



PLANNING COMMITTEE

REPORT 16-006

9:30 a.m.

Tuesday, April 5, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (1st Vice-Chair), A. Johnson (2nd Vice Chair), D. Conley, J. Farr, C. Collins, M. Green, R. Pasuta, J. Partridge and D. Skelly.

Absent with regret: Councillor B. Johnson (Chair), personal

Also present: Councillor L. Ferguson

THE PLANNING COMMITTEE PRESENTS REPORT 16-006 AND RESPECTFULLY RECOMMENDS:

1. Annual Report on Building Permit Fees (PED16082) (City Wide) (Item 5.1)

That Report PED16082 respecting Annual Report on Building Permit Fees (PED16082) be received.

2. Application for Approval of a Draft Plan of Condominium (Common Element) by Urban Solutions Planning and Land Development Consultants Inc. for Lands Located at 98 Shoreview Place, Stoney Creek (PED16076) (Ward 10) (Item 6.1)

(a) That approval be given to Red-line Revised Draft Plan of Condominium Application 25CDM-201517 by Urban Solutions Planning and Land Development Consultants Inc., to establish a Draft Plan of Condominium (common element) consisting of a condominium road network, 36 visitor parking spaces, and amenity / landscaped open space areas for 72 freehold townhouse units on lands located at 98 Shoreview Place (Stoney Creek), as shown on Appendix "A" to Report PED16076, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201517, consisting of a

condominium road network, 36 visitor parking spaces, and amenity / landscaped open space areas applies to the redlined plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, and dated August 7, 2015, attached as Appendix "B" to Report PED16076; and,

- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201517 provided as Appendix "C" to Report PED16076 be endorsed by City Council.

3. Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) (Item 6.2)

- (a) That approval be given to Zoning Application ZAR-11-040, by Ralfana Homes Corporation, Owner, for a change in zoning from the "A" (Agricultural) Zone to the "R4-666" (Residential) Zone, Modified for lands located at 1261 Mohawk Road, as shown on Appendix "A" to Report PED16080, on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED16080, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms with the Places to Grow – Growth Plan and complies with the Town of Ancaster Official Plan and Urban Hamilton Official Plan.
- (b) That approval be given to Draft Plan of Subdivision Application 25T-201106, by Ralfana Homes Corporation, Owner, to establish a Draft Plan of Subdivision known as Hazelwood Subdivision, on lands located at 1261 Mohawk Road, as shown on Appendix "A" to Report PED16080, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision, 25T201106, prepared by Ralfana Homes Corporation, and certified by E.J. Grenkie, O.L.S., dated June 5, 2015 (see Appendix "C" to Report PED16080), showing six lots for single detached residential dwellings (Lots 1- 6) on a private condominium road and visitor parking (Block B), and one block for a road widening (Block A), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached to Report 16-006 as Appendix "A", as amended, by requiring in Condition 15(f) that the fence be a visual barrier fence;

- (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, and will be calculated in accordance with the City's Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each building permit; and,

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

- (c) That approval be given to Draft Plan of Condominium (Common Element) Application 25CDM-201603 by Ralfana Homes Corporation, Owner, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road and visitor parking, on lands located at 1261 Mohawk Road, as shown on Appendix "A" to Report PED16080, subject to the following:

- (i) That this approval apply to the Draft Plan of Condominium (Common Element), 25CDM-201603, prepared by Ralfana Homes Corporation, and certified by E.J. Grenkie, O.L.S., dated January 11, 2016 (see Appendix "F" to Report PED16080), showing a private condominium road and visitor parking, subject to the owner entering into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached to Report 16-006 as Appendix "B", as amended, by requiring in Condition 3(f) that the fence be a visual barrier fence;

- (d) That the Ward Councillor be apprised of the drainage issues prior to Council approval.

4. Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 120 and 128 Portia Drive (Ancaster) (PED16083) (Ward 12) (Item 6.3)

- (a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-018, by Montrin Properties (Hamilton) Inc. (Owner), for OPA No. _____, to expand the limits of Ancaster Area Specific Area UA-5 – Area "A", and to delete and replace in its entirety the Ancaster Area Specific Policies, Section "UA-5A Lands located north of Wilson Street West and north of Portia Drive (Area A) (OPA 18)", to allow for a broader range of permitted uses, to expand the range of prohibited uses; and, to increase the maximum permitted Gross Floor Area as result of the revised limits of Area Specific UA-5 – Area "A", for the lands known as 120 and 128 Portia Drive (Ancaster), as shown on Appendix "A" to Report PED16083, on the following basis:

- (i) That the draft Official Plan Amendment, attached to Report 16-006 as Appendix "C", as amended to permit non-select food retail uses with no maximum gross floor area and to allow supermarkets, grocery stores and/or food stores with a maximum of 750 square metres, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
 - (b) That approval be given to Zoning By-law Amendment Application ZAC-15-037 by Montrin Properties (Hamilton) Inc. (Owner), for a change from the Shopping Centre Commercial "C2-629" Zone, Modified; and, Shopping Centre Commercial "C2-630" Zone, Modified, to the General Commercial "C3-673" Zone, Modified, in order to broaden the range of permitted uses, identify prohibited uses, and provide for corresponding increases in Gross Floor Area caps, for the approved commercial development currently under construction for lands located at 120 and 128 Portia Drive (Ancaster), as show on Appendix "A" to Report PED16083 on the following basis:
 - (i) That the draft By-law, attached to Report 16-006 as Appendix "D", as amended to allow for Business and Professional Offices with no restrictions on location, "Places of Entertainment" or recreation within wholly enclosed buildings, except for movie theatre(s), to remove cap on Non-Select Food Retail and allow supermarkets, grocery stores and/or food stores up to a maximum of 750 square metres, 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 Map 5 of Schedule "A" of the Town of Ancaster Zoning By-law No. 87-57.
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No.
- 5. **Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11) (Item 6.4)**
 - (a) That Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-16-03, by Branthaven (Fruitland) Inc., Owner, for an amendment to remove the subject lands from Urban Area Specific "USC-3" Volume 3, Chapter B – Area Specific Policies and to replace it with an Urban Site

