



## **PLANNING COMMITTEE**

### **REPORT 17-017**

**9:30 a.m.**

**Tuesday, October 17, 2017**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with regrets** Councillor M. Green, City Business

**Also Present:** Councillor L. Ferguson

### **THE PLANNING COMMITTEE PRESENTS REPORT 17-017 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED17173) (City Wide) (Item 5.1)**

That Report PED17173 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**2. Licensing of Driving Schools (PED17179) (City Wide) (Item 5.2)**

That Report PED17179 respecting Licensing of Driving Schools, be received.

**3. Hamilton Municipal Heritage Committee Report 17-007 (Item 5.3)**

**(a) Recommendation to Designate 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act (Ward 2) (PED17167)**

- (i) That the designation of 85 King Street East and 4 - 12 John Street North, Hamilton (the Pagoda Building and Treble Hall), shown in Appendix A to Report PED17167, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be APPROVED;

- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report 17-017, be APPROVED; and,
- (iii) That the City Clerk be directed to take appropriate action to designate 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED17167.

**(b) Recommendation to Designate 262 MacNab Street North, Hamilton under Part IV of the Ontario Heritage Act (Ward 2) (PED17169)**

- (i) That the designation of 262 MacNab Street North, Hamilton, shown in Appendix A to Report PED17169, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be APPROVED;
- (ii) That the Designation for 262 MacNab Street North exclude the mantle and fireplace, as they are not original to the property;
- (iii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report 17-017, be APPROVED; and,
- (iv) That the City Clerk be directed to take appropriate action to designate 262 MacNab Street North, Hamilton under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED17169.

**(c) Recommendation to Designate 252 and 254 MacNab Street North, Hamilton**

WHEREAS the Hamilton Municipal Heritage Committee has recommended the Designation of 262 MacNab Street North, Hamilton under the Ontario Heritage Act at the September 28, 2017 meeting;

WHEREAS, 256 - 258 and 260 MacNab Street North, Hamilton are currently designated under the Ontario Heritage Act, (Designation By-law 89-176 and By-law 89-298), identified as part of a 6-unit brick rowhouse;

WHEREAS properties 252 to 262 MacNab Street North, Hamilton are all part of the MacNab Street Terrace, designed by significant local architect James Balfour; and,

WHEREAS 252 and 254 MacNab Street North are the only properties in the MacNab Street Terrace that do not have any protection under the Ontario Heritage Act.

THEREFORE BE IT RESOLVED:

That the properties located at 252 and 254 MacNab Street North, Hamilton be added to the Register of Property of Cultural Heritage Value and / or Interest.

**4. Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 245 Appleby Road (Ancaster) (PED17170) (Ward 12) (Item 6.5)**

- (a) That Amended Zoning By-law Amendment Application ZAR-17-045, (Christopher and Lynda Mouriopoulos, Owners), for a change in zoning from the Deferred Development “D” Zone to the Residential “R3-689” Zone, Modified, to permit the development of a single detached dwelling on lands located at 245 Appleby Road (Ancaster), as shown on Appendix “A” to Report PED17170, be APPROVED, on the following basis:
  - (i) That the draft By-law attached as Appendix “B” to Report PED17170 be amended to require that the location of the porch be moved to the south side of the building;
  - (ii) That the draft By-law, as amended, attached as Appendix “C” to Report 17-017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow); and,
  - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan;
- (b) That the public submissions received regarding this matter supported the approval of the application with an amendment.

**5. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 15 Queen Street South, Hamilton (PED17166) (Ward 2) (Item 6.6)**

- (a) That Zoning By-law Amendment Application ZAC-17-004 by 2491034 Ontario Inc., Owner, for a modification to the Downtown Prime Retail Streets (D2) Zone to permit a mixed use building with a maximum building height of 78 metres (23 storeys) for lands located at 15 Queen Street South, Hamilton, as shown on Appendix “A” to Report PED17166, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED17166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED17166, be added to Schedule “909 and 951” of Zoning By-law No. 05-200;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That the public submissions received regarding this matter supported the approval of the application.

**6. Amendments to City of Hamilton Zoning By-law No. 05-200 to Update and Clarify Zoning Permissions for Creative Cultural Industry Uses in Institutional and Industrial Zones (PED17174) (City Wide) (Item 6.7)**

- (a) That approval be given to City Initiative CI-17-C (Creative Cultural Industry Zoning Review) for Amendments to City of Hamilton Zoning By-law No. 05-200 to update and clarify definitions and add additional permitted uses to the Institutional and Industrial Zone Districts;
- (b) That the attached draft By-law, marked as Appendix “A” to Report PED17174, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
- (d) That there were no public submissions received regarding this matter.

**7. Elfrida Growth Area Study – Existing Conditions Report (PED17178) (Wards 9 and 11) (Item 7.1)**

That the Elfrida Growth Area Study – Existing Conditions Report, attached as Appendix “A” to Report PED17178, be received.

**8. Provincial Plans Implementation - City of Hamilton Comments on July 2017 Draft Agricultural System Implementation Procedures and Mapping (PED15078(f)) (Wards 9, 11 to 15) (Item 7.2)**

- (a) That the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA) be advised that The City of Hamilton cannot endorse the Provincial Land Evaluation Area Review (LEAR) methodology and mapping for the following reasons:
  - (i) The proposed changes are contrary to the 2011 Ontario Municipal Board approved settlement between the Province and the City respecting the Rural and Agricultural designations within the Rural Hamilton Official Plan (RHOP);
  - (ii) The proposed mapping will result in approximately 12,000 hectares of land being redesignated and rezoned from rural, open space, utility and mineral aggregate extraction to Prime Agricultural areas in the Rural Hamilton Official Plan and the comprehensive Zoning By-law, as shown on Appendix “A” attached to Report PED15078(f);
  - (iii) The proposed mapping changes undermine rural economic development in the City by removing 6,500 hectares of land zoned for rural purposes. These areas are to be used for agricultural related, resource based commercial/industrial, existing commercial/industrial and other uses supportive of rural communities (i.e. institutional). In addition, it undermines the stated goal of the Province to support agriculture through a robust agri-food network by removing lands that could be used for these purposes;
  - (iv) In 2015, the City completed an extensive and controversial public process to develop new zones for the rural area. The current zoning and RHOP mapping and policies conform to the intent of the revised Greenbelt Plan by creating an agricultural land base that protects prime agricultural lands and identifying other lands for larger agriculturally related and other rural type uses. The minor changes to the RHOP policies that are required to conform with the updated Greenbelt Plan can be undertaken without eliminating the planning work that has been done at the local level;
  - (v) There are a number of existing land uses within the rural area that are considered as non-agriculture uses (Conservation areas, golf courses, quarries) and redesignating these lands to Agriculture would not reflect the current land use, makes all the uses legal non-conforming;
  - (vi) The Draft Agricultural System should include a review of all agricultural lands, including those lands in the City of Hamilton designated Specialty Crop; and,

