.7.7, "Special Exemptions", of Section 6.7 Residential "R6" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R6-6", as follows:

**"R6-6" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs 1., 2., 3., 4., 5., and 7., of Sub-section 6.7.3(b) of the Residential "R6" Zone, on those lands zoned "R6-6" by this By-law, the following shall apply:

- |                          |   |
|--------------------------|---|
| 1. Minimum Lot Area:     | 380 square metres for an undivided semi-detached lot and 190 square metres for a divided semi-detached lot. |
| 2. Minimum Lot Frontage: | 15 metres for an undivided semi-detached lot and 7.5 metres for a divided semi-detached lot.                |
| 3. Minimum Front Yard:   | 4.5 metres to the dwelling, except 6.0 metres to an attached garage.  |
| 4. Minimum Side Yard:    | 1.2 metres on the side of the dwelling not attached by the common wall separating the two dwelling units.   |
| 5. Maximum Lot Coverage: | N/A.  |

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

In addition to the regulations of Sub-section 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres;
  - b) Bay windows, either with or without foundations, may project into any required front and/or rear yards a distance of not more than 0.9 metres; and,
  - c) Stairs may project into any required front yard a distance of not more than 4.5 metres.
7. That Sub-section 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM2-29", as follows:

**"RM2-29" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (f), (g), (h) and (i) of Sub-section 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-29" by this By-law, the following shall apply:

- (a) Minimum Lot Area:
  - Interior Unit . 120 square metres.
  - End Unit . 145 square metres.
  - Corner Unit . 185 square metres.
- (b) Minimum Lot Frontage: 4.45 metres per dwelling unit.
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the attached garage.
- (d) Minimum Side Yard:
  - End Unit or Corner Unit 1.2 metres.  
2.4 metres, except 6.0 metres for the flankage street line to an attached garage, which fronts on a flankage street.
- (f) Minimum Privacy Area: 27 square metres.
- (g) Minimum Landscaped Open Space: 20 per cent of the lot area, which may include the privacy area.

- (h) Maximum Building Height: 3 storeys.
- (i) Maximum Lot Coverage: N/A.

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

In addition to the regulations of Sub-section 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- d) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;
  - e) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres; and,
  - f) Stairs may project into any required front yard a distance of not more than 4.5 metres.
8. That Sub-section 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-45", as follows:

**"RM3-45" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a) to (m), inclusive, of Sub-section 6.10.3; (a) to (e) of the Multiple Residential "RM3" Zone, and/or any other applicable provision within By-law No. 3692-92 (Stoney Creek), on those lands zoned "RM3-45" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 105 square metres for an individual townhouse unit and 80 square metres for a maisonette unit.
- (b) Minimum Lot Frontage: 4.45 metres for an individual townhouse or maisonette unit.
- (c) Minimum Front Yard: 3.5 metres to the dwelling and 5.75 metres to an attached garage.
- (d) Minimum Side Yard: 1.2 metres, except 2.4 metres for a corner unit.

- (e) Minimum Rear Yard: 6.0 metres only for a townhouse unit.
- No buildings or structures, including a fence, shall be permitted within 5.0 metres from the toe-of-slope.
- (f) Minimum Distance Between Buildings on the Same Lot/Block:
- 12 metres between front walls.
- 2.4 metres between end walls of a block of townhouses and/or block of maisonette units.
- 12 metres between rear walls of a block of townhouses and/or block of maisonette units.
- 7.0 metres between end walls and rear walls of a block of townhouses and/or block of maisonette units.
- Separation distances shall not be applied to individual townhouse and/or maisonette units and/or their future property boundaries created by way of an application to remove part lot control and/or established by a condominium corporation.
- (g) Maximum Density: 65 units per hectare exclusive of lands designated as Open Space.
- (h) Maximum Building Height: 6 storeys.
- (i) Maximum Lot Coverage: N/A.
- (j) Privacy Area per Unit: Shall have a minimum depth of 3.5 metres for a townhouse unit, and shall not apply for maisonettes.



- (k) Minimum Landscaped Open Space: 20 per cent and shall be landscaped, including privacy areas for townhouse units, and shall not apply for maisonette units.
- (l) A maximum of 9 individual townhouse units shall be permitted within one townhouse block.
- (m) A private condominium road shall be considered a public street.
- (n) Minimum parking space sizes shall be 2.6 metres x 5.75 metres and 4.4 metres x 5.75 metres for barrier free parking spaces.
- (o) Stairs may encroach 3.4 metres into the required front yard of an individual unit as permitted.

Notwithstanding Sub-section 6.10.5 "Regulation for Parking" (d) and (e), permit visitor parking space to be located closer than 2.75 metres from a dwelling unit on the same lot. Future property and/or unit boundaries created through a Condominium Act or a Planning Act application shall not be subject to this modified zoning requirement.

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

9. That Sub-section 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-46", as follows:

**"RM3-46" Schedule "A", Map No. 10**

In addition to the provisions of the "RM3-45" Zone, the following shall also apply:

- (h) Maximum Building Height: 3-storeys.

10. That Sub-section 6.12.6, "Special Exemptions", of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM5-10", as follows:

**"RM5-10" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (g), (h), (i), and (j) of Sub-section 6.12.3 of the Multiple Residential "RM5" Zone, on those lands zoned "RM5-10" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 0.5 hectares.
- (b) Minimum Lot Frontage: 30.0 metres.
- (c) Minimum Front Yard: 6.0 metres.
- (d) Minimum Side Yard: 7.5 metres.
- Minimum Flankage Yard: 6.0 metres.
- (g) Maximum Lot Coverage: 50 per cent.
- (h) Maximum Density: 99 units per hectare.
- (i) Maximum Building Height: 6 storeys.
- (j) For the purposes of this special provision, where a lot zoned "RM5-10" is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area, Minimum Rear Yard, and Minimum Interior Side Yard.

11. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R3", "R6", "RM2", "RM3", and "RM5" Zones, subject to the special requirements referred to in Sections 4, 5, 6, 7, 8, 9, and 10.

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

**PASSED and ENACTED** this [redacted] day of [redacted], 2012.

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R. Bratina  
Mayor

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R. Caterini  
Clerk

ZAC-11-051  
OPA-11-008  
25T-201108











This is Schedule "A" to By-Law No. 12-

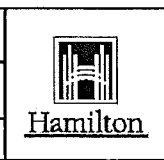
Passed the ..... day of ....., 2012

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 Mayor  
 -----  
 Clerk

**Schedule "A"**  
 Map 1 of 2  
 Map Forming Part of  
 By-Law No. 12-\_\_\_\_\_  
 to Amend By-law No. 3692-92

- Subject Property**
-  Block 1 - Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3-33" Zone, Modified.
  -  Block 2 - Change in Zoning from the Single Residential "R2-15" Zone, Modified to the Single Residential "R3-33" Zone, Modified.
  -  Block 3 - Change in Zoning from the Single Residential "R2" Zone, to Multiple Residential "RM3-46" Zone, Modified.
  -  Block 4 - Change in Zoning from the Open Space "OS" Zone to the Single Residential "R3-33" Zone, Modified.
  -  Block 5 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to Multiple Residential "RM3-46" Zone, Modified.
  -  Block 6 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R3-33" Zone, Modified.
  -  Block 7 - Change in Zoning from the Single Residential "R2-14" Zone, Modified to the Single Residential "R3-33" Zone, Modified.
  -  Refer to By-law No. 05-200.

Scale: N.T.S.	File Name/Number: ZAC-11-051_OPA-11-008_25T-201108
Date: April 24, 2012	Planner/Technician: JM/KA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





This is Schedule "A" to By-Law No. 12-

Passed the ..... day of ....., 2012

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Mayor

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Clerk








## Schedule "A"

Map 2 of 2

Map Forming Part of  
By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 3692-92

### Subject Property

-  Block 8 and 10 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R6-6" Zone, Modified.
-  Block 9 and 11 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Multiple Residential "RM2-29" Zone, Modified.
-  Block 12 and 13 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R6-6" Zone, Modified.
-  Block 14 - Change in Zoning from the Single Residential "R3-2(H)" Holding Zone, Modified to Multiple Residential "RM3-45" Zone, Modified.
-  Block 15 - Change in Zoning from the Single Residential "R3-3(H)" Holding Zone, Modified to Multiple Residential "RM5-10" Zone, Modified.
-  Block 16, 17 and 18 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R3-34" Zone, Modified.
-  Refer to By-law No. 05-200.