Specific Policy Area within Volume 3, Chapter C - Urban Site Specific Policy, and to delete the subject lands from Block 2 of the Block Servicing Strategy Area Delineation, in order to permit the development of the lands located at 288 Glover Road, Stoney Creek, for 77 townhouse dwelling units and a stormwater management pond, as shown on Appendix "A" to Report PED16084, be DENIED for the following reasons:

- (i) The proposal is not consistent with the Provincial Policy Statement;
 - (ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,
 - (iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately in a coordinated and integrated fashion and not with impact to other developments in the Fruitland-Winona Secondary Plan area.
- (b) That Zoning By-law Amendment Application ZAC-16-012, by Branthaven (Fruitland) Inc., Owner, to change the zoning from the Small Scale Institutional "IS" Zone to a modified Multiple Residential "RM3" Zone, to allow 77 townhouse dwelling units and a stormwater management pond, on lands located at 288 Glover Road, Stoney Creek, as shown on Appendix "A" to Report PED16084, be DENIED for the following reasons:
- (i) The proposal is not consistent with the Provincial Policy Statement;
 - (ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,
 - (iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately in a coordinated and integrated fashion and not impact other developments in the Fruitland-Winona Secondary Plan area.

6. Business Licensing By-law 07-170 – Review and Rewrite - Building Exterior Cleaners (Schedule 5) - Mobile Homes and Mobile Home Parks (Schedule 10) - Sign Posters and Bill Distributors, Etc. (Schedule 24) (PED16075) (City Wide) (Item 7.1)

That the Business Licensing By-law 07-170 be amended in accordance with the draft By-law attached as Appendix "A" to Report PED16075, which has been prepared in a form satisfactory to the City Solicitor, by deleting the following licensing categories:

- (a) Building Exterior Cleaners (Schedule 5);
- (b) Mobile Homes and Mobile Home Parks (Schedule 10);
- (c) Sign Poster and Bill Distributors, Etc. (Schedule 24).

7. Pool Enclosure By-law (PED13126(c)) (City Wide) (Item 8.1)

That the By-law respecting the Pool Enclosure By-law, attached as Appendix "A" to Report PED13126(c), be enacted.

8. Strathcona Secondary Plan, Appeal to the Ontario Municipal Board, Proposed Settlement of Appeal by 117692 Ontario Ltd. (c/o Agostino Mandarino) of UHOPA No. 11,(LS16009/PED16102)(Ward 1) (Item 12.1)

That the recommendations contained in Report LS16009/PED16102 respecting Strathcona Secondary Plan, Appeal to the Ontario Municipal Board, Proposed Settlement of Appeal by 117692 Ontario Ltd. (c/o Agostino Mandarino) of UHOPA No. 11 be approved and remain confidential until Council approval.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

- 6.1(i) Lakewood Beach Community Council respecting Application for Approval of a Draft Plan of Condominium (Common Element) by Urban Solutions Planning and Land Development Consultants Inc. for Lands Located at 98 Shoreview Place, Stoney Creek (PED16076) (Ward 10)

- 6.2(i) Michael Casnji, 14 Honeysuckle Crescent, Hamilton respecting Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12)
- 6.2(ii) Bernice and Lynne Simpson, 22 Honeysuckle, Hamilton respecting Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12)
- 6.4(i) Nora Jamieson, Watershed Planner, Hamilton Conservation Authority respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11).
- 6.4(ii) Lillian and Reno Cortiula, 223 McNeilly Road, Stoney Creek, respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
- 6.4(iii) Gary and Cindy Carr, 250½ Fruitland Road, Stoney Creek, respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
- 6.4(iv) Arden Semper, Branthaven Homes Fruitland Inc., the applicant for the Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
- 6.4(v) Ward Councillor Brenda Johnson, respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)

The agenda for the April 5, 2016 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) March 22, 2016 Meeting (Item 3.1)

The Minutes of the March 22, 2016 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation request was approved:

- (i) John Ariens, representing Habitat for Humanity wishing to attend when the staff report regarding waiving the applicable planning fees for charities and not-for-profit organizations is on the agenda. (For future meeting.) (Item 4.1)

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) **Application for Approval of a Draft Plan of Condominium (Common Element) by Urban Solutions Planning and Land Development Consultants Inc. for Lands Located at 98 Shoreview Place, Stoney Creek (PED16076) (Ward 10) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Element) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.1(i) Lakewood Beach Community Council

The added written comments from Lakewood Beach Community Council were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Katie Rainho of UrbanSolutions, representing the owner, was in attendance and addressed Committee with respect to the Draft Plan of Common Element which she illustrated with the use of a slide and indicated that they have reviewed the written comments received from Lakeview Community Council.

The agent's presentation was received.

For disposition of this matter refer to Item 2.

(ii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.2(i) Michael Casnji, 14 Honeysuckle Crescent, Hamilton

6.2(ii) Bernice and Lynne Simpson, 22 Honeysuckle Crescent

The added written comments Items 6.2(i) and 6.2(ii) were received.

Daniel Barnett, Planner, provided an overview of the staff report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. He responded to questions from Committee.

The staff presentation was received.

Joe DiCienzo the applicant was in attendance in the event Committee had any questions.

Registered Speaker

1. Lynne Simpson, 22 Honeysuckle Crescent

Lynne Simpson addressed Committee on behalf of herself and her mother, Bernice Simpson, and her comments included but were not limited to the following:

- Expressed concerns that her previous comments submitted in 2012 were not included with the staff Report;
- Many maple and walnut trees have been removed;
- How will the old walnut tree located at 1263 Mohawk Road be protected?
- The proposed tiny lots will not be compatible with the area;
- Six (6) units will be too many for the area – four (4) units would be better;
- Concerned with the loss of privacy, the height of the houses to be constructed, the effect on drainage with respect to their property and the property values;
- Requested that the developer be required to build a fence;
- Wants to receive copies of any information regarding this item.

The delegation was received.

The public meeting was closed.