- (vii) The Provincial LEAR has removed local decision making for the rural area by imposing land use designations the City would be required to implement even if the designations do not represent good land use planning and does not reflect the reality of the rural area.
- (b) That as an alternative to the Province undertaking a LEAR study, the City requests the Province to remove the City of Hamilton from the agricultural land base mapping. The Province would use existing municipal data and designations and work with neighbouring Regions to ensure consistency in the identification and designation of the agricultural land base across municipal boundaries;
- (c) That the Province be requested to remove the lands located on the North/West corner of Barton Street and Fifty Road from the Prime Agricultural/Specialty Crop designation;
- (d) That the continued development of Agricultural System Portal by the Province as a useful mapping tool to support and promote the growth of the agriculture and agri-food sector in the Greater Golden Horseshoe be endorsed by Council;
- (e) That technical comments on the Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe, attached as Appendix "B" to Report PED15078(f) be adopted by Council; and,
- (f) That Report PED15078(f) be forwarded to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA). This Report is considered the City of Hamilton's formal comments on EBR Posting #13-0968.

**9. Provincial Plans Implementation - City of Hamilton Comments on July 2017 Growth Plan Natural Heritage System Mapping (PED15078(g)) (Wards 11, 12 and 13) (Item 7.3)**

- (a) That the Ministry of Natural Resources and Forestry and the Ministry of Municipal Affairs be advised that the City of Hamilton supports the intent of the Growth Plan Natural Heritage System, specifically:
  - (i) the overall objective of the Growth Plan Natural Heritage System "to maintain and restore the overall biodiversity and ecological functions over the long term"; and,
  - (ii) the identification of natural heritage Core Areas and the Linkages between them on a regional scale across the Greater Golden Horseshoe. The approach aligns with the City of Hamilton's Natural Heritage System (NHS) which is identified on Schedule B in the

Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

- (b) That the Ministry of Natural Resources and Forestry and the Ministry of Municipal Affairs be advised that identifying the natural heritage system in areas subject to the Growth Plan for the Greater Golden Horseshoe should be the responsibility of the City of Hamilton and the City should not be required to use the provincial mapping or methodology for the following reasons:
  - (i) the recent technical document released by the Province “Development of the Proposed Regional Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe: Technical Report on Criteria, Rationale, and Methods” and the associated mapping has introduced a third methodology to map natural heritage features which differs from the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, and adds unnecessary complexity;
  - (ii) the proposed mapping for the areas in Hamilton contain errors, as identified on Appendix “A” for four of six areas (Areas 1, 2, 3, and 5);
  - (iii) the methodology does not include all existing protected areas; and,
  - (iv) the City has more up-to-date, accurate mapping at the local level and has already mapped a NHS in the RHOP.
- (c) That the City Clerks be requested to forward Report PED15078(g) to the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs (MMA). This Report is considered the City of Hamilton’s formal comments on EBR Posting #13-1014.

**10. City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones (PED16100(b)) (Wards 1-13, and 15) (Referred back to staff June 2, 2017) (Item 8.2)**

That Report PED16100(b) respecting City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones, be received.

**11. Proposed Commercial and Mixed Use Zones: Implementing Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (Wards 1 – 13 and 15) (PED16100(c)) (Item 8.3)**

- (a) That the Urban Official Plan Amendment (UHOPA) No. XX to the Urban Hamilton Official Plan (UHOP-Volumes 1 to 3) to include new policies and amend existing policies, schedules, and maps for the implementation of the new Commercial and Mixed Use Zones, be APPROVED on the following basis:
  - (i) That the Draft Official Plan Amendment, attached as Appendix “A” to Report PED16100(c), be amended:
    - 1. By changing the designation for the lands located west of Mason Drive and north of Wilson Street West on the following basis:
      - (aa) That the lands between Wilson Street West and south of Portia Drive (Parcel A) be redesignated from “Employment Area-Business Park” to “District Commercial”;
      - (bb) That the lands between Wilson Street West and north of Portia Drive (Parcel B) be redesignated from “Employment Area-Business Park” to “Arterial Commercial”;
      - (cc) That site specific policy area be applied to the lands between Wilson Street West and south of Portia Drive (Parcel A), to limit the range of commercial uses, and the total gross floor area of the site to 10, 000 square metres;
    - 2. To permit Financial Institutions as an additional permitted use for the lands in Duff’s Corner (lands generally bounded by Mason Drive, the urban boundary, Shaver Road and Garner Road West) which are proposed to be zoned “C7” (Arterial Commercial);
    - 3. To allow for residential uses for those properties that front onto Homestead Drive and are south of Airport Road within the Mount Hope Secondary Plan on the following basis:
      - (aa) That the lands be placed in a Holding Zone to require a noise study to be submitted and implemented as a precondition of any new residential development occurring;
      - (bb) That all residential development will comply with the Mount Hope Secondary Plan with regards to residential heights, etc.