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-051\_OPA-11-008\_25T-201108

Date:  
April 24, 2012

Planner/Technician:  
JM/KA



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Authority:** Item [REDACTED]  
Planning Committee  
Report 12-[REDACTED] (PED12079)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW No.** [REDACTED]

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 220 Mud Street West, Stoney Creek**

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law conforms with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map Nos. 1404 and 1455 of Schedule "A" to Zoning By-law No. 05-200, are amended by incorporating the following:
  - (a) Conservation/Hazard Land (P5) Zone boundaries for the lands comprised of Blocks 1 and 2; and,

- (b) Conservation/Hazard Land (P5, 29) Zone, Modified, for the lands comprised of Block 3;

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

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
3. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2012.

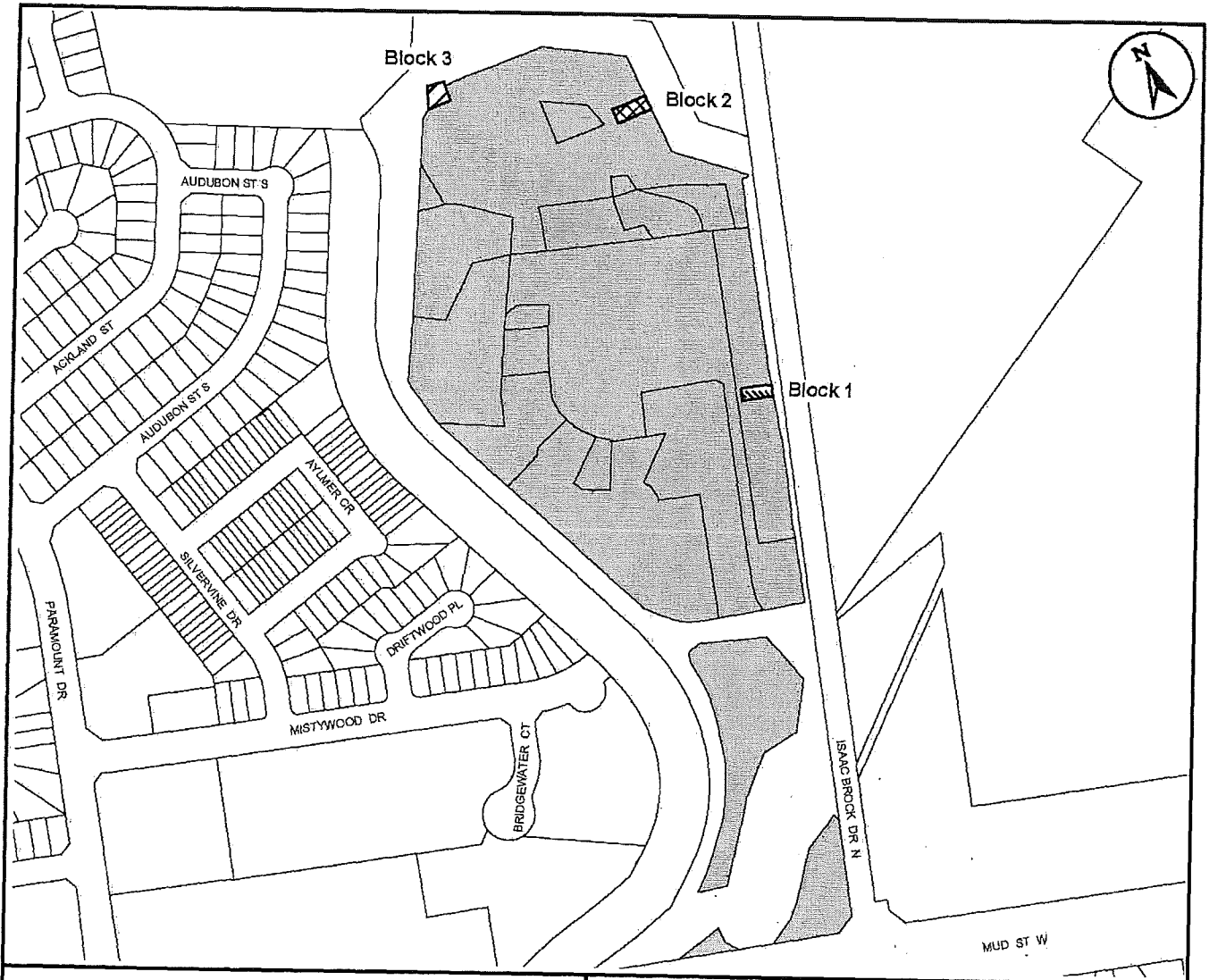
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R. Bratina  
Mayor

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R. Caterini  
Clerk





ZAC-11-051  
OPA-11-008  
25T-201108



This is Schedule "A" to By-Law No. 12-  
Passed the ..... day of ....., 2012

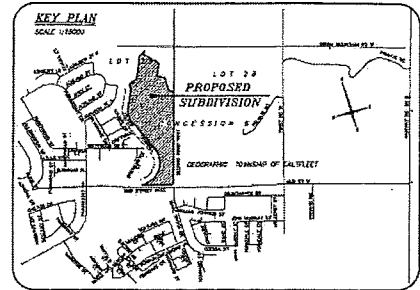
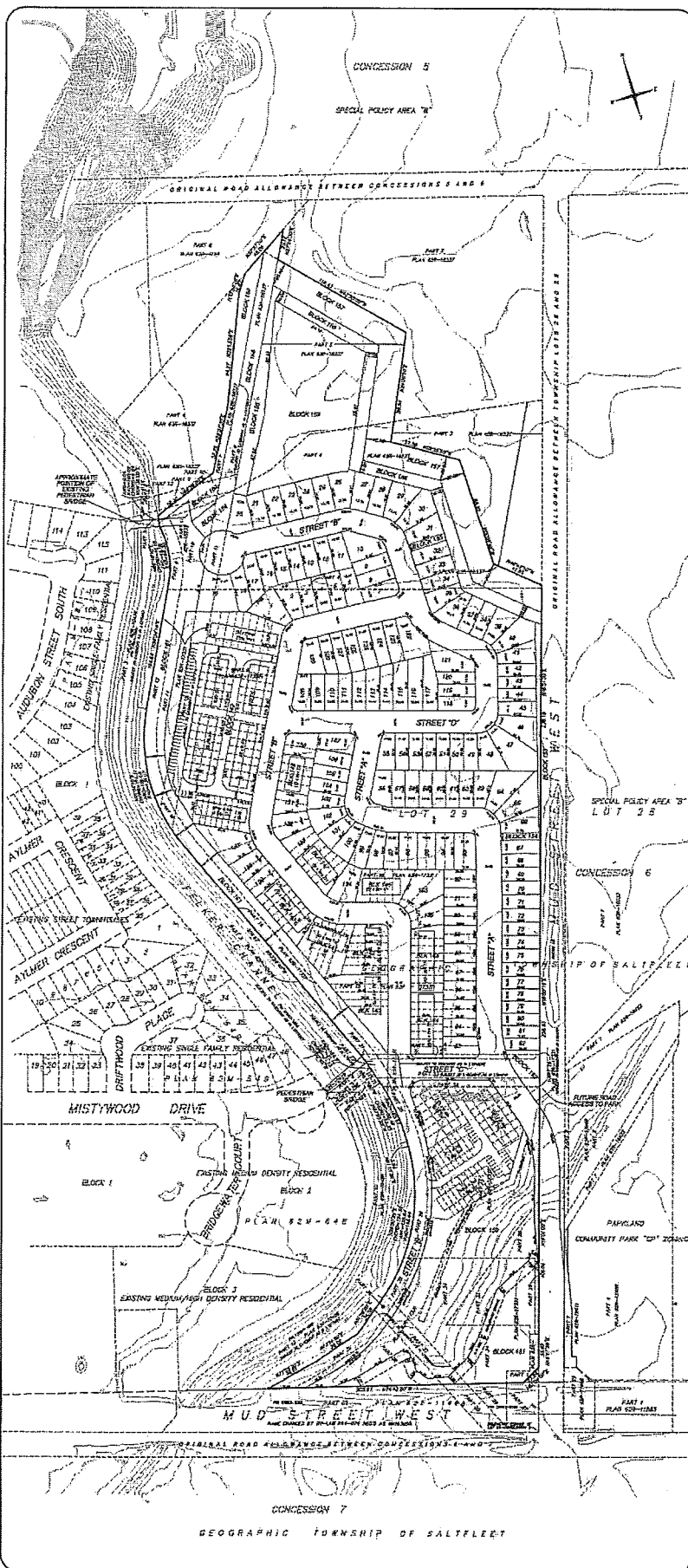
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Mayor  
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Clerk

**Schedule "A"**  
  
Map Forming Part of  
By-Law No. 12-\_\_\_\_\_  
  
to Amend By-law No. 05-200  
Map 1404 and 1455

- Subject Property**
-  Block 1 - Lands to be Zoned Conservation/Hazard Lands (P5) Zone.
  -  Block 2 - Lands to be Zoned Conservation/Hazard Lands (P5) Zone.
  -  Block 3 - Lands to be Zoned Conservation/Hazard Lands (P5-29) Zone, Modified.
  -  Refer to By-law No. 3692-92.