Staff responded to questions and a discussion followed. The Ward Councillor was in attendance and spoke to this issue.

The following amendments were approved:

- (a) That Condition 15(f) of the “Conditions of Draft Plan Approval”, as outlined in Appendix “D” and Condition 3(f) of the “Special Conditions of Draft Plan of Condominium Approval”, as outlined in Appendix “E”, be amended by requiring that the fence be a visual barrier fence;
- (b) That the Ward Councillor be apprised of the drainage issues prior to Council approval.

For disposition of this matter refer to Item 3.

- (iii) **Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 120 and 128 Portia Drive (Ancaster) (PED16083) (Ward 12) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No one from the public came forward.

The staff presentation was waived.

The public meeting was closed.

Matt Johnston of UrbanSolutions provided an overview of the application with the aid of a PowerPoint presentation and some proposed amendments to the report. A copy is available for viewing on the City's website.

That the agent's presentation was received.

Staff responded to questions from Committee.

The following amendments were approved:

- (a) That staff be directed to amend Appendix "B" to permit non-select food retail uses with no maximum gross floor area, and to remove supermarket, grocery store and / or food stores from the list of prohibited uses and allow them as a permitted use up to a maximum of 750 square metres.
- (b) That staff also be directed to amend Appendix "C" to allow for Business and Professional Offices with no restrictions on location; to remove from the list of restricted uses "Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s)" and add it to the list of permitted uses; to remove the cap on Non-Select Food Retail; and, to remove supermarket, grocery store and / or food stores from the list of prohibited uses and allow them as a permitted use up to a maximum of 750 square metres.

For disposition of this matter refer to Item 4.

- (iv) **Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11) (Item 6.4)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Correspondence

- 6.4(i) Nora Jamieson, Watershed Planner, Hamilton Conservation Authority
- 6.4(ii) Lillian and Reno Cortiula, 223 McNeilly Road, Stoney Creek,
- 6.4(iii) Gary and Cindy Carr, 250½ Fruitland Road, Stoney Creek
- 6.4(iv) Arden Semper, Branthaven Homes Fruitland Inc., the applicant.
- 6.4(v) Ward Councillor Brenda Johnson

The added written comments Items 6.1(i) to 6.4(v) were received.

Delia McPhail, Planner, provided an overview of the Report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

Speaker

1. Daniela Giannini, 8 Willow Lane

Daniela Giannini addressed Committee and her comments included but were not limited to the following:

- The proposal is not compatible with the homes in the area which are mostly older bungalows;

- The plans are not clear – some houses are three storey, some are two storey;
- She is not opposed to the development but wants the Ontario Municipal Board to look at the big picture before approval; otherwise, this would be setting a precedence;
- Property values will be affected;
- The proposal includes 17 visitor parking spots for 77 condos;
- The visitors will park on the side streets;
- Concerned with flooding.

2. Kim Asworth, 268 Christina Avenue

Kim Asworth addressed Committee and her comments included but were not limited to the following:

- She is concerned with parking on her street which is very narrow;
- A number of seniors live on the street and they need access and egress to their homes;
- Parking on the street would create a huge problem.

3. Bob Wachnuik, 297 Christina

Bob Wachnuik addressed Committee and his comments included but were not limited to the following:

- Concerned with drainage;
- If the road is to exit onto Barton Street, will a stop sign or traffic light be installed?
- His property backs onto the site of the proposed development, a chain link fence is there now, will the chain link fence remain?

The delegations were received.

Committee noted that a representative of the landowner/applicant was in attendance.

The Vice Chair relinquished to the Chair to 2nd Vice Chair A. Johnson in order to speak to this issue. She referred to the comments which Committee received from Ward Councillor B. Johnson and as she is the Councillor for the neighbouring Ward she indicated that she is aware of the history and the issues of the area and agrees that the application is premature.

Vice Chair Pearson assumed the Chair.

For disposition of this matter refer to Item 5.

(f) PUBLIC NOTICE (Item 7)

- (i) Business Licensing By-law 07-170 – Review and Rewrite - Building Exterior Cleaners (Schedule 5) - Mobile Homes and Mobile Home Parks (Schedule 10) - Sign Posters and Bill Distributors, Etc. (Schedule 24) (PED16075) (City Wide) (7.1)**

The Committee Clerk advised no one had registered to speak regarding this Item.

No one from the public came forward.

For disposition of this matter refer to Item 6.

(g) DISCUSSION ITEMS (Item 8)

- (i) Pool Enclosure By-law (PED13126(c)) (City Wide) (Item 8.1)**

Jorge Caetano provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. Copies of the hand-out were distributed and a copy has been retained for the official record.

The staff presentation was received.

Registered Speaker

- 1. Robert Wood, Pool & Hot Tub Council of Canada (Approved March 22, 2016)**

Robert Wood, member and Markus Brunner, President of the Pool and Hot Tub Council of Canada addressed Committee with the aid of a PowerPoint presentation. Copies of the hand-out were distributed.

A hand-out addressed to the Planning Committee from the Pool & Hot Tub Council of Canada and another hand-out entitled "A Model Residential Pool Enclosure By-law for Canadian Municipalities" were also distributed.

The speakers expressed their opinion that a four sided fence is not the only answer. There are other safe guards and an important component is education. In their opinion, families should have the option to choose which layer of protection they wish to implement. They are willing to work with the City of Hamilton to educate families.

Copies of the presentation and hand-outs are available for viewing on the City's website.

The delegation was received.

The following motion was defeated:

That the proposed Pool Enclosure By-law attached as appendix "A" to Report PED13126(c) be amended by changing the requirement of a four sided fence enclosure to the requirement of an enclosure around the backyard, as per the existing pool enclosure by-law, and that the balance of the provisions outlined in the proposed by-law be enacted.

For disposition of this matter refer to Item 7.

Councillors Partridge, Pasuta and Skelly indicated that they wished to be recorded as OPPOSED to this Item.