4. To permit minor volumetric increases for the residential enclaves situated in the Employment Lands on Margaret Street, north of Barton Street, Stoney Creek

and be approved;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G);
- (b) That City Initiative CI-16-D – Proposed Commercial and Mixed Use Zoning to add nine new zones to Zoning By-law No. 05-200, to add special exceptions, holding provisions and special figures, to add and amend definitions and parking requirements associated with the new Commercial and Mixed Use (CMU) Zones, a new Utility Zone, and to amend general provisions and other administrative sections of the By-law to implement the new CMU Zones, be APPROVED on the following basis:
  - (i) That the Draft By-law, attached as Appendices “B” (Zoning By-law Text) and “B-1” (Zoning By-law Maps) to Report PED16100(c), which have been prepared in a form satisfactory to the City Solicitor, be amended:
    1. By changing the designation for the lands located west of Mason Drive and north of Wilson Street West, on the following basis:
      - (aa) That the lands between Wilson Street West and south of Portia Drive (Parcel A) currently designated “M-3” (Prestige Business Park) Zone be rezoned to C6 (District Commercial) Zone with a special exception;
      - (bb) That the lands between Wilson Street West and north of Portia drive (Parcel B) be rezoned from “M-3” (Prestige Business Park) Zone to C7 (Arterial Commercial) Zone;
      - (cc) That site specific exception be applied to the lands between Wilson Street West and south of Portia Drive (Parcel A) to limit the range of commercial uses as described in Special Exception 558 to Zoning By-law No. 05-200 and the total gross floor area of the site to 10, 000 square metres be enacted by Council;
    2. By applying a site specific exception to the lands located at 392 Wilson Street East to permit a 3.0 metre minimum rear yard notwithstanding Section 10.5a.3(b);

3. To permit Financial Institutions as an additional permitted use for the lands in Duff's Corner (lands generally bounded by Mason Drive, the urban boundary, Shaver Road and Garner Road West) which are proposed to be zoned "C7" (Arterial Commercial);
4. To allow for residential uses for those properties that front onto Homestead Drive and are south of Airport Road within the Mount Hope Secondary Plan on the following basis:
  - (aa) That the lands be placed in a Holding Zone to require a noise study to be submitted and implemented as a precondition of any new residential development occurring;
  - (bb) That all residential development will comply with the Mount Hope Secondary Plan with regards to residential heights, etc.
5. To permit minor volumetric increases for the residential enclaves situated in the Employment Lands on Margaret Street, north of Barton Street, Stoney Creek;

and be approved;

- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No.\_\_\_\_;
  - (iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G);
  - (iv) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required;
- (c) That APPROVAL be given to the proposed Temporary Use By-laws, expiring May 2019, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two pilot project areas, those being Downtown Dundas and parts of Upper James Street (Stone Church to Rymal Road), identified in Appendices "C" and "C-1", on the following basis:
- (i) That Draft Temporary Use By-laws, attached as Appendices "C" and "C-1" to Report PED16100(c) for the two pilot project areas, be enacted by City Council;

- (d) That upon finalization of the amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200, that the following Neighbourhood Plans be amended to redesignate the following subject lands as follows:
  - (i) Hamilton Beach Neighbourhood Plan be amended by changing the designation of 1151 Beach Road from “Tourist Commercial” to “Canal Recreation”;
  - (ii) Barnsdale Neighbourhood Plan be amended by changing the designation of 389 Rymal Road East from “Commercial” to “Medium Density Apartments”;
  - (iii) Kirkendall North Neighbourhood Plan be amended by changing the designation of 142 Charlton Avenue West from “Single and Double” to “Commercial”
- (e) That the public submissions received regarding this matter supported the approval of the City Initiative with amendments.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. ADDED DELEGATION REQUEST**

- 4.1 Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. respecting Site Plan Application No. SPA-15-136 and Sign Variance Application No. SV-17-010 on behalf of the applicant, Mr. Gary Waxman. (For future meeting.) (Copy attached)
- 4.2 Ian Wilms of The Green Organic Dutchman Holdings Limited, respecting update on building plans for the Legal, Medical Cannabis Industry and to explain their work. (For future meeting.)
- 4.3 Tyler Grinyer, Bousfields Inc., respecting Item 8.3 the City’s Commercial and Mixed Use Zones (PED16100(c)) (For today’s meeting.)
- 4.4 Neal DeRuyter, MHBC Planning respecting the lands at Barton Street and Fifty Road as they relate to Item 7.2 respecting Provincial Plans Implementation - City of Hamilton Comments on July 2017 Draft Agricultural System Implementation Procedures

and Mapping (PED15078(f)) (Wards 9, 11 to 15) (For today's meeting)

- 4.5 Mike Crough, IBI Group, regarding Item 8.3 the Commercial and Mixed Use Zones (PED1600(c)) (For today's meeting.)
- 4.6 James Webb, regarding Item 8.3 the Commercial and Mixed Use Zones (PED1600(c)) (For today's meeting)

## **2. ADDED CORRESPONDENCE**

6.6(i) Terry Robertson, 1404-155 Market Street, Hamilton respecting Item 6.6 Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 15 Queen Street South, Hamilton (PED17166) (Ward 2) (Copy attached).

8.1(i) Lorraine Roberts, Land Development Manager, Losani Homes, advising that they wish to TABLE indefinitely their appeal regarding Sign Variance Application SV-17-001 for lands located at 430 McNeilly Road, Stoney Creek as they work through some of the details.

Added Correspondence respecting Item 8.3, the Proposed Commercial and Mixed Use Zones: Implementing Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (Wards 1 – 13 and 15) (PED16100(c)):

8.3(ii) to 8.3(viii) Paolo Grisafi, V.P. Finance, Landlink Incorporated regarding the following addresses which are not included in the CMU project area:

- (ii) 30 Queenston Road
- (iii) 10 Queenston Road
- (iv) 78 Queenston Road
- (v) 133- 155 Centennial Parkway North
- (vi) 282 Centennial Parkway North
- (vii) 2260 Rymal Road East
- (viii) 51 Swayze Road

8.3(ix) Paolo Grisafi, V.P. Finance, Landlink Incorporated regarding the following address:

- (ix) 1010-1024 Upper Wentworth Street

8.3(x) to 8.3(xi) Paolo Grisafi, V.P. Finance, Setay Holdings Limited regarding the following addresses:

- (x) 1050 Upper Gage Avenue
- (xi) 930 Upper Paradise Road

- 8.3(xii) James Webb, WEBB Planning Consultants, on behalf of Effort Trust regarding Gage Square, Rymal Square, and Mount Breeze Plaza
- 8.3(xiii) Jonathan Rodger, Zelinka Priamo Limited, on behalf of Canadian Tire Real Estate Limited
- 8.3(xiv) David Falletta, Bousfields Inc., on behalf of CF/Realty Holding Inc., 883 & 999 Upper Wentworth St. and 508 & 520-524 Limeridge Road East
- 8.3(xv) Ed Fothergill, Fothergill Planning & Development Inc., respecting Flamborough Power Centre
- 8.3(xvi) Suzanne Mammel, Hamilton-Halton Homebuilders Association
- 8.3(xvii) Harry Froussios, Zlenika Priamo Limited on behalf of Choice Properties Real Estate Investment Trust and Loblaw Properties Limited