Scale: N.T.S.	File Name/Number: ZAC-11-051_OPA-11-008_25T-201108
Date: April 24, 2012	Planner/Technician: JM/KA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





REVISED DRAFT PLAN OF

# PARAMOUNT

BEING A PROPOSED SUBDIVISION OF  
PART OF LOT 29-CONCESSION 6  
GEOGRAPHIC TOWNSHIP OF SALT FLEET  
CITY OF HAMILTON

SCALE 1:1500

B. J. CLARKE 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.

**SCHEDULE OF LAND USE**

RESIDENTIAL USES	AREA	NUMBER OF UNITS	LOTS/BLOCKS
10 m SINGLE DETACHED LOTS	0.66 ha	30	42-44, 77-82, 87-103, 116, 120, 123, 126
11 m SINGLE DETACHED LOTS	2.15 ha	35	1, 6, 9, 12-14, 42-52, 57-76, 104, 108, 109-114, 116, 121, 123-126
12 m SINGLE DETACHED LOTS	1.16 ha	27	2-7, 11-16, 30-34, 105, 107, 108, 115, 116, 117, 120
13.7 m SINGLE DETACHED LOTS	0.80 ha	12	10, 20-22, 35, 129
TOTAL SINGLE DETACHED		115	
15.0 m SEMI DETACHED LOTS	1.14 ha	48	83-96, 130-135
8.0 m STREET TOWNHOUSES	1.14 ha	53	BLOCKS 140-148
TOTAL SEMI DETACHED AND TOWNHOUSE CONDOMINIUM A	1.27 ha	74	BLOCK 140
TOWNHOUSE CONDOMINIUM B	1.91 ha	43	BLOCK 150
TOTAL CONDOMINIUM TOWNHOUSES		117	
FUTURE HIGH DENSITY SITE FUTURE DEVELOPMENT	0.63 ha	12	BLOCK 151
TOTAL NUMBER OF UNITS		305	
<b>ALL OTHER USES</b>			
PAVINGWAYS	0.03 ha		BLOCKS 154 AND 155
MEADOWS	0.65 ha		BLOCK 153
ESA BUFFER LINES (BLOCK 156 IS ALSO RECREATIONAL SWAL)	1.01 ha		BLOCKS 156/157/158/160
STORMWATER MANAGEMENT POND	0.98 ha		BLOCK 156
FELKOR CHANNEL BUFFER AND FUTURE PEDESTRIAN CORRIDOR (EAST MOUNTAIN SWAL)	0.87 ha		BLOCK 161
OPEN SPACE	1.09 ha		BLOCK 162
PUBLIC ROADS	3.32 ha		STREET A, STREET B, STREET C, STREET D
IDEAL AREA OF OTHER USES	2.30 ha		
TOTAL AREA OF SITE	17.86 ha		

**RE: CHAPTER 5, (S.R.S.O. 1990 SECTION 51(1))**  
**THE PLANNING ACT**

A. SHOWN ON PLAN      & SHOWN ON PLAN  
B. SHOWN ON PLAN      H. MUNICIPAL PIPES WATER AVAILABLE  
C. SHOWN ON PLAN      I. CLAY SOIL  
D. SEE LAND USE SCHEDULE      J. SHOWN ON PLAN  
E. SHOWN ON PLAN      K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER  
F. SHOWN ON PLAN      L. 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.

JANUARY 18, 2012  
DATE

B. J. CLARKE  
GEOGRAPHIC TOWNSHIP SURVEYOR

**SUBDIVISION DRAFT APPROVAL:**  
SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED 2012 THIS PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-123.

THIS... DAY OF... 2012.

GENERAL MANAGER  
PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 4W7  
TEL: 905-578-8761 FAX: 905-578-2289  
www.ajclarke.com

REVISION 14-10-11 PLAN B-1000



**Special Conditions of Draft Plan of Subdivision Approval for "Paramount"**

**Planning:**

1. That, ***prior to servicing***, the owner shall satisfy the following requirements of the Environmentally Significant Area Impact Evaluation Group (ESAIEG), to the satisfaction of the Director of Planning:
  - a) Prepare a detailed tree saving and management plan for the east hedgerow (Block 153) and south wooded slope, which would address such items as hazard tree removal/mitigation, removal of invasive species, restoration/enhancement, and tree protection measures during development and post-development.
  - b) Any tree clearing is to occur outside of breeding bird season, which is typically between April 1 and July 15. Further, prior to tree clearing, a screening of bird habitat is to be completed in order to identify nests that may require protection in accordance with the Federal Migratory Bird Convention Act.
  - c) Prepare a landscaping plan utilizing native plant materials for Blocks 156, 157, 158, 159, 160, and 161, which includes the Davis Creek restoration corridor, the ESA buffer area, and the proposed stormwater management block.
  - d) Any grading and drainage plans are to ensure that drainage from the City Park to the east is maintained to support the wetland habitat and Tributary 4 located within the ESA portion of the property.
  - e) That prior to preliminary grading, the owner shall undertake the transplantation of regionally uncommon or rare plant species from the development envelope to suitable habitat micro-sites within the ESA and buffer areas.
  - f) That the owner will co-operate with the Hamilton Conservation Authority in the creation of hibernacula and habitat for snake species, such as milk-snakes, in selective portions of the ESA.
  - g) That the owner shall agree, in writing, to include a notice to purchasers in the Subdivision Agreement and in agreements of purchase and sale about the significance/sensitivity of the ESA and appropriate environmental stewardship behavior.
  - h) That the owner shall agree to erect interpretive trail signage about the ESA features/functions and environmental stewardship, to the Hamilton Conservation Authority's satisfaction.

- i) That the owner shall prepare a landscape plan, to the satisfaction of the Hamilton Conservation Authority, identifying locations of selective native planting within the ESA and buffer zone comprised of host plants to attract various pollinators to the area, such as butterflies.
2. That, **prior to the registration of the final plan of subdivision**, Urban Design/Architectural Guidelines shall be approved for the draft plan, and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning. The Urban Design/Architectural Guidelines shall also be prepared in accordance with the recommendations made by the Niagara Escarpment Commission and the maximum building elevation to peak of roof analysis contained in the approved Visual Impact Assessment by the IBI Group, Project No. 15237, dated June 22, 2010.
3. That, **prior to preliminary grading or servicing**, the owner shall submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning, and provide written certification from the owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan, approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
4. That, **prior to registration of the final plan of subdivision**, the owner shall **agree, in writing**, to retain a qualified Urban Designer/Architect to administer architectural development standards for those lots subject to architectural control prior to the issuance of building permits, to the satisfaction of the Director of Planning. Furthermore, that the owner shall agree to adhere to those lots identified in the Urban Design/Architectural Guidelines, and submit building plans for the lots to the City's Urban Designer/Architect for review and approval prior to the issuance of a building permit.
5. That, **prior to registration of the final plan of subdivision**, approval for Lots or Blocks within the Draft Plan of Subdivision, the owner shall agree that a maximum building height to the peak of roof shall be determined in accordance with the Visual Impact Assessment Study, as approved by the Niagara Escarpment Commission. Said maximum building height shall be consistent with the metres above sea level (masl) elevation identified in the Zoning By-law and approved Visual Assessment Study, to the satisfaction of the Director of Planning.
6. That, **prior to registration of the final plan of subdivision**, the owner shall **agree, in writing**, to provide a notice to purchasers in the Subdivision Agreement about the water quality findings of the Davis Creek Watershed Study, and about the open space zones that prohibit the construction of buildings or structures on portions of Lots 40-47, 65-82, and Blocks 150 and 151, and to agree to notify future land owners of same, to the satisfaction of the Director of Planning.