(h) MOTIONS

(i) Status of Food Truck Industry in Hamilton

That staff report back on the status of the food truck industry in Hamilton regarding, the number of trucks and any issues with the City's By-laws that may need to be addressed.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(a) The following Item was removed:

Item "I" - Pool Enclosure By-law (PED13126(a)) (City Wide). (Item 8.1 on this agenda).

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Item without moving into Closed Session:

- (i) Strathcona Secondary Plan, Appeal to the Ontario Municipal Board, Proposed Settlement of Appeal by 117692 Ontario Ltd. (c/o Agostino Mandarino) of UHOPA No. 11,(LS16009/PED16102)(Ward 1) (Distributed under separate cover.) (Item 12.1)

For disposition of this matter refer to Item 8.

(k) **ADJOURNMENT (Item 13)**

(A. Johnson/Skelly)

There being no further business, the Planning Committee was adjourned at 1:03 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Vice Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Conditions of Draft Plan Approval for 25T-201106, 1261 Mohawk Road West

That this approval apply to the Draft Plan of Subdivision, 25T201106, prepared by E.J. Grenkie., O.L.S., dated June 5, 2015, showing six lots (Lot 1-6) for single detached dwellings, one Block (Block A) for Road Widening, one block (Block B) for Common Element Roadway, and one block (Block C) for proposed right of way subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

Prior to Registration:

1. The Owner agrees to pay their proportionate share of the total cost of urbanization of Mohawk Road to the satisfaction of the Senior Director of Growth Management.
2. The Owner agrees to dedicate Block 'A' to the City as a public highway by the owner's certificate on the Final Plan of Subdivision, for widening of Mohawk Road West, to the satisfaction of the Senior Director of Growth Management.
3. The Owner agrees to construct a 300 mm storm sewer within the private road and extend storm services from the beginning of the private storm sewer, at the entrance of the private road, to the 1200 mm culvert 60 m east of subject land along Mohawk Road at their cost, to the satisfaction of the Senior Director of Growth Management.

Prior to Preliminary Grading:

4. The Owner shall provide plan showing the following, to the satisfaction of the Senior Director of Growth Management:
 - i. the entrance driveway from Mohawk Road;
 - ii. the location of transit pads, community mailbox pads, and fire hydrants, lighting pole where the locations has been determined by the appropriate authorities.
5. The Owner shall submit a detailed Stormwater Management (SWM) Report, prepared by a qualified engineer, that demonstrates how quality and quantity control criteria will be handled, in accordance with MOE Stormwater Management Manual (2003) and the City of Hamilton's Storm Drainage Policy, Criteria and Guidelines for Stormwater Infrastructure Design, to the satisfaction of the Senior Director of Growth Management Division and the Hamilton Conservation Authority.
6. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources

found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the Ministry of Tourism Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Prior to Servicing:

7. The Owner agrees that the design of roads shall be carried out by a qualified Engineering Specialist and shall be such that the Owner shall endeavour to avoid the use of retaining walls or slopes steeper than 3:1. If a retaining wall is required, it shall be included in all engineering design drawings and cost estimates schedules to the satisfaction of the Senior Director of Growth Management.
8. The Owner shall include in the engineering design and cost estimates, provision to install municipal sidewalks (along Mohawk Road), in accordance with the current City of Hamilton Policy, and to the satisfaction of the Senior Director of the Growth Management.
9. The Owner shall submit a detailed sump pump design to include a secondary relief / overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on the groundwater and severe wet weather conditions as determined by a hydrogeological study, to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing**, the owner shall agree to construct acoustical barriers along the alignments shown schematically in Figure 4 of the Environmental Noise Impact Study dated July 2011 prepared by dBA Environmental Services. The acoustical barrier shall have a minimum height of 1.8 m and be constructed of a material with a minimum surface density of 20 kg / sq m (four pounds per square foot) and be in a continuous line without openings or gaps, to the satisfaction of Director of Planning and Chief Planner.
11. That, **prior to servicing**, the owner shall include in the engineering design for the subject lands, the inclusion of acoustical barriers, as per Figure 4 of the Environmental Noise Impact Study dated July 2011 prepared by dBA Environmental Services., with a recommended minimum height of 1.8 m. The acoustical barriers are to be shown on the final grading plan, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction. The final height of the acoustical barrier may change based on final grading information once it becomes available.

12. That, **prior to servicing**, the owner shall submit an engineering design for the private services and condominium road to the satisfaction of the Senior Director of Growth Management.

Prior to Registration

13. That, **prior to registration**, a Professional Engineer qualified to provide acoustical engineering services in Ontario, shall issue a letter certifying that an acoustical barrier has been installed and is in compliance with the recommendations of the Environmental Noise Study dated July 2011 prepared by dBA Environmental Services, as approved, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction.
14. That, **prior to registration**, the Owner agree, in writing, to provide Cash-in-lieu of Parkland, as provided for under Section 51 of the *Planning Act*, and in accordance with the City's Parkland Dedication By-law No. 09-124. The Cash-in-Lieu payment shall be required prior to the issuance of a building permit, based on the market value of the lands of the day prior to the day of draft approval, and the calculation of the payment is based upon the unit count, as shown on the final M Plan. The development may be subject to the alternate dedication rate of one hectare per 300 dwelling units if the density of development is between 20 and 75 dwelling units per hectare, inclusive; a rate of 0.6 hectares per 300 dwelling units if the density of development is between 75 and 120 units per hectare, inclusive; and a rate of 0.5 hectares per 300 dwelling units if the density of development is greater than 120 units per hectare.
15. That **prior to registration**, the owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:

To the satisfaction of the Manager of Hamilton Municipal Parking System:

- (a) Garages provided are intended for use as parking. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated on site.
- (b) It is the responsibility of the property owner / tenant to ensure that the parking provided on site is sufficient for his / her needs. Parking in the surrounding neighbourhood is highly restrictive and on-street parking along the condominium road is not available.