**3. ADDED MOTION (PRESENTED AS A NOTICE AT THE OCTOBER 3, 2017 MEETING)**

- 9.1 Family Friendly Housing Policy

**4. ADDED NOTICE OF MOTION**

- 10.1 Waiving the Requirement for Road Widening at 11-15 Cannon Street West

**5. PRESENTATIONS – No staff presentation for the following item:**

- 7.1 Elfrida Growth Area Study – Existing Conditions Report (PED17178) (Wards 9 and 11)

**6. AMENDMENT TO THE OUTSTANDING BUSINESS LIST**

- 11.1 Outstanding Business List

Removal of the following Item as it is addressed under Item 8.3 of this agenda:

Item “BB” – That staff report back on the feasibility of refunding the Minor Variance application fee for legal non-conforming residential property to permit an accessory use in the Beach Road, McNeilly

Road and Margaret Avenue neighbourhoods where the application is supported by staff.  
Due Date: October 17, 2017

**7. APPENDIX REPLACED**

The draft by-law attached as Appendix B to Report PED17170, which is Item 6.5 on the agenda, is replaced with the distributed copies.

The agenda for the October 17, 2017 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were none declared.

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

**(i) October 3, 2017 (Item 3.1)**

The Minutes of the October 3, 2017 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

(i) The following delegation requests were approved to attend a future meeting:

1. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. respecting Site Plan Application No. SPA-15-136 and Sign Variance Application No. SV-17-010 on behalf of the applicant, Mr. Gary Waxman. (Added Item 4.1)
2. Ian Wilms of The Green Organic Dutchman Holdings Limited, respecting update on building plans for the Legal, Medical Cannabis Industry and to explain their work. (Added 4.2)

(ii) The following delegation requests were approved to address Committee at today's meeting:

1. Tyler Grinyer, Bousfields Inc., respecting Item 8.3 the City's Commercial and Mixed Use Zones (PED16100(c)) (Added 4.3)
2. Neal DeRuyter, MHBC Planning respecting the lands at Barton Street and Fifty Road as they relate to Item 7.2 respecting Provincial Plans Implementation - City of Hamilton Comments on July 2017 Draft Agricultural System Implementation Procedures and Mapping (PED15078(f)) (Wards 9, 11 to 15) (Added 4.4)

3. Mike Crough, IBI Group, regarding Item 8.3 the Commercial and Mixed Use Zones (PED1600(c)) (Added 4.5)
4. James Webb, regarding Item 8.3 the Commercial and Mixed Use Zones (PED1600(c)) (Added 4.6)

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

- (i) John Ariens, Chair and Tom Vert, Vice Chair, Hamilton Habitat for Humanity to announce two new initiatives which their organization is about to launch. (Approved September 19, 2017) (No copy) (Item 6.1)**

John Ariens, Chair of Hamilton Habitat for Humanity addressed Committee and indicated that they have entered into a partnership with the Community Land Trust which acquires lands for affordable housing. Also, Hamilton Habitat for Humanity, with the assistance of staff from Tourism Hamilton has been awarded the bid to host the Habitat for Humanity Canada Annual General Meeting and Conference which will be held on May 9, 10 and 11, 2018 in Hamilton.

The delegation was received;

- (ii) Cameron Kroetsch, 211 Jackson Street East, Hamilton respecting the Site Plan and development at 210 Main Street East (Approved October 3, 2017.) (No copy) (Item 6.2)**

Cameron Kroetsch addressed Committee with the aid of a PowerPoint presentation and indicated that he has some concerns with the process. He read from a prepared statement and copies were been distributed and a copy is available for viewing on the City's website.

The delegation was received.

- (iii) Lauren Brady, 205 Jackson Street East, Hamilton respecting the Site Plan and development at 210 Main Street East (Approved October 3, 2017) (No copy) (Item 6.3)**

Lauren Brady addressed Committee with the aid of a PowerPoint presentation. She read from a prepared statement and expressed concerns with the proposed building. Copies were distributed and a copy is available for viewing on the City's website.

The delegation was received.

- (iv) **David Capizzano, 150 Charlton Avenue West, Hamilton in support of the redevelopment proposal for 210 Main Street East. (Approved October 3, 2017) (No copy) (Item 6.4)**

David Capizzano was not in attendance.

- (v) **Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 245 Appleby Road (Ancaster) (PED17170) (Ward 12) (Item 6.5)**

In accordance with the provisions of the *Planning Act*, 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 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.

Michael Fiorino, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

The staff presentation was received.

### **Speaker**

**1. Jane Meyer, 235 Appleby Road, Ancaster**

Jane Meyer addressed Committee and indicated that she owns the property next door to this proposal. She asked a few questions about the application including the proposed location of the porch.

The delegation was received.

The public meeting was closed.

Stephen Fraser of A.J. Clarke and Associates Ltd. was in attendance, representing the owner, and provided additional information to Committee.

The verbal information provided by the agent was received.



Ward Councillor Ferguson was in attendance and indicated that he is in support of the proposal but agreed with the delegation that the porch is better located in the south side yard of the property.

The recommendations were amended:

- (a) By amending the zoning by-law to require that the porch be moved to the south side yard of the building;
- (b) By adding the following subsection (b):
  - (b) That the public submission received regarding this matter supported the approval of the application with amendments.

For disposition of this matter refer to Item 4.

**(vi) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 15 Queen Street South, Hamilton (PED17166) (Ward 2) (Item 6.6)**

In accordance with the provisions of the *Planning Act*, 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 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 Comments**

6.6(i) Terry Robertson, 1404-155 Market Street, Hamilton

The added written comments, Item 6.6(i), were received.

**Registered Speakers**

**1. The Reverend Ronda Ploughman, Priest-in-Charge, All Saints Anglican Church**

Reverend Ronda Ploughman addressed Committee and indicated that the congregation is looking forward to returning to their Church and providing a new resource for the area.

The delegation was received.

**2. Ms. Lesley Harschnitz, Rector's Warden, All Saints Anglican Church**

Ms. Lesley Harschnitz, Rector's Warden, addressed Committee and indicated that she has been a member of All Saints Anglican Church for 37 years and on behalf of the congregation she advised that she is in support of the proposal.