7. That, **prior to any preliminary grading**, the preliminary grading plan required in Clause 3 of the Standard Form Subdivision Agreement shall also be prepared, to the satisfaction of the the Director of Planning, in consultation with the Niagara Escarpment Commission, to ensure it is consistent with the approved Visual Assessment Study, by the IBI Group, Project No. 15237, dated June 22, 2010.
8. That, **prior to the issuance of building permits**, for any lot for a single detached dwelling where an interior side yard setback is less than 1.2 metres, that the owner shall establish all required maintenance easements or such other mechanism that will allow for maintenance, to the satisfaction of the City Solicitor and Director of Planning. Where a foundation wall must be constructed prior to final determination of the easement location, the owner shall **agree, in writing**, that the maintenance easements of any other mechanism that has been approved by the City Solicitor and Director of Planning will be established prior to occupancy, all to the satisfaction of the Director of Planning.
9. That, **prior to registration of the final plan of subdivision**, the owner shall **agree, in writing**, to withdraw Subdivision Application 25T-200806, and acknowledge that the Draft Approval issued on April 14, 2011, by the General Manager of the Planning and Economic Development Department, has no active status with the City of Hamilton once Subdivision Application 25T-201108 receives Draft Plan Approval, to the satisfaction of the Senior Director of Growth Management.

**Engineering:**

10. That, **prior to registration of the final plan**, the owner shall include in the engineering design and cost schedules for the draft plan lands installation of a minimum 1.5 metre high chainlink fence along the following:
  - a) Side yards of Lots 66 and 67, which abut Block 154;
  - b) Side yards of Lots 31 and 32, which abut Block 155;
  - c) The Rear yards of Block 143, Block 141, Block 140, and Lots 137 to 139, inclusive, which abut Block 161;
  - d) Rear yard and sideyard of Block 149, which abuts Block 161;
  - e) Side yard of Lot 19, which abuts Block 161;
  - f) Along the north and west limit of Lot 20;
  - g) Along the rear yards of Lots 21 to 47, inclusive, and Lots 65 to 70, inclusive, which abut Block 153, Block 156, and Block 159;
  - h) Along the rear yards of Lots 71 to 82, inclusive;

- i) Easterly limit of Lots 71 to 82, Block 152, and Block 153, inclusive all; and,
  - j) Side yard of Lot 82, which abuts Block 152, all to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to registration of the final plan**, 12.0 metre by 12.0 metre daylight triangles shall be established on the final plan of subdivision, and the owner shall agree to dedicate the necessary lands for the daylight triangles to accommodate the ultimate design of intersection upgrades at the intersection of the widened limits of Street "A" at Mud Street West, to the satisfaction of the Senior Director of Growth Management.
12. That, **prior to registration of the final plan**, 4.5 metre by 4.5 metre daylight triangles shall be established on the final plan of subdivision at: Street "A" at the intersection of Street "D" and "C"; Street "B" at the intersection of Street "D" (twice) and "C", all to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to registration of the final plan**, the owner shall submit the necessary transfer deeds to convey Blocks 154 and 155 of the draft plan to the City for public access, to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the owner shall include in the engineering design the installation of 1.5m wide concrete walkways within:
- a) Block 154, between Street "A" and the east limit of the subdivision; and,
  - b) Block 155, between Street "B" and Block 156; all to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to registration of the final plan**, the owner shall submit the necessary transfer deeds to convey sufficient lands (Block 159 and additional land, if required) to the City of Hamilton for the purposes of an adequately sized Stormwater Management (SWM) Facility, to the satisfaction of the Senior Director of Growth Management.
16. That, **prior to registration of the final plan**, the owner shall submit the necessary transfer deeds to convey Block 156 to the City of Hamilton for the purposes of a multi-purpose trail link between Felker's Creek and the Heritage Green Community Sports Park, to the satisfaction of the Senior Director of Growth Management.

17. That, **prior to registration of the final plan**, the owner shall **agree, in writing**, to convey Block 153 to the City of Hamilton for the purposes of preserving the easterly hedgerow to the Heritage Green Park, to the satisfaction of the Hamilton Conservation Authority, the Director of Planning, and Senior Director of Growth Management.
18. That, **prior to servicing**, the owner shall retain a qualified professional engineer to prepare a Watermain Design Study, which will demonstrate to MOE standards, the adequacy of the water distribution system to support the development. The Study must incorporate water demand estimation using equivalent population methods and water servicing plan development. Pending the outcome of the Study, the owner shall propose appropriate measures to address deficiencies, to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to servicing**, the owner shall prepare a detailed Stormwater Management Report to address quality and quantity control, as well as 5 year and 100 year storms, including provisions for a major overland flow route, to the satisfaction of the Director of Development Engineering and all other appropriate agencies, with sufficient back-up information to verify that the stormwater management facility has been designed with a suitable outlet and in accordance with current Stormwater Management Guidelines and the approved Davis Creek Subwatershed Study, and that the land area designated for a stormwater management facility will accommodate the proposed facility.
20. That, **prior to registration of the final plan**, the owner shall be responsible for the design and construction of the stormwater management facility located in Block 159, to the satisfaction of the Senior Director of Growth Management.
21. That, the owner shall **agree** to:
  - i. Operate and maintain, in an acceptable manner, SWM facility throughout the construction of all stages of draft plan registration, or until a time as established by the Senior Director of Growth Management, and monitor such operation and effects thereof;
  - ii. Assume full responsibility for the cost to operate and maintain the SWM facility, including any changes to conditions of the MOE's approval, until such time that the facility is assumed by the City of Hamilton;
  - iii. Provide an operation and maintenance manual, to the satisfaction of the Senior Director of Growth Management, for the SWM facility, and shall agree to inspect/monitor and maintain the SWM facility, in accordance with said manual throughout construction, or until a time as established by the Senior Director of Growth Management;

- iv. Removal of sediment from SWM facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the SWM facility, prior to release of the owner's operation and maintenance responsibilities for the SWM facility; and,
- v. Keep detailed logs concerning performance and required maintenance activities for the pond, including costs for cleaning and removal of sediment etc., to the satisfaction of the Senior Director of Growth Management. This information is to be included in the operation and maintenance manual that will be provided to the City of Hamilton by the owner upon the future assumption of the facility;

to the satisfaction of the Senior Director of Growth Management.

- 22. That, **prior to servicing**, the owner shall submit a Geotechnical Report, prepared by a qualified professional, and shall implement the Report's recommendations, to the satisfaction of the Senior Director of Growth Management.
- 23. That, **prior to servicing**, the owner shall submit a Groundwater Study, prepared by a qualified professional, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Senior Director of Growth Management.
- 24. That, **prior to servicing**, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including, but not limited to house construction, and to undertake the works, as recommended, including monitoring. The Report shall also provide a groundwater contingency plan, to the satisfaction of the Senior Director of Growth Management to ensure that an appropriate mitigation strategy is available to be implemented in the case where: i) an aquifer is breached during excavation; ii) groundwater is encountered during any construction within the subdivision, including, but not limited to house construction; iii) sump pumps are found to be continuously running, and, iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted.
- 25. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, the installation of sidewalks, in accordance with the current City Policies, and to the satisfaction of the Senior Director of Growth Management.

26. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, the installation of a 4.0 metre wide hard surface pathway on the west side of Street "B", from Mud Street West to Street "C", to the satisfaction of the Hamilton Conservation Authority and the Senior Director of Growth Management.
27. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, the installation of a pedestrian bridge over Felker's Creek, between Street "B" and Mistywood Drive, which shall be accessible to people reliant on mobility aids, to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to servicing**, the owner shall include in the engineering design, a grading plan which indicates that only split drainage for all residential lots within the draft plan will be permitted, to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to servicing**, the owner shall include in the engineering design, a grading plan with provisions for split drainage for all residential lots where the zoning permits less than a 2.0m combined sideyard, to the satisfaction of the Senior Director of Growth Management.
30. That, **prior to servicing**, the owner shall include in the engineering design, the installation of 1.5 metre sidewalks on the north side of Mud Street, from the east limit of the draft plan lands westerly to connect to the existing sidewalk located adjacent to 256-300 Mud Street West, to the satisfaction of the Senior Director of Growth Management.
31. That, **prior to servicing**, the owner shall prepare a street parking plan for Streets "A", "B", "C", and "D", based on the premise of achieving on-street parking for 40% of the total units, not including units on Blocks 140 to 150, inclusive, to the satisfaction of the Senior Director of Growth Management.
32. That, **prior to servicing**, the owner shall agree that a maximum of 100 residential units of the final plan shall be permitted to be constructed with only one public road access to service each phase of the development. A second public road access to the subject lands is required prior to development beyond the initial 100 residential units, to the satisfaction of the Senior Director of Growth Management.
33. That, **prior to servicing**, the owner shall provide, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor/agent to be used to undertake the works, as well as the contractor/agent information so that the City can direct works to be completed, as necessary.

34. That, **prior to servicing**, the owner shall prepare and implement, if necessary, a Karst Contingency Plan, prepared by a qualified professional, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority, to determine the preferred engineering and construction methods for road servicing. In addition, the owner shall agree to provide for a Karst specialist to be on-site during any works that require excavation into bedrock, site grading.
35. That, **prior to servicing**, the owner shall include in the engineering design for the draft plan lands, removal of all dead or diseased trees within the City's road allowance, as required by the reconstruction on existing streets, and pay all costs for replacement of such trees, to the satisfaction of the Senior Director of Growth Management.
36. That, **prior to servicing**, the owner shall agree that if blasting or hoe-ramming is required, to submit a pre-construction survey, to the satisfaction of the Senior Director of Growth Management.
37. That the owner shall **agree** that development lands not exceed 50% or the total developable land area until the Lower Davis Creek downstream erosion works have commenced construction, or an assessment of the increased erosion risk has been completed that would determine if additional development can proceed, to the satisfaction of the Senior Director of Growth Management.
38. That, **prior to servicing**, the owner shall submit an updated Functional Servicing Study, prepared by a qualified consultant, to the satisfaction of the Senior Director of Growth Management.
39. That, **prior to servicing**, the owner shall indicate all driveway locations on the engineering drawings for all lots, and further, that the driveways for the following lots shall be established, as follows, and be outside of the daylight triangles, to the satisfaction of the Senior Director of Growth Management:
  - Street "A" - the driveways for Lots 83 and 107 be established on the east side of the lots, the driveway for Lots 93 be established on the north side of the lot, and the driveway for Lot 56 be established on the south side of the lot.
  - Street "B" - the driveway for Lots 122 and 129 be established on the north side of the lots, the driveways for Lots 7 and 10 be established on the east side of the lots, and the driveway for Lot 130 be established on the west side of the lot.
  - Street "D" - the driveways for Lots 118 and 121 be established on the east side of the lots, the driveway for Lot 108 be established on the south side of the lot, and the driveway for Lot 55 be established on the north side of the lot.



**Environment and Sustainable Infrastructure:**

40. That the owner **shall agree, in writing**, to construct a continuous, multi-use recreation trail system on the east side of the Felker Creek Channel to connect the Valley Park Trail System south of Mud Street West to the Conservation lands to the north, including a trail system through the ESA buffer Blocks 156, 158, and 161 to connect to Heritage Green Community Sports Park, adjacent Conservation lands, and the bulb of Street "B". The trail shall be constructed, to the satisfaction of the Director of Strategic Planning and Rapid Transit, Public Works Department. The design and tender drawings shall include a cost estimate for the works, and it shall be prepared by a full member with seal, in good standing, of the Ontario Association of Landscape Architects (OALA), and be approved by the Director of Strategic Planning and Rapid Transit, Public Works Department. Design drawings and estimate shall include grading plans, layout, and construction details, as required. The trail within Blocks 156, 158, and 161 shall be asphalt, 3.0 metres in width, as per the latest Landscape Architectural Services detail, with a maximum slope of 5%, where grades and slope permit. The repayment of costs associated with the design and construction of this trail shall be negotiated through a Parkland Development Financing Agreement between the owner and the City. Costs shall be reimbursed through Development Charges to a maximum determined amount. This multi-use recreational trail shall be shown on the Land Use Plan of Subdivision.
  
41. That the owner **shall agree, in writing**, to construct a pedestrian trail bridge over the Felker Creek Channel, connecting Mistywood Drive and the subject lands, in accordance with the Hamilton Recreation Trails Master Plan, Ward 9, Initiative #2. The bridge shall be constructed, to the satisfaction of the Director of Engineering Services, Environment and Sustainable Infrastructure, Public Works Department. The design and tender drawings shall include a cost estimate of the works, and it shall be prepared by a full member with seal, in good standing, of the Professional Engineers of Ontario (PEO), and be approved by the Director of Engineering Services, Environment and Sustainable Infrastructure, Public Works Department. Design drawings and estimates shall include grading plans, layout, and construction details, as required. The pedestrian bridge shall be constructed of steel and have a span from bank-to-bank, and meet accessibility standards as outlined in the Hamilton Barrier Free Design Guidelines and be 3.0 metres in width with a maximum slope of 5%. The repayment of costs associated with the design and construction of this bridge shall be provided through a Parkland Development Financing Agreement between the owner and the City. Costs shall be reimbursed through Development Charges to a maximum determined amount. This pedestrian trail bridge shall be shown on the Land Use Plan of Subdivision.

**Traffic:**

42. That, ***prior to servicing***, the owner, shall submit and receive approval for a parking plan illustrating on-street parking spaces, fire hydrants, residential driveways, and mailbox locations, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.
43. That, ***prior to servicing***, the owner shall prepare a detailed plan illustrating the location of the proposed Heritage Green Community Sports Park entrance. To confirm the provision of appropriate sight lines, the section of the plan in question should be at a larger scale and illustrate the Street 'A' pavement width, boulevard, sidewalk, and property line for a distance of 130m north of the Park driveway, to the satisfaction of the Manager of Traffic Engineering.
44. That, ***prior to servicing***, the owner shall include in the engineering design and cost schedules, the construction of Street 'B' at Mud Street West. Vehicular access at Street 'B' will only permit right turns in/right turns out, Street 'B' will intersect Mud Street West at a 90 degree angle, and the owner shall reduce the existing embankment side slope grade, if necessary, to achieve minimum stopping sight distance criteria of the Transportation Association of Canada, to the satisfaction of the Manager of Traffic Engineering, and the Senior Director of Growth Management.
45. That, ***prior to servicing***, the owner shall include in the engineering design and cost schedules, construction of a westbound right turn lane on Mud Street at Street 'B', with a 20m storage length and in accordance with TAC standards, a 95m length of taper, to the satisfaction of the Manager of Traffic Engineering, and the Senior Director of Growth Management.
46. That, ***prior to servicing***, the owner shall include in the engineering design and cost schedules, construction of Street 'A' with on-street bike lanes and sidewalks on both sides of Street 'A' between Mud Street and Street 'C'. The north leg of the intersection at Mud Street shall be constructed with one inbound lane, one southbound left turn lane, and one southbound through/right turn lane, to the satisfaction of the Manager of Traffic Engineering, and the Senior Director of Growth Management.
47. That, the owner, at his sole cost shall ***agree*** to prepare the base road surveying, engineering, traffic signal and electrical design, and pavement marking design for the reconstruction of Mud Street at Street 'A', construction of Street 'A', construction of Mud Street at Street 'B,' including a right turn lane on Mud Street, to the satisfaction of the Manager of Traffic Engineering, and the Senior Director of Growth Management.

48. That, the Owner shall **agree** that access to Blocks 150 and 151 will not be provided from Mud Street. Any proposed access to those Blocks from Street 'A' will be a minimum 70m north of the stop bar for Street 'A' at the signalized intersection at Mud Street, and the owner shall include in the engineering design and cost schedules, construction, to the satisfaction of the Manager of Traffic Engineering.
49. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, provision for Street 'A' to align C/L to C/L with existing, as constructed Isaac Brock Drive on the south side of Mud Street, to the satisfaction of the Manager of Traffic Engineering.