To the satisfaction of the Director of Planning and Chief Planner:

- (c) Purchasers / tenants of **Lot 5** are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment.
- (d) Purchasers / tenants of **Lot 1 - 4 and 6** are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality and the Ministry of the Environment.
- (e) Purchasers / tenants of **all lots** are advised that this dwelling unit was fitted with a forced air heating system and the ducting, etc. sized to accommodate a central air conditioning unit. Air conditioning can be installed at the owner's option and cost. (Note: Air cooled condenser unit should be located in a manner so as to minimize the noise impacts in sensitive locations on the subject property and in the immediate vicinity of the subject property).
- (f)
 - i) Purchasers / tenants of Lots 2 - 5 are advised that the rear fencing must be maintained and the instillation of gates in the rear fence to gain access to the natural area is not permitted.
 - ii) Purchasers / tenants of Lot 1 are advised that the rear solid board fence must be maintained and the instillation of gates in the rear solid board fence to gain access to the natural area is not permitted.

To the satisfaction of Manager of Operations and Waste Management Division, Public Works:

- (g) That all waste streams (garbage, recycling, organics & leaf and yard waste) will not be picked up from individual properties. Residents are responsible for ensuring that all waste streams (garbage, recycling, organic & leaf and yard waste) are set curbside in front of the entrance to the Subdivision on Mohawk Road.

To the satisfaction of Canada Post:

- (h) That the home / business mail delivery will be from a designated Centralized Mail Box.

- (i) That the developer / owner be responsible for official notifying the purchasers of the exact Centralized Main Box locations prior to the closing of any home sale.
16. That, **prior to registration**, the owner amend the Environmental Noise Impact Study to reflect the increase in the total number of units from four single detached lots to six single detached lots, and to implement any requirements outlined in the amended Environmental Noise Impact Study, to the satisfaction of the Director of Planning and Chief Planner.
17. That, **prior to registration**, the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner / developer shall be responsible for the relocation of such facilities or easements.
18. That, **prior to registration**, the owner agree to the following to the satisfaction of Canada Post:
- (a) Work with Canada Post to determine and provided temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevard and sidewalks are in place in the remainder of the subdivision.
 - (b) Install a concrete pad in accordance with the requirements of, and in location to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.
 - (c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb instillation within each phase of the Plan of Subdivision.
 - (g) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
19. That, **prior to registration**, the owner agrees to the following to the satisfaction of the Director of Planning and Chief Planner:
- (a) That the applicant will place a fence between the ESA and the rear lots. A warning clause in the purchase agreement should state that gates are not permitted within this fencing to gain access to the natural area.

- (b) That, prior to tree removal, the owner is aware of the *Migratory Birds Convention Act*, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (May 1 to July 31). However, in the event that vegetation removal is proposed during the restricted breeding period, the owner / applicant shall have a qualified biologist conduct a nest search of the vegetated area prior to any work commencing. Tree removal may occur if it is determined that active nests are not present in the removal area.
 - (c) That, the owner / developer submit a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the approved Tree Protection Plan. The Landscape Plan shall show compensation plantings for the 26 private trees to be removed on site. If there is not room to plant all of these trees on site, cash-in-lieu will be provided to Forestry Section to plant trees elsewhere in the City. The Landscape Plan shall also show the placement of all street trees.
20. That, **prior to registration**, the owner demonstrate that an easement exists or establish an easement over the Common Element Condominium Road for access purpose and in favour of the property at 1263 Mohawk Road, to the satisfaction of the Director of Planning and Chief Planner.

Hamilton Conservation Authority

21. That the applicant prepares and implements 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:
- (a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;
 - (c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within seven days of the completion of that particular phase of construction; and,
 - (d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

22. That the applicant implement the following conditions which were recommended by ESAIEG, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority:
- (a) That the applicant clean up all debris and litter along the wooded edge of the ESA which abuts the property.
 - (b) That the applicant provide compensation planting within the Iroquoia Heights ESA in-lieu of providing a buffer to the ESA. ESAIEG would like to review the planting recommendations for the ESA.
23. That, **prior to preliminary grading**, the applicant prepare a Tree Protection Plan prepared by a certified arborist or landscape architect at the Owner's expense and to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority.

City Cost Sharing:

It is not anticipated that there will be any City share for the proposed subdivision. However, if required cost share will be as per City's Financial Policies.

Notes to Draft Plan Approval

- Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three Years. However, extensions will be considered if a written request is received before the draft approval lapses.
- That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. 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 the building permit; all in accordance with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.

**Special Conditions of Draft Plan of Condominium Approval for 25CDM-201603,
1261 Mohawk Road**

- (1) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No's. 87-57, as amended.
- (2) That the owner shall register Draft Plan of Subdivision 25T-201106, "Hazelwood", to the satisfaction of the Director of Planning and Chief Planner.
- (3) That the owner shall include the following warning clause in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:
 - (a) Garages provided are intended for use as parking. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated on site.
 - (b) It is the responsibility of the property owner / tenant to ensure that the parking provided on site is sufficient for his / her needs. Parking in the surrounding neighbourhood is highly restrictive and on-street parking along the condominium road is not available.
 - (c) Purchasers / tenants of **Lot 4** are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment.
 - (d) Purchasers / tenants of **Lot 4** are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality and the Ministry of the Environment.
 - (e) Purchasers / tenants of **Lots 1-3** are advised that this dwelling unit was fitted with a forced air heating system and the ducting, etc. sized to accommodate a central air conditioning unit. Air conditioning can be installed at the owner's option and cost. (Note: Air cooled condenser unit should be located in a manner so as to minimize the noise impacts in sensitive locations on the subject property and in the immediate vicinity of the subject property).

- (f)
 - i) Purchasers / tenants of Lots 2 - 5 are advised that the rear fencing must be maintained and the installation of gates in the rear fence to gain access to the natural area is not permitted.
 - ii) Purchasers / tenants of Lot 1 are advised that the rear solid board fence must be maintained and the installation of gates in the rear solid board fence to gain access to the natural area is not permitted.
 - (g) That all waste streams (garbage, recycling, organics & leaf and yard waste) will not be picked up from individual properties. Residents are responsible for ensuring that all waste streams (garbage, recycling, organic & leaf and yard waste) are set curbside in front of the entrance to the Subdivision on Mohawk Road.
 - (h) That the home / business mail delivery will be from a designated Centralized Mail Box.
 - (i) That the developer / owner be responsible for official notifying the purchasers of the exact Centralized Main Box locations prior to the closing of any home sale.
- (4) That the owner shall agree to:
- (a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.
 - (b) Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
 - (c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase.
 - (d) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.