The delegation was received.

Chris Pidgeon of GSP Group, agent, Paul Kemper, owner, and Kyle Bittman of Coleterra, the Project Manager, were in attendance. Chris Pidgeon addressed Committee with the aid of a PowerPoint presentation and outlined the development and indicated that they are in favour of the staff report.

The agent's presentation was received.

The public meeting was closed.

The staff presentation was waived.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance accordingly:

- (b) That the public submissions received regarding this matter supported the approval of the application.

For disposition of this matter refer to Item 5.

**(vii) Amendments to City of Hamilton Zoning By-law No. 05-200 to Update and Clarify Zoning Permissions for Creative Cultural Industry Uses in Institutional and Industrial Zones (PED17174) (City Wide) (Item 6.7)**

In accordance with the provisions of the *Planning Act*, 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 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 members of the public came forward.

That the public meeting was closed.

That the staff presentation was waived.

The recommendations were amended by adding the following subsection (d):

- (d) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 6.

**(f) PRESENTATIONS (Item 7)**

- (i) Provincial Plans Implementation - City of Hamilton Comments on July 2017 Draft Agricultural System Implementation Procedures and Mapping (PED15078(f)) (Wards 9, 11 to 15) (Item 7.2)**

**Written Comments**

7.2(i) Dana Anderson and Kelly Martel of MHBC Planning and Urban Design & Landscape Architecture respecting Barton Street and Fifty Road, City of Hamilton

The written comments, Item 7.2(i) were received.

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-Law Reform, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy is available for viewing on the City's website.

The staff presentation was received.

**Delegation**

**1. Neal DeRuyter, MHBC Planning**

Neal DeRuyter addressed Committee on behalf of his clients 1800615 Ontario Inc. and Avatar International and stated their request concerning their property located on the corner of Barton Street and Fifty Road, Stoney Creek as outlined in the written submissions, Item 7.2(i).

The delegation was received.

The staff recommendations be amended by adding the following subsection (c) and re-lettering the balance accordingly:

- (c) That the Province be requested to remove the lands located on the North/West corner of Barton Street and Fifty Road from the Prime Agricultural/Specialty Crop designation.

For disposition of this matter refer to Item 8.

**(ii) Provincial Plans Implementation - City of Hamilton Comments on July 2017 Growth Plan Natural Heritage System Mapping (PED15078(g)) (Wards 11, 12 and 13) (Item 7.3)**

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-Law Reform, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy of her presentation is available for viewing on the City's website.

The staff presentation was received.

For disposition of this matter refer to Item 9.

**(g) DISCUSSION ITEMS (Item 8)**

- (i) Sign Variance Appeal SV-17-001 for the property known as 430 McNeilly Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17134) (Ward 11) (TABLED on August 15, 2017) (Item 8.1)**

**Appellant**

Lorraine Roberts, Land Development Manager, Losani Homes

**Written Comments**

8.1(i) Lorraine Roberts, Land Development Manager, Losani Homes, advising that they wish to TABLE indefinitely their appeal.

The Sign Variance Appeal SV-17-001 by Losani Homes for lands located at 430 McNeilly Road was TABLED indefinitely.

- (ii) Proposed Commercial and Mixed Use Zones: Implementing Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (Wards 1 – 13 and 15) (PED16100(c)) (Item 8.3)**

**Written Submissions**

8.3(i) Aaron Collina, Vice President of 2294643 Ontario Inc., 1290 South Service Road, Stoney Creek

8.3(ii) to 8.3(viii) Paolo Grisafi, V.P. Finance, Landlink Incorporated regarding the following addresses which are not included in the CMU project area:

- (ii) 30 Queenston Road
- (iii) 10 Queenston Road
- (iv). 78 Queenston Road
- (v) 133- 155 Centennial Parkway North
- (vi) 282 Centennial Parkway North
- (vii) 2260 Rymal Road East
- (viii) 51 Swayze Road

8.3(ix) Paolo Grisafi, V.P. Finance, Landlink Incorporated regarding the following address:

- (ix) 1010-1024 Upper Wentworth Street

8.3(x) to 8.3(xi) Paolo Grisafi, V.P. Finance, Setay Holdings Limited regarding the following addresses:

- (x) 1050 Upper Gage Avenue
- (xi) 930 Upper Paradise Road

8.3(xii) James Webb, WEBB Planning Consultants, on behalf of Effort Trust regarding Gage Square, Rymal Square, and Mount Breeze Plaza

8.3(xiii) Jonathan Rodger, Zelinka Priamo Limited, on behalf of Canadian Tire Real Estate Limited

8.3(xiv) David Falletta, Bousfields Inc., on behalf of CF/Realty Holding Inc., 883 & 999 Upper Wentworth St. and 508 & 520-524 Limeridge Road East

8.3(xv) Ed Fothergill, Fothergill Planning & Development Inc., respecting Flamborough Power Centre

8.3(xvi) Suzanne Mammel, Hamilton-Halton Homebuilders Association

8.3(xvii) Harry Froussios, Zlenika Priamo Limited on behalf of Choice Properties Real Estate Investment Trust and Loblaw Properties Limited

The written submissions, Item 8.3(i) to 8.3(xvii) were received.

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-Law Reform, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy of her presentation is available for viewing on the City's website.

The staff presentation was received.

### **Delegations**

**1. Tyler Grinyer, Bousfields Inc.**

Tyler Grinyer of Bousfields Inc. addressed Committee and outlined their concerns contained in their submitted letter, Item 8.3(xiv).

The delegation was received.

**2. Mike Crough, IBI Group**

Mike Crough of IBI Group addressed Committee and identified the five following properties which have received approvals for minor variances which have not been included in the proposed zoning:

1060 Wilson Street West, Ancaster  
970 Upper Wentworth Street  
10 Cootes Drive, Dundas  
250 Victoria Avenue  
201 Wilson Street

He requested that these permissions be included.

The delegation was received.

**3. James Webb, WEBB Planning Consultants**

James Webb of WEBB Planning Consultants addressed Committee on behalf of Effort Trust. He referred to his written submission, Item 8.3(xii) and requested site specific exemptions for Gage Square, Rymal Square Shopping Plaza, and Mount Breeze Plaza.