**Hamilton Conservation Authority:**

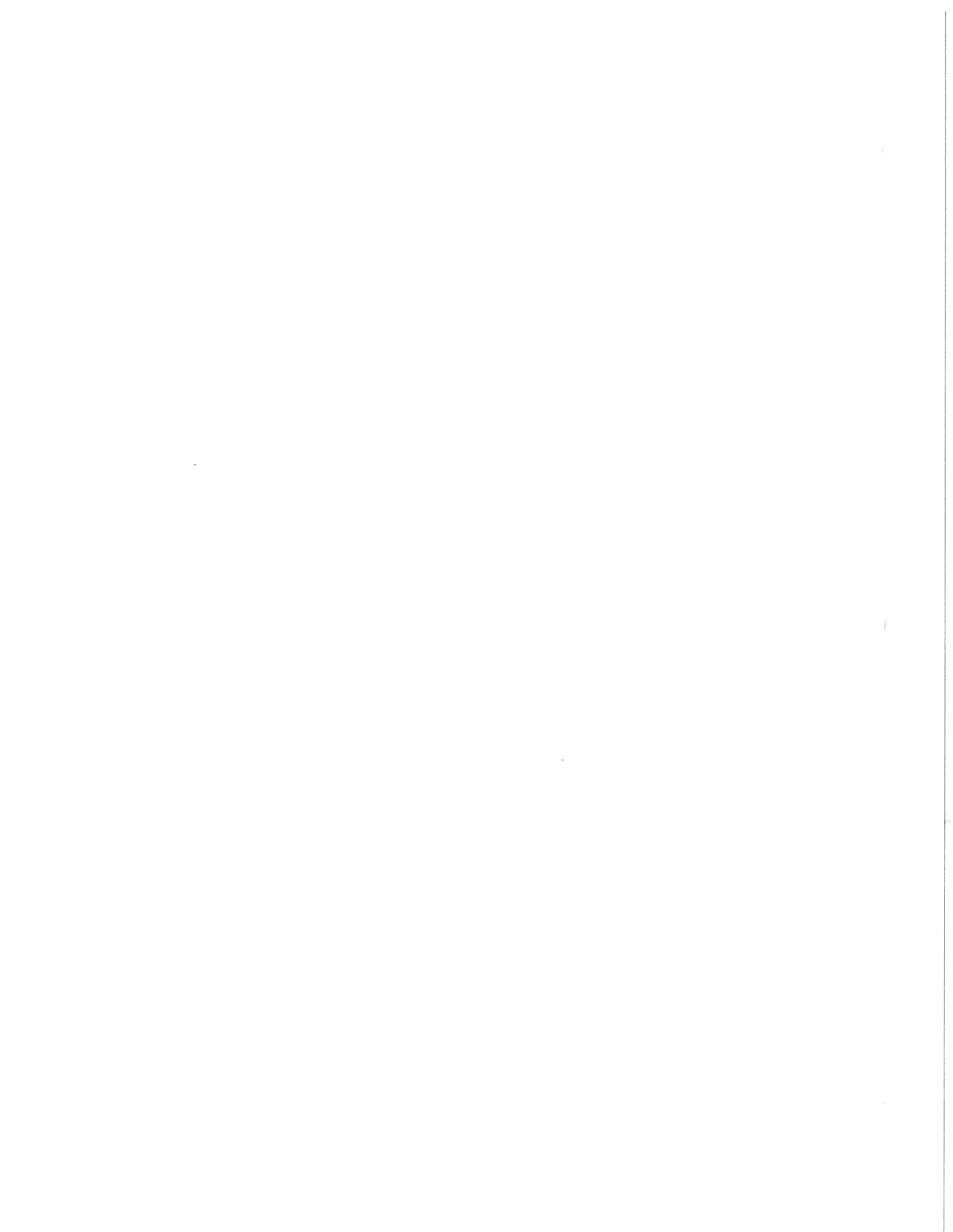
50. That, **prior to servicing**, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
  - i. All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;
  - ii. All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
  - iii. Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
  - iv. All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
51. That, **prior to servicing**, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels, and that current Provincial drainage and stormwater quality guidelines are implemented.
52. That, **prior to servicing**, the applicant shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
53. That, **prior to servicing**, the applicant shall prepare and implement a tree preservation plan and a landscaping plan utilizing native plant material for Blocks 157, 158, 159, 160, and 161, which includes the ESA buffer areas, the stormwater management facility, and the Felkers Creek restoration corridor.

54. That, **prior to registration of the final plan**, the applicant shall install a 1.5 metre high chainlink fence along the rear lot line of any lot or block that abuts the ESA buffer areas and the creek corridor.
55. That, **prior to registration of the final plan**, the applicant shall confirm, in writing, that Block 157 has been transferred to the Hamilton Conservation Authority.
56. That, **prior to preliminary grading or servicing**, the applicant shall obtain a permit from the Hamilton Conservation Authority, under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*, prior to any construction and/or grading activities within the area regulated by the Hamilton Conservation Authority.

**Hamilton-Wentworth District Board:**

57. That, **prior to registration of the final plan of subdivision**, the owner, at their expense, shall place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board's Transportation Policy, unless granted exception.
58. That the owner shall **agree, in writing**, to include a notice to purchasers in the Subdivision/Condominium Agreement advising that students are likely to be re-directed to schools outside of the area with available capacity, as governed by the Board's Transportation Policy.
59. That the owner shall **agree, in writing**, that any rental or lease agreement required for occupancy shall include in all agreements to renters or leasers, a notice advising that students from this development are likely to be re-directed to schools outside of the area with available capacity.





Schedule "1"

**Urban Hamilton Official Plan  
Amendment No. [REDACTED]**

The following text, together with:

1. Appendix "A" (Volume 2: Map B.7.5-1 – Nash Neighbourhood Secondary Plan - Land Use Plan);

attached hereto, constitutes Official Plan Amendment [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to revise the land use designations on the subject lands in order to permit the development of a subdivision containing a range of residential unit types (singles, semi-detached, and townhouses) and tenures.

This Amendment will preserve the limits of environmental features including the Felker's Falls Environmentally Significant Area, Eramosa Embankment, Felker's Creek vegetative regeneration area, and the easterly hedgerow, together with their associated buffer areas, in order to reflect the previously approved amendment through Amendment No. 164 to the Stoney Creek Official Plan and its associated, Council adopted, Urban Hamilton Official Plan policies and proposed Amendment.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 220 Mud Street West, in the former City of Stoney Creek, and are located on the north side of Mud Street West, east of Felker's Creek, west of the un-opened Isaac Brock Road allowance, and south of the Niagara Escarpment brow.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe).

**Schedule "1"**

- The range of residential types and tenures permitted in the revised designations satisfies the Residential objectives of the Nash Neighbourhood Secondary Plan.
- The range of residential uses is compatible with adjacent development, which essentially consists of open space to the north, east, and west, as well as a mix of residential housing types.

**4.0 Actual Changes:**

**4.1 Mapping Changes**

**Volume 2 – Rural Settlement Area Plans and Secondary Plans**

4.1.1 Volume 3, Chapter B.7.5 – Stoney Creek Secondary Plans – Nash Neighbourhood Secondary Plan - Land Use Plan be amended by redesignating lands located at 220 Mud Street West as follows:

- a) "Utility" to "Low Density Residential 2";
- b) "Utility" to "Natural Open Space";
- c) "Medium Density Residential 2" to "Natural Open Space";
- d) "Medium Density Residential 2" to "Medium Density Residential 3";
- e) "Medium Density Residential 2" to "Medium Density Residential 2h";
- f) "Medium Density Residential 2" to "General Open Space";
- g) "Medium Density Residential 2" to "Natural Open Space";
- h) "Medium Density Residential 3" to "Natural Open Space";
- i) "Medium Density Residential 2" to "Low Density Residential 2";
- j) "Medium Density Residential 2" to "Utility"; and,
- k) "Natural Open Space" to "Utility".

as shown on Schedule "A" attached to this Amendment.