- (5) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.
- (6) That the owner / developer shall provide to Union Gas Limited the necessary easements and / or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.
- (7) That the owner shall agree to choose a street name from the Town of Ancaster pre-approved street names list or submit a name for approval, prior to registration, to the satisfaction of the Director of Planning and Chief Planner.
- (8) That the owner / applicant shall agree to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning and Chief Planner.
- (9) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (10) That the owner demonstrate that an easement exists or establish an easement over the Common Element Condominium Road for access purposes and in favour of the property at 1263 Mohawk Road, to the satisfaction of the Director of Planning and Chief Planner.
- (11) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

Schedule "1"

**Urban Hamilton Official Plan
Amendment No. ~~X~~54**

The following text, schedule and map

Appendix A Volume 3: Map A-2 Area Specific Policies

constitutes Official Plan Amendment ~~—~~54 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to add lands to the Ancaster Area Specific Policies, Section "UA-5A Lands located north of Wilson Street West and north of Portia Drive (Area A) (OPA 18)"; and, to delete and replace the policies in their entirety with new Ancaster Area Specific Policies regarding permitted uses, prohibited uses and Gross Floor Area caps, for lands known as 120 and 128 Portia Drive.

2.0 Location:

The lands affected by this Amendment are known municipally as 120 and 128 Portia Drive, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- the proposed development will not negatively impact the planned function of the urban structure including existing and designated retail areas, Nodes, Corridors, and Commercial and Mixed Use areas in Ancaster or elsewhere in Hamilton.
- the site is located within an existing, expanding, and recognized shopping area in Ancaster. The proposal is suitable considering the context of the market area and population growth. The proposed development would increase and improve the level of service and convenience for shoppers.
- The proposed amendment has assessed the impact of the proposal on designated retail areas and the potential for negative impacts to the planned function of these areas.

Schedule "1"

From a market perspective, permission for up to 10,525 m² (113,290 ft²) GFA of District Commercial space on the subject lands, ~~with a maximum of 8,360 m² (90,000 ft²) of selected non-food store District Commercial space~~ is warranted based on market need, demand and lack of impact.

- The proposal is consistent with the Provincial Policy Statement.
- The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

4.0 Actual Changes:

4.1 Text Changes – Volume 3, Chapter B - Ancaster Area Specific Policies

- a) That Ancaster Area Specific Policies, Section "UA-5A Lands located north of Wilson Street West and north of Portia Drive (Area A) (OPA 18)", Policies 1.0, 1.1 and 1.2, inclusive, be deleted and replaced with the following:

- "1.0 A maximum of 11,788 square metres of commercial uses are permitted, inclusive of the district commercial uses referenced in subsection 1.1 hereto.
- 1.1 Notwithstanding Policy E.4.8.2 – Arterial Commercial of Volume 1, a maximum of 10,525 square metres of District Commercial uses, of which, ~~a maximum of 8,360 m² of Gross Floor Area for select non-food retail~~ in accordance with Policy E.4.7.2 shall be permitted, subject to the prohibitions in Policy E.4.7.3.
- 1.2 For greater certainty, the following uses shall be prohibited:
- a) Movie Theatre(s);
- ~~b) Supermarkets;~~
- ~~c) Grocery Stores;~~
- b) Department stores;
- c) Warehouse Membership Club; and and,
- ~~Food Stores; and,~~
- d) Residential uses."

Schedule "1"

4.2 Mapping Changes

Volume 3 – Special Policy Areas

- 4.2.1 That Map A-2 – Area Specific Policies be amended by adding and designating additional lands to Ancaster Area Specific Area "UA-5 – Area A", as shown on Appendix "A" attached to this amendment.