The delegation was received.

The staff recommendations were amended to include the following changes:

- (a) That the Urban Hamilton Official Plan be amended by changing the designation for the lands located west of Mason Drive and north of

Wilson Street West, as shown on Appendix “A”, on the following basis:

1. That the lands between Wilson Street West and south of Portia Drive (Parcel A) be redesignated from “Employment Area-Business Park” to “District Commercial”;
  2. That the lands between Wilson Street West and north of Portia Drive (Parcel B) be redesignated from “Employment Area-Business Park” to “Arterial Commercial”;
  3. That site specific policy area be applied to the lands between Wilson Street West and south of Portia Drive (Parcel A), to limit the range of commercial uses, and the total gross floor area of the site to 15,400 square metres;
- (b) That Zoning By-law No. 05-200 be amended by changing the designations for the lands located west of Mason Drive and north of Wilson Street West, as shown on Appendix “A”, on the following basis:
1. That the lands between Wilson Street West and south of Portia Drive (Parcel A) currently designated “M-3” (Prestige Business Park) Zone be rezoned to C6 (District Commercial) Zone with a special exception;
  2. That the lands between Wilson Street West and north of Portia drive (Parcel B) be rezoned from “M-3” (Prestige Business Park) Zone to C7 (Arterial Commercial) Zone;
  3. That site specific exception be applied to the lands between Wilson Street West and south of Portia Drive (Parcel A) to limit the range of commercial uses as described in Special Exception 558 to Zoning By-law No. 05-200 and the total gross floor area of the site to 15,400 square metres and permit a Motor Vehicle Dealership be enacted by Council.

Zoning By-law No. 05-200 for the lands located at 392 Wilson Street East, was amended on the following basis:

- (a) That site specific exception be applied to the lands to permit a 3.0 metre minimum rear yard notwithstanding Section 10.5a.3(b).

The Urban Hamilton Official Plan and Zoning By-law No. 05-200 were amended to permit Finance Institutions as an additional permitted use for the lands in Duff’s Corner (lands generally bounded by Mason Drive, the urban boundary, Shaver Road and Garner Road West) which are proposed to be zoned “C7” (Arterial Commercial)

- (a) That Commercial and Mixed-Use Official Plan Amendment and implementing Zoning By-law were amended to allow for residential uses for those properties that front onto Homestead Drive and are south of Airport Road within the Mount Hope Secondary Plan;
- (b) The lands are to be placed in a Holding Zone to require a noise study to be submitted and implemented as a precondition of any new residential development occurring;
- (c) All residential development will comply with the Mount Hope Secondary Plan with regards to residential heights, etc.

Appropriate staff were directed to meet with the Michael Crough of IBI Group regarding the following addresses mentioned in his delegation: 970 Upper Wentworth Street, 10 Cootes Drive, Dundas, 250 Victoria Avenue, 1060 Wilson Street West (excluding 201 Wilson Street, Ancaster).

Chair Pearson relinquished the Chair Councillor Skelly to move the following motion:

That Urban Hamilton Official Plan and Zoning By-law No. 05-200 be amended to allow minor volumetric increases for the properties in the residential enclaves situated in the employment lands on Margaret Street north of Barton, Stoney Creek.

Chair Pearson assumed the Chair.

Committee approved the following motion:

That all recognized residential enclaves be included in the Comprehensive Review of the Employment Lands throughout the City.

The staff recommendations were further amended by:

- (a) Removing subsection (a) and re-lettering the balance accordingly;
- (b) Adding the following subsection (e):
  - (e) That the public submissions received regarding this matter supported the approval of the City Initiative with amendments.

For disposition of this matter refer to Item 11.



**(h) MOTIONS (Item 9)**

**(i) Family Friendly Housing Policy (Added Item 9.1)**

That staff be directed to conduct a feasibility study with appropriate public consultation for the development of a Family Friendly Housing Policy that would explore means of incorporating consideration for families in future development proposals for rental units, condominiums and affordable housing and report back.

**(i) NOTICES OF MOTION (Item 10)**

Councillor Farr introduced the following Notice of Motion:

**(i) Waiving the Requirement for Road Widening at 11-15 Cannon Street West (Added Item 10.1)**

WHEREAS, the *Planning Act* and the Urban Hamilton Official Plan states that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings through Site Plan Approval;

WHEREAS, a Site Plan Application (DA-17-110) has been submitted for 11 – 15 Cannon Street West for the approval of a six storey multiple dwelling with commercial at grade;

WHEREAS, a road widening has been identified for Cannon Street West through DA-17-110;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the requirement for a road widening for 11 – 15 Cannon Street West (Site Plan Application DA-17-110) in order to facilitate redevelopment of the site for a six storey multiple dwelling with commercial at grade.

**(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

(a) The following Items were removed:

Item “C” – Report PED16100(b) re: Commercial and Mixed Use Zones together with all written submissions and input from the public be referred to staff for report back. (Item 8.3 on this agenda)

Item “BB” – That staff report back on the feasibility of refunding the Minor Variance application fee for legal non-conforming residential property to permit an accessory use in the Beach Road, McNeilly Road and Margaret Avenue neighbourhoods where the application is supported by staff. (Item 8.3 on this agenda)

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

There being no further business, the Planning Committee was adjourned at 1:48 p.m.

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

85 King Street East and 4-12 John Street North, Hamilton  
Pagoda and Treble Hall

## **STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES**

### **Statement of Cultural Heritage Value or Interest**

The connected commercial buildings at 85 King Street and 4-12 John Street in the City of Hamilton, are known locally as the Pagoda and Treble Hall, respectively. The Pagoda occupies the northeast corner of King Street East and John Street North, while Treble Hall fronts onto John Street North.

The combined property including the Pagoda and Treble Hall is of cultural heritage value for its design or physical value, its historic or associative value, and its contextual value. Built before 1850 the three-storey, two-part commercial block Pagoda is constructed of brick in Flemish bond and accented with a stone string course, Jack arch stone lintels on the King Street East façade, and fire wall parapets on two sides. Despite alterations in the late 20<sup>th</sup> century, its modest Georgian massing and composition —achieved through symmetrical fenestration and hipped roof— survives largely intact. For the last 50 years it has been a local landmark, not only for its historic appearance and location on the corner of two main streets, but also for its association with the Pagoda Chop Suey House, a long-running Chinese restaurant in the City and one advertised through a prominent neon sign.