**Schedule "1"**

**5.0 Implementation:**

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

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

**The  
City of Hamilton**

\_\_\_\_\_  
R. Bratina  
Mayor

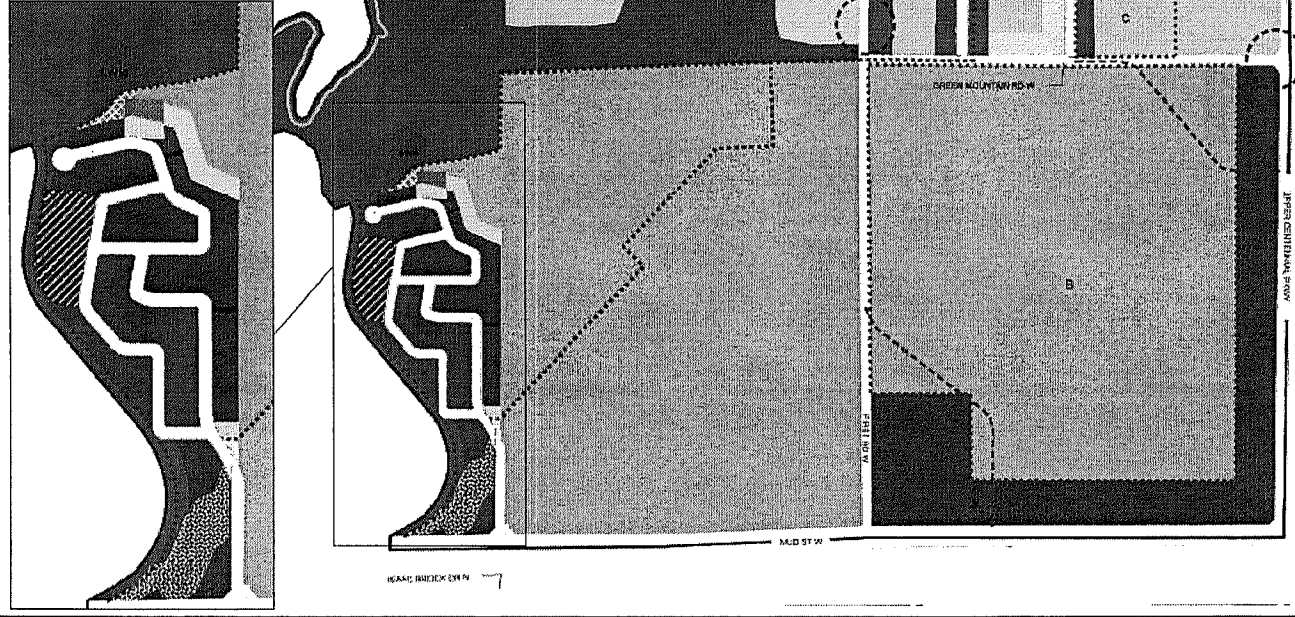
\_\_\_\_\_  
Rose Caterini  
Clerk

Schedule "1"

**Appendix A**  
**DRAFT Amendment No. \_\_\_\_\_**  
**to the Urban Hamilton Official Plan**

	Lands to be redesignated from Utility to Low Density Residential 2
	Lands to be redesignated from Utility to Natural Open Space
	Lands to be redesignated from Medium Density Residential 2 to Medium Density Residential 3
	Lands to be redesignated from Medium Density Residential 2 to Low Density 2n
	Lands to be redesignated from Medium Residential 2 to General Open Space
	Lands to be redesignated from Medium Density Residential 2 to Natural Open Space
	Lands to be redesignated from Medium Density Residential 3 to Natural Open Space
	Lands to be redesignated from Medium Density Residential 2 to Low Density Residential 2
	Lands to be redesignated from Medium Density Residential 2 to Utility
	Lands to be redesignated from "Medium Density Residential 2" to "Natural Open Space"
	Lands to be redesignated from Natural Open Space to Utility

Date: April 2012	Revised By: LKN/B	Reference File No.: OPA-U-____(S)
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- Legend**
- Residential Designations**
- Low Density Residential 2
  - Low Density Residential 2n
  - Medium Density Residential 2
  - Medium Density Residential 3
- Commercial and Mixed Use Designations**
- Local Commercial
  - Arterial Commercial
- Parks and Open Space Designations**
- Neighbourhood Park
  - Community Park
  - General Open Space
  - Natural Open Space
- Other Designations**
- Institutional
  - Lobby
  - SWM Storm Water Management
- Other Features**
- Area of Site-Specific Policy
  - Flood Plain
  - Hedge Row
  - Outway
  - Subject to Future OMB Hearing
  - Trail Link
  - Proposed Road Realignment
  - Easement
  - Proposed Paths
  - Secondary Plan Boundary

**Urban Hamilton Official Plan**  
**Nash Neighbourhood**  
**Secondary Plan**  
**Land Use Plan**  
**Map B.7.5-1**

MAY 2012

HAMILTON

PLANNING ECONOMIC DEVELOPMENT DEPARTMENT

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Candace Piva  
Michael Piva  
42 Audubon Street South  
Stoney Creek, ON  
L8J 1J7

RECEIVED JAN 31 2012

Joe Muto  
City of Hamilton  
Planning and Economic Development Department  
Planning Division - Development Planning - East Section  
71 Main Street West  
5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Re: Block # 154 Official Plan Amendment and Zoning By-Law Amendment  
Applications (File No. OPA-110008 and ZAC-11-051)  
Subdivision Application (File No. 25T-201108)  
Paramount 220 Mud Street West, Stoney Creek Amendment Application

January 27, 2012

Dear Mr. Mota,

We are single family home owners on Audubon Street South - **Lot 101 - Lot 112**, living directly across from the proposed Block #154 Apartment building. This is a serious issue to us as **Single Family Home Owners**. It will definitely impact the current and future resalable value of our properties. We are opposing the positioning of this apartment building. We would like to see **Single Family Dwellings Mirroring Our Properties** to protect their current and future value.

We would appreciate your immediate attention to this matter.

Respectfully,



Candace Piva

Mr. Joe Muto and Mr. Peter De Lullo  
City of Hamilton  
Planning and Economic Development Department.  
71 Main Street West  
Hamilton, ON L8P 4Y5

RECEIVED OCT 11 2011

Dear Mr. Muto and De Lullo,

We are writing you to express our strong opposition to the whole subdivision application (file number 25T-201108) and especially the official plan for Block #154 (File # OPA-110008 and ZAC-11-051).

We feel that this subdivision will drastically affect the current and future value of the house we have recently purchased, especially the proposed apartment building mentioned above as Block #154.

As single family home owners, we would like to see, should this subdivision go through, single home dwellings mirror our property. These are prime building lots that border onto green-space and an apartment building will be drastically devalue all residences located within its unsightly perimeter.

We strongly encourage you to turn down the application for the whole subdivision and, should that not be possible, we demand, as tax payers, that the proposed location of the apartment block be relocated.

There is less and less green-space in Hamilton and many factories being closed all the time that could be recycled into residential development areas. There is no need for this project to go through to the detriment of all those living within the area. For this reason, we would again like to restate our strong opposition to the whole project and the apartment Block #154.

On a side note, I am angry that I have not received any information on the proposed development being planned so close to my home. I would like to request copies of everything that have been sent to my neighbours.

Sincerely,

Jamie Lamarre and Katherina Venema  
36 Audubon Street South  
Stoney Creek, ON L8J 1J7

**From:** Hazell, Angie  
**Sent:** Wednesday, September 21, 2011 1:40 PM  
**To:** Muto, Joe  
**Cc:** Hazell, Angie ; Jeff Hazell  
**Subject:** 220 Mud Street West Draft Plan

Hi Joe,

We received the draft plan and drawings for the proposal of the Subdivision known as "Paramount" in the mail earlier this week. File No: OPA-11-008, ZAC-11-051 & 25T-201108. I had a very difficult time in viewing the drawings to understand exactly what was being proposed directly behind my house. I would like to know if the drawing is available online so I can have a better view and if so, could you please forward the link. If not, can you please mail out a clearer drawing?

Also, are you able to tell me what exactly will be behind my house (38 Audubon Street South, Stoney Creek, Ont L8J 1J7).

Thank you,

Angie Hazell

**From:** Ron Raftis [mailto:ron.raftis@sympatico.ca]  
**Sent:** Saturday, October 22, 2011 4:57 PM  
**To:** Muto, Joe  
**Cc:** Clark, Brad  
**Subject:** File No:OPA-11-008, ZAC-11-051 and 25T-201108

We are residents which will be affected by the proposed Development known as "Paramount". We reside at lot 107 on Audubon Street South which backs on to Felkers Creek. We have lived in this home for 29 years and certainly feel fortunate to have nothing across from us on the East side of Felkers Creek. We did expect that eventually there would be a development in that area. We are glad to see the number of units planned has been significantly reduced.

The proposal indicates that other than 3 lots for semi-detached housing the remainder of units backing onto Felkers Creek are for Townhouses and Condominiums. Why would one build 2 and 3 story Condominium Townhomes directly across from Single Family Dwellings. The available lots nearest to Mud Street West directly across for the latest 3 story Townhouse development logically could be the same but the remainder of those lots should be allocated for single family homes.

We absolutely object to having 2 and 3 story Townhomes across Felkers Creek from our single family dwelling. We believe it will affect our privacy with multi level buildings across the Creek from us. If this was to go ahead as planned we believe it would devalue our property significantly.

Yours Respectfully

Ron and Susan Raftis  
40 Audubon St S.  
Stoney Creek

-----Original Message-----

**From:** Ron Raftis [mailto:ron.raftis@sympatico.ca]  
**Sent:** Friday, September 23, 2011 3:47 PM  
**To:** Muto, Joe  
**Cc:** Clark, Brad  
**Subject:** Draft Plan of Subdivision known as Paramount

I am a resident who will be affected by this development as I live right in the area immediately across Felkers Creek from the proposed development site. The information that was sent out was Ok however the the Proposed Draft Plan document is almost unreadable, even with a magnifying glass. Is it possible to get a larger form of the draft plan??

Ron Raftis

40 Audubon St S  
Stoney Creek  
L8J 1J7

OCT 18 2011

Mail to: Joe Muto, City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning –East Section  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Or Fax: 905 546-4202

Attention: Mr. Joe Muto [Joe.Muto@hamilton.ca](mailto:Joe.Muto@hamilton.ca)  
& Peter J. De Iulio 905-546-2424 Ext 1345

Re: Block #154 Official Plan Amendment and Zoning By-Law Amendment  
Applications (File No. OPA-110008 and ZAC-11-051)

Subdivision Application (File No. 25T-201108)

“Paramount 220 Mud Street West, Stoney Creek Amendment application

I am a single family home owners who has been living on Audubon Street South –  
for twenty years

I was furious to discover the Plan amendment and Zoning By Law change living  
directly across from the proposed Block #154 Apartment building.

This is a serious issue to us as SINGLE FAMILY HOME OWNERS. It will  
definitely impact the current and future resalable value of our properties.

I would like to see SINGLE FAMILY DWELLINGS MIRORRING OUR  
PROPERTIES to protect their current and future value. We need to stop this  
change from happening.

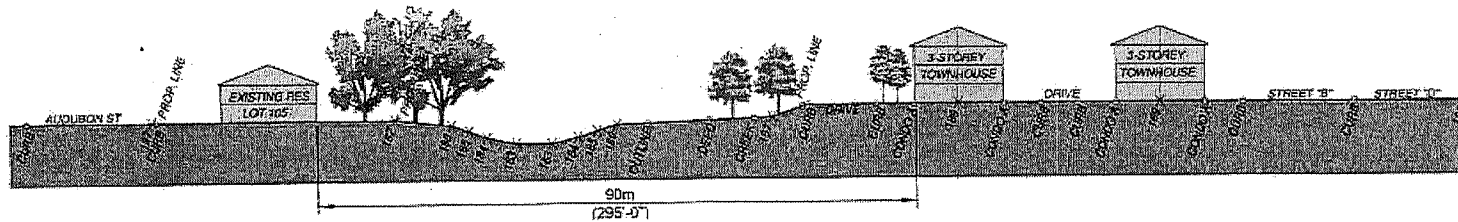
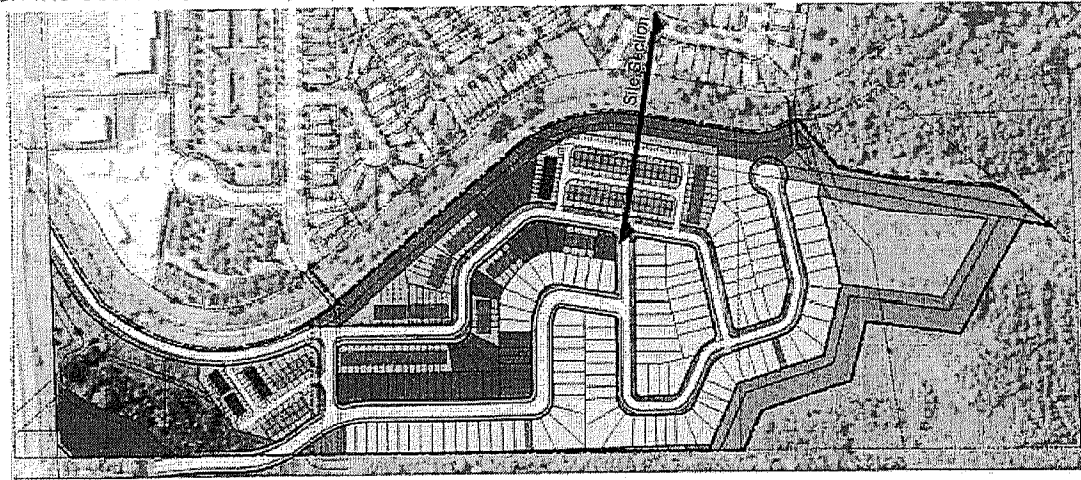
Cc: Brad Clark – 17 Audubon Street S, Stoney Creek, On

Mr. & Mrs. Kurpe  
Very Concerned 20 Year home owner  
32 Audubon Street South  
Stoney Creek, ON  
L8J 1J7

# 1.0 INTRODUCTION CONT.

## 1.6 Relationship to Existing Neighbourhood

The site is physically separated from the neighbourhood to the west by Felker Creek. The distance from the existing single family houses on Audubon street to the proposed back to back condominiums is 295 feet (90 metres). The height to width ratio is 1 to 10, which will have minimal visual impact on the existing single family homes. The existing mature trees on the west side of the creek, as well as new trees on the east side, will create a visual filter of the proposed development.





**Robicheau, Vanessa**

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**To:** Ribaric, Robert  
**Subject:** RE: Proposed Paramount Subdivision  
**Categories:** Staff

**From:** Ron Raftis  
**Sent:** Friday, June 08, 2012 06:56 PM  
**To:** Muto, Joe  
**Cc:** Clark, Brad  
**Subject:** Proposed Paramount Subdivision

Thanks for providing me with a copy of the staff report regarding the Applications for an Official Plan Amendment, Zoning By-Law Amendment and Approval of a Draft Plan for "Paramount Subdivision". After reading it I am still opposed to the proposed plan for building Block Townhouses opposite Single Family Homes.

My initial reaction in reading the document is our By Laws and Official Plans must be simply seen as recommendations or guidelines as City Staff seem to quite easily support Developers asking for amendments or variances from the By Laws and Official Plans. It would be more appropriate to change the By Laws and Official Plans saving Staff time and energy evaluating requests for amendments.

My initial concern regarding building 3 storey townhouses on the East Side of Felkers Creek opposite Single Family Homes has not changed. The response from Staff in the report basically sloughs off the concerns of the homeowners who live on the West Side of the Creek. The fact that the number of units being built in the proposed survey has been reduced is not relevant to our concern that we will have to look at these townhouses from our back yards. The suggestion that trees on the west side of the Creek and proposed trees to be planted on the east side will for the most part eliminate the view of the townhouses is not true. I don't believe for a moment the proposed trees to be planted will in any way shape or form do anything to reduce significantly the view of the townhouses for a number of years to come. The trees will have no effect from October to April. The comment by Staff regarding the 90 metres distance means very little as it would be the same as looking at a townhouse development six houses up the street (6 x 50ft lots). The other comment regarding the Secondary Plan requiring block townhouses to be located closer to the periphery of the development does not require them to be on the periphery. I don't understand how approval can be given to build the only block townhouses being proposed directly across from Single Family Homes. There is a lot of periphery to this development.

The response to the devaluing of the properties does not appear to be backed up by any data. I still believe we will see our houses devalued as a result of the proposed block of townhouses.

My last comment is to the overall development going on in this area. The Road Infrastructure cannot handle the number of homes built south of Rymal Road between Fletchers and Trinity Church Roads, the proposed development on the east side of Felkers Creek and the huge development currently underway on the south side of Mud Street West just west of Centennial Parkway.

Ron Raftis  
Stoney Creek

11/06/2012