5.0 Implementation:

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

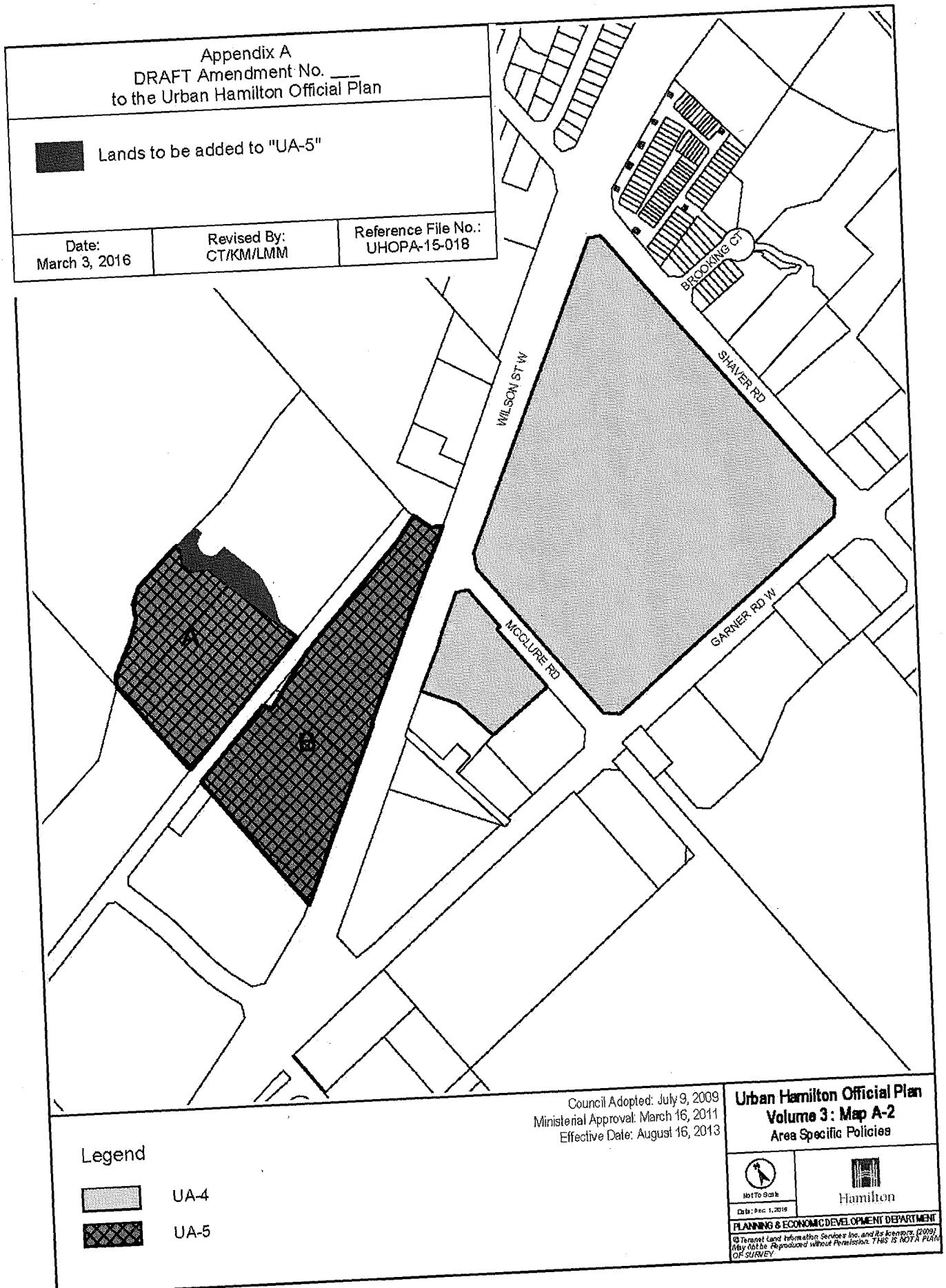
This is Schedule "1" to By-law No. _____ passed on the day of _____, 2016.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK

Schedule "1"



Authority: Item [REDACTED]
Planning Committee
Report: 16-[REDACTED] (PED16083)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 87-57, Respecting Lands Located 120 and 128 Portia Drive, in the former Town of Ancaster, now in the City of Hamilton

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 16-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2016, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. 5454.

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

1. That Map 5 of Schedule "A", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Shopping Centre Commercial "C2-629" Zone, Modified (Block 1) and Shopping Centre Commercial "C2-630" Zone, Modified (Block 2), to the General Commercial "C3-673" Zone, Modified, on the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

C3-673 That notwithstanding Section 3.0 Definitions and Section 22.1, "Permitted Uses", of Section 22: GENERAL COMMERCIAL "C3" ZONE, the following special provisions shall apply to the lands Zoned "C3-673", described as 120 and 128 Portia Avenue:

1.0 (A) Permitted Uses

That notwithstanding Section 22.1, "Permitted Uses", of Section 22: GENERAL COMMERCIAL "C3" ZONE, only the following uses shall be permitted to a maximum aggregate Gross Floor Area of 11,788 square metres:

- a) Animal Hospital;
- b) Animal Hospital with outside runs;
- c) Building Supply Sales;
- d) Building Supply Sales in wholly enclosed buildings;
- e) Convenience Retail Store in conjunction with and accessory to a Motor Vehicle Service Station;
- f) Caterers;
- g) Conference or Convention Centre;
- h) Craft and Custom Workshops;
- i) Home Furnishing Retail Establishment;
- j) Home Improvement Supply Establishment;
- k) Hotels;
- l) Motels, which shall not include a dwelling unit;
- m) Motor Vehicle Service Stations;
- n) New and / or Used Motor Vehicle Sales Establishment;
- o) Parking Areas or Structures;
- p) Recreational Areas or Uses, including Indoor Miniature Golf Courses and Golf Driving Ranges;

- q) Recreational Vehicles Sales, Service and Rental;
- r) Rental Establishments but not including Establishments for the Rental or Repair of Motor Vehicles and / or trailers;
- s) Rental Establishments or Service Shops;
- t) Restaurants; and,
- u) Restaurants, Fast Food; and
- v) Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s); and,
- w) Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s).

(B) Restricted Uses

In addition to the foregoing, the following uses shall be permitted to a maximum Gross Floor Area of 10,525 sq m provided the permitted uses contained in 1.0(A) and 1.0(B) shall not exceed an aggregate Gross Floor Area of 11,788 sq m:

- a) Banks and Financial Institutions;
- b) Business and Professional Offices ~~located above the first storey;~~
- c) Brewers Retail Stores;
- d) Personal Service Shops;
- e) ~~Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s);~~
- f) ~~e) Travel Agencies;~~
- g) Farmer's Market;
- h) ~~g) Gymnasiums or health clubs excluding body rub parlours;~~
- i) ~~h) Insurance Offices located above the first storey;~~
- j) Libraries, Museums and Art Galleries;
- k) ~~j) Liquor Control Board of Ontario Stores; and,~~
- k) Uses, buildings, and structures accessory to a permitted use;
- l) Drugstores;
- m) Retail stores;
- n) Convenience Retail Stores; and
- l) o) Uses, Buildings, and Structures accessory to a permitted use.

Drugstores;

Retail stores;

Convenience Retail Stores; and

Uses, Buildings, and Structures accessory to a permitted use.

~~Furthermore, the following uses shall be permitted to a maximum Gross Floor Area of 8,360 sq m provided the permitted uses contained in 1.0(A) and 1.0(B) shall not exceed a Gross Floor Area of 10,525 sq m:~~

- ~~a) Drugstores;~~
- ~~b) Retail stores to a maximum of 8,360 sq m of Gross Floor Area for stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise; and,~~
- ~~c) Convenience Retail Stores.~~

(C) Prohibited Uses:

That notwithstanding Section 22.1, "Permitted Uses", of Section 22: GENERAL COMMERCIAL "C3" ZONE, that the following uses shall be prohibited:

- a) Movie Theatre(s);
- ~~a) Supermarkets;~~
- ~~b)a) Grocery Stores;~~
- b) Department stores;
- c) Warehouse Membership Club; and
- ~~c) Food Stores; and,~~
- d) Residential uses.