Treble Hall, which shares an end wall with the Pagoda and also connected through internal doorways, was designed as a three-storey, two-part commercial block in ornate *palazzo* Italianate style by renowned Hamilton architect James Balfour for developer and barrister Henry Larkin. The ground floor store fronts follow the typical Victorian pattern of large windows interspersed by recessed entries and framed by panelled stall risers and fanlights. Corinthian Order pilasters and narrow support columns are made in cast iron, and a prominent cornice above is formed in galvanized iron. The windows on the exposed running-bond brick walls above are surrounded by panelled Tuscan Order columns, scrolled brackets and Baroque pediments, and the storeys visually separated by a string course moulded in galvanized iron. At the cornice of the gable roof with prominent brick parapets and carved stone skew corbels is a substantial frieze with prominent dentils, and closely spaced scrolled modillions, all formed in galvanized iron. At the centre of the roof is a wide brick chimney decorated with cogging and covered by a galvanized iron cartouche with ‘TREBLE HALL’ and the date of construction in relief, and this is flanked by large pedimented dormers. American bond and Jack arch door and window voussoirs have been used for the masonry on the rear façade and end wall of the building, which faces a courtyard and alley. The expert execution and structural strength of the building is evidenced on the interior through its massive stone and brick partition walls, and king post roof trusses with scissor braces that support the roof and frame the ceiling of the grand hall at the top storey. Numerous interior finishes including pressed-metal ceilings, plaster ceiling medallions, and moulded baseboard and architraves also survive throughout the building.

Despite their age, both structures have a high level of heritage integrity and are historically connected to the public common space of Gore Park, the original commercial core of Hamilton, and the mid-to-late 19<sup>th</sup> century expansion of the City as Ontario’s key industrial centre. Their contrasting style represents in a single property not only the City’s urban growth over the 19<sup>th</sup> century, but also the changing architectural fashion for urban and commercial architecture over the same period. As its popular name suggests, the Pagoda is also associated with the Chinese business community in Hamilton, and for much of the 20<sup>th</sup> century the building was a local landmark for its restaurant with prominent neon sign. Through their history and continued use, the Pagoda and Treble Hall reflect the evolution of Hamilton’s urban landscape over the past 170 years, and support and maintain the surrounding historic commercial architecture and public spaces of the downtown.

### **Description of Heritage Attributes**

The heritage attributes that support the design or physical, historical or associative, and contextual value of the Pagoda are its:

- Three-storey, two-part commercial block massing combining Flemish bond brick masonry and cut stone on two principal façades;
- Hip roof with substantial trusses and fire walls with parapet;
- Flat arch windows with Jack arch voussoirs on the John Street façade and stone arch lintels on the King Street façade;
- Connection to Treble Hall through interior doorways; and,
- Large and early neon sign advertising the Pagoda Chop Suey House

The heritage attributes that support the design or physical, historical or associative, and contextual value of Treble Hall are its:

- Three and a half storey, two part commercial block massing combining cast iron, galvanized iron, and brick masonry in running bond;
- Victorian store fronts with prominent cornice with roll brackets and dentils, cast iron Corinthian Order pilasters and narrow pillars, dressed stone and ceramic steps, and variety of panelled stall risers, large windows with mullions, recessed entrances with panelled doors, and fanlights;
- A central recessed entrance with large transoms and sidelights framed with Corinthian Order pilasters, and straight stairs on the interior leading directly to the second level;
- Galvanized iron Tuscan Order and Baroque window architraves and string course and decorative tie-rod ends on the second and third level of the John Street North façade;
- Substantial galvanized iron cornice at the eaves, with closely spaced scrolled modillions and dentils, framed with carved stone skew corbels on the fire walls;
- Large central chimney on the street side façade with cogging and galvanized iron cartouche, and flanked by large pedimented dormers;
- Substantial construction involving course rubble foundations, coursed rubble interior partitions, brick interior partitions extended to the second level, end fire walls with

tall chimneys and parapets, and thick timber roof trusses with king and queen posts and scissor braces; and,

- Interior finishes including pressed-metal ceiling coverings, plaster ceiling medallions, and moulded baseboard and architraves.

262 MacNab Street North, Hamilton

## **STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES**

### **Statement of Cultural Heritage Value or Interest**

262 MacNab Street North is the northern-most section of MacNab Terrace, a six unit row house on the east side of MacNab Street North in Hamilton, Ontario.

262 MacNab Street North has heritage value for its architectural, associative, and contextual elements. Commissioned in 1879 by noted developer and barrister Henry Larkin and built between 1878 and 1879 by significant Hamilton architect James Balfour, 262 MacNab Street North (and MacNab Terrace) has architectural value as a stone, brick, and wood row house incorporating Classical (Palladian and Italianate) and Romantic (Gothic Revival) design. Particularly interesting is the two-and-a-half storey, hierarchically stacked, and three-level, four-sided projecting bay that is capped by a cross-gable ornamented with a finial, quatrefoils and repeating keyhole bargeboard. Beneath the gable are paired semi-circular headed windows while the bottom two levels of the projecting bay feature paired windows with segmental arches and wood ‘keystones’ that are flanked by Tuscan Order pilasters. These levels also have cornices supported by thick modillions or consoles.

In addition to the expert craftsmanship evident in the construction, the house has a high level of heritage integrity and has seen few modifications to its interior or exterior. Although surrounded by other heritage structures, in its preservation and polychromatic hues, 262 MacNab Street South contributes to MacNab Terrace as a local landmark. Historically, it is connected to the middle and working class who lived and worked in the downtown core of Hamilton at the height of its industrial and commercial development, and to MacNab Street, which was once regarded as a ‘stately thoroughfare’ and named for prominent Hamilton politician, land speculator, and military hero Sir Allan Napier MacNab. Three other units of MacNab Terrace were designated under Part IV of the *Ontario Heritage Act* in 1989.

### **Description of Heritage Attributes**

The key attributes that support the heritage value of 262 MacNab Street North include its:

- Two-and-a-half storey massing combining stone, brick, and wood construction;
- L-shaped, side-hall plan incorporating a main block and rear wing;
- Three-level, hierarchically stacked, four-sided bay decorated with segmental and semi-circular arched windows with wood keystones, Tuscan Order pilasters, panels, cornices, modillions and consoles, and perforated bargeboard and running trim;
- Segmentally arched windows and entrances with voussoirs on the brick walls;
- Raised firewall with combined chimney stack, brick corbelling and carved stone skew-corbel;

- Gable roof with cross-gable over the bay, a dormer with gable roof and projecting eaves and shoulders, a lucarne with shed roof, and a skylight; and,
- Interior features including two stairways with rounded wood railings, turned newel posts and balusters and curvilinear brackets on the outer string, fireplaces and mantles, double and single-leaf wood panel doors, transoms, and original moulded baseboard and architraves.

Authority:

Ward: 12

Bill No.

## CITY OF HAMILTON

### BY-LAW NO.

To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 245 Appleby Road (Ancaster)

**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";

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

**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;

**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;

**WHEREAS** the Council of the City of Hamilton, in adopting Section \_\_\_\_\_ of Report 17-\_\_\_\_\_ of the Planning Committee at its meeting held on the 17<sup>th</sup> day of October 2017, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

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

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

1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Deferred Development "D" Zone to the Residential "R3-689" Zone, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:



To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 245 Appleby Road (Ancaster)

"R3-689"

REGULATIONS

- i) That notwithstanding the provisions of Subsection 11.1.2, (d), (e) and (f), and Subsection 11.3.2 (a), the following special provisions shall apply to lands zoned "R3-689":
- |     |                             |   |                   |
|-----|-----------------------------|---|-------------------|
| (a) | Minimum Lot Area            | - | 560 square metres |
| (d) | Minimum Front Yard          | - | 6.4 metres        |
| (e) | Minimum Southerly Side Yard | - | 9.0 metres        |
|     | Minimum Northerly Side Yard | - | 2.5 metres        |
| (f) | Minimum Rear Yard           | - | 2.2 metres        |
- ii) That notwithstanding the provisions of Subsections 7.12 (c) and (d) and 9.10 (a), the following special provisions shall apply to lands zoned "R3-689":
- (a) Balconies or open stairways or unenclosed porches and decks shall not be permitted within the northerly side yard.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential "R3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this \_\_\_\_ day of \_\_\_\_, 2017.

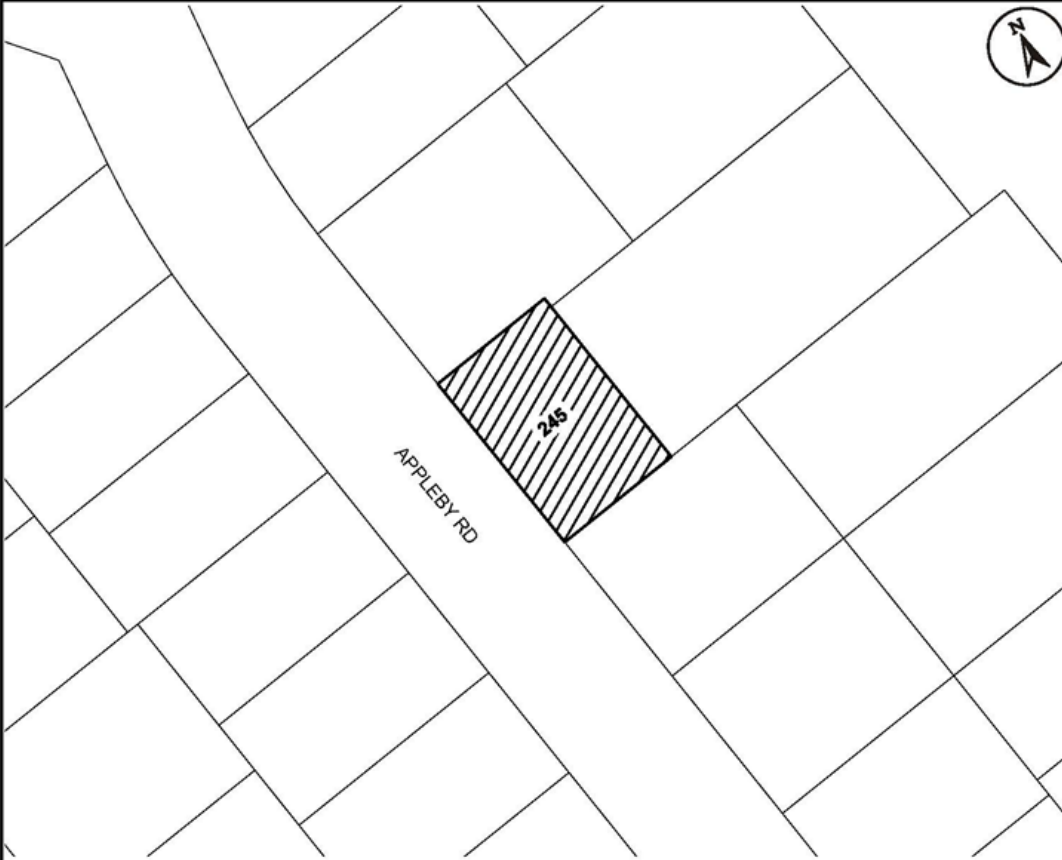



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Fred Eisenberger  
Mayor

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Rose Caterini  
City Clerk

To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 245 Appleby Road (Ancaster)

			
<p>This is Schedule "A" to By-law No. 17-</p> <p>Passed the ..... day of ....., 2017</p>		<p>----- Mayor</p> <p>----- Clerk</p>	
<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 17-_____</p> <p>to Amend By-law No. 87-57</p>		<p><b>Subject Property</b> 245 Appleby Road, Ancaster</p> <p> Change in zoning from Deferred Development "D" Zone to Residential "R3-689" Zone, Modified</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAR-17-045</p>	 Hamilton	
<p>Date: Sept. 1, 2017</p>	<p>Planner/Technician: MS/AL</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

Appendix "C" to Item 4(a)(i) of Planning Committee Report 17-017

To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 245 Appleby Road (Ancaster)

Page 4 of 4

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members      Report No.: PED17170      Date: 10/17/2017  
Ward(s) or City Wide: Ward: 12      (MM/DD/YYYY)

Prepared by: Michael Fiorino      Phone No: 905-546-2424, ext. 4424  
*For Office Use Only, this doesn't appear in the by-law*