2.0 Regulations

That notwithstanding Items (2); (5); (6); (7); (8); (9); (10); (11); and (13) of Table 2: Regulations of Sub-Section 22.2, "Regulations", of Section 22: GENERAL COMMERCIAL "C3" ZONE, that the following regulations shall apply:

(2)	Minimum Lot Frontage	30 m
(5)	Minimum Front Yard	1.5 m, except as per Section 2(v) of this By-law.
(6) to (8)	Minimum Side Yard	1.5 m, except where an interior side yard abuts a

		private vehicular turnaround, a 0.0 m side yard shall be permitted.
(9) to (11)	Minimum Rear Yard	10 m
(13)	Parking and Loading	Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 sq m of Gross Floor Area or part thereof.

That in addition to Table 2: Regulations of Sub-Section 22.2, "Regulations", of Section 22: GENERAL COMMERCIAL "C3" ZONE, that the following regulation shall apply:

(15)	Minimum Landscape Strip	3.0 m adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways / sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).
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3.0 Definitions

Notwithstanding Section 3.0, the following provisions apply:

3.136.1 "Supermarket"

means a store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-

food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

All other regulations of the General Commercial "C3" Zone shall apply.

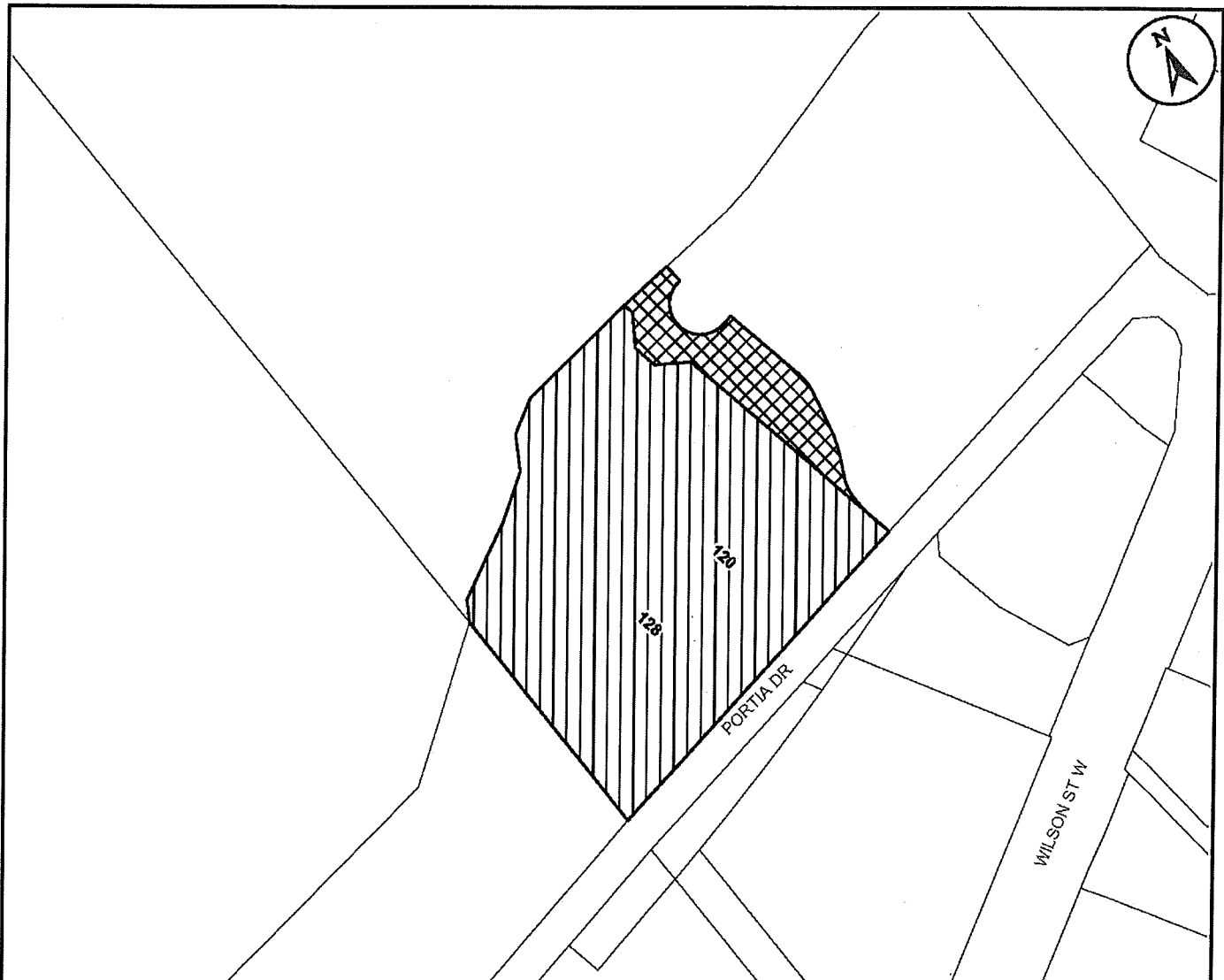
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the General Commercial "C3" Zone provisions, subject to the special requirements referred to in Section 2.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2016.

Fred Eisenberger
Mayor

ZAC-15-037
UHOPA-15-018

Rose Caterini
Clerk



This is Schedule "A" to By-law No. 16-

Passed the day of, 2016

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 16-_____

to Amend By-law No. 87-57

Subject Property

120 & 128 Portia Drive



Block 1 - Change in zoning from the Shopping Centre Commercial "C2-629" Zone, Modified, to the General Commercial "C3-673" Zone, Modified



Block 2 - Change in zoning from the Shopping Centre Commercial "C2-630" Zone, Modified, to the General Commercial "C3-673" Zone, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-15-037

Date:
March 3, 2016

Planner/Technician:
AC/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT