



PLANNING COMMITTEE

REPORT 18-012

9:30 a.m.

Tuesday, August 14, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Also present: Councillors L. Ferguson and T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 18-012 AND RESPECTFULLY RECOMMENDS:

1. **Illegal Businesses on Agricultural Areas Pilot Project Final Report (PED16207(c)) (Ward 11) (Item 5.1)**

WHEREAS, there are on-going, significant problems associated with the large number of illegal businesses operating on agricultural lands in Ward 11;

WHEREAS, illegal businesses operate with unfair advantages over legal businesses including, but not limited to the fact that they do not pay the same property taxes; and

WHEREAS, a concentrated, proactive enforcement effort and a unique enforcement skill set is required to address the significant problem of illegal businesses operating on agricultural lands in Ward 11;

THEREFORE, BE IT RESOLVED:

- (a) That Report PED16207(c) respecting Illegal Businesses on Agricultural Areas Pilot Project Final Report, be received for information;
- (b) That the Council approved Pilot Project regarding Illegal Businesses in the Rural Area of Ward 11 consisting of a temporary Zoning Examiner/Enforcement Officer, to address complaints regarding alleged illegal businesses in the agricultural areas of Ward 11, currently set to

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expire in September 2018, be extended to the end of the 2019 Budget process, and continue to be funded through the Tax Stabilization Reserve; and

- (c) That funding for a permanent Zoning Examiner/Enforcement Officer be referred to the 2019 Budget process.

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18160) (City Wide) (Item 5.2)

That Report PED18160 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

3. Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek (PED18143) (Ward 9) (Item 5.3)

That Report PED18143 respecting Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek, be received.

4. Rental Housing Sub-Committee Report 18-001 (Item 5.4)

(a) Licensing of Rental Housing (PED10049(x)) (Item 5.1)

That Report PED10049(x), respecting Licensing of Rental Housing, be received.

5. Rental Housing Sub-Committee Report 18-002 (Item 5.5)

(a) Rental Housing Best Practices Tour (PED10049(y)) (City Wide) (Item 5.1)

That Report PED10049(y), respecting the Rental Housing Best Practices Tour, be received.

(b) Rental Housing Municipality Comparison 2013 - Present (PED10049(z)) (City Wide) (Item 5.2)

That Report PED10049(z) respecting a Rental Housing Municipality Comparison, 2013 - Present, be received.

6. **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) (TABLED June 19, 2018) (Item 6.1)**

(a) That Amended Zoning By-law Amendment Application ZAC-13-007 by MacNaughton Hermesen Britton Clarkson Planning Limited (c/o Eldon Theodore) on behalf of Archer Developments Corporation, Owner, for a change in zoning from the "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified to permit the construction of a five storey, 65 unit multiple dwelling on lands located at 100 Cumberland Avenue, Hamilton, as shown on Appendix "A" to Report PED18129, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "A" to Report 18-012, as amended to allow for a commercial use at grade level not exceeding 80 square metres in gross floor area 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 PED18129, as amended, be added to District Map No. E23 of Zoning By-law No. 6593;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
- (iv) That the amending By-law, as amended, apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Provision "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, be removed conditional upon:

- (a) The Owner submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
- (b) That the St. Clair Neighbourhood Plan be amended by changing the designation of the subject lands currently designated as "Industrial" to "High Density Apartments" to accommodate the proposed residential development.

- (c) That the public submissions received regarding this matter did not affect the decision.

Main Motion, as Amended, CARRIED

7. Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) (Item 6.2)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-30 by Ancaster Reformed Church (Jim Bezemer, Owner), to redesignate a portion of the subject lands from "Institutional" to "Airport Employment Growth District" in the Urban Hamilton Official Plan, and to redesignate a portion of the lands from "Institutional, Special Policy Area B" to "Airport Prestige Business" and establish a site specific policy area to permit a funeral home in the Airport Employment Growth District Secondary Plan for a portion of lands located at 70 Garner Road East, as shown on Appendix "A" to Report PED18185, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-068 by Ancaster Reformed Church (Jim Bezemer, Owner), for a change in zoning from the Major Institutional (I3, 39, H37) Zone to the Airport Prestige Business (M11, 697, H37, H104) Zone for a portion of lands located at 70 Garner Road East (Ancaster), as shown on Appendix "A" to Report PED18185, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED18185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That there were no public submissions received regarding this matter.

8. Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) (Item 6.3)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-016, by 1932376 Ontario Inc., c/o Ted Valeri, (Owner), to remove the "Core Areas" and "Linkages" designation on Schedule B – Natural Heritage System; and, to remove the "Key Natural Heritage and Key Hydrologic Feature Wetlands" designation on Schedule B-4 – Detailed Natural Heritage Features Wetlands; and, to permit the requested permitted uses on a local road, for the lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix "A" to Report PED18150, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18150, 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 (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
- (b) That Amended Zoning By-Law Amendment Application ZAC-05-063, 1932376 Ontario Inc., c/o Ted Valeri, (Owner), for changes in zoning from General Business Park (M2) Zone to Conservation / Hazard Lands (P5) Zone and General Business Park (M2, 611) Zone (Block 1); and from Conservation / Hazard Lands (P5) Zone to General Business Park (M2, 611) Zone (Block 2), in order to permit additional uses, and the removal of a portion of a natural heritage feature, for lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix "A" to Report PED18150, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe and comply with the Region of Hamilton-Wentworth Official Plan and the Former Town of Ancaster Official Plan; and, will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No.____;
- (c) That Amended Draft Plan of Subdivision Application 25T-200512, by 1932376 Ontario Inc., c/o Ted Valeri, (Owner), to establish a Draft Plan of Subdivision on lands known as 620 Tradewind Drive (Ancaster), as shown

on Appendix "A" to Report PED18150, be APPROVED subject to the following conditions:

- (i) That this approval apply to "Valery Ancaster Business Park", 25T-200512, prepared by UrbanSolutions Planning and Land Development Consultants Inc., and certified by B.J. Clarke, O.L.S., dated February 27, 2017, showing 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for a one-foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and the extension of Cormorant Road, attached as Appendix "F" to Report PED18150, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Conditions attached as Appendix "D" to Report PED18150;
- (ii) Notwithstanding conditions of approval within Appendix "D" conditions 3, 5 and 15 shall be deemed satisfied upon deed and transfer of the lands required for the extension of Cormorant Road;
- (iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
 - (a) There is a City share for the proposed SWM facility for the land cost which is set at \$250K per acre with an upset limit of 60% for the land and construction costs, including soft costs; and,
 - (b) There is a City share for the installation of the extension of Cormorant Road from the west limits of the subject lands to the east limit to Trinity Road South, at 100% cost of servicing works, excluding culvert design and installation costs.
- (d) That public submissions received regarding this matter did not affect the decision.

9. Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) (Item 6.4)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-057, by 1221 Limeridge Inc., Owner, for further modification to the "DE-3/S-1427" (Multiple Dwellings) District, Modified, in City of Hamilton Zoning By-law No. 6593 to permit an expansion of the existing Residential Care Facility / Retirement Home for services and additional ancillary uses on the lands located at 1221 Limeridge Road East, Hamilton, as shown on Appendix "A" to Report PED18170, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED18170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.
 - (b) That the public submissions received regarding this matter did not affect the decision.
- 10. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) (Item 6.5)**
- (a) That Amended Zoning By-law Amendment Application ZAC-16-075, (Zest Communities, Owner), for further modification to the “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified, to permit a 157 unit multiple dwelling; on lands located at 393 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED18183, be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED18183, 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 PED18183, be added to sheet W17e of the District Maps of the City of Hamilton Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.
 - (b) That the public submissions received regarding this matter did not affect the decision.
- 11. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 517 Stone Church Road West, Hamilton (PED18188) (Ward 8) (Item 6.6)**
- (a) That Zoning By-law Amendment Application ZAR-17-075 by Nicholas Legault and Josee Pregent, Owners, for a further modification to the “D/S-198” (Urban Protected Residential – One and Two Family Dwellings, etc.)

District, in the City of Hamilton Zoning By-law No. 6593 to permit an accessory unit (second dwelling unit) within an existing semi detached dwelling, on lands located at 517 Stone Church Road West, Hamilton, as shown on Appendix "A" to Report PED18188, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED18188, 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 PED18188, be added to District Map No. W27c of Zoning By-law No. 6593;
 - (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 did not affect the decision.

12. Applications to Amend Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium (Common Element) for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) (Item 6.7)

- (a) That Amended Zoning By-law Amendment Application ZAC-15-028 by Don and Susan Pede (Owners), for a change in zoning from Settlement Residential (S1, 60) Zone to Conservation / Hazard Land Rural (P7) Zone (Block 1); from Conservation / Hazard Land (P7) Zone to Settlement Residential (S1, 23) Zone (Block 2), and from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone (Block 3), for lands located at 706 Highway No. 8 Flamborough, as shown on Appendix "A" to Report PED18144, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report 18-012, as amended to require a planting strip and visual barrier, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, as amended, be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200.
- (b) That Revised Draft Plan of Subdivision Application 25T-201506 by Don and Susan Pede (Owners), to establish a Draft Plan of Subdivision known as "Butternut Hill", on lands located as 706 Highway No. 8 Flamborough,

as shown on Appendix "C" to Report PED18144, be APPROVED subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision "Butternut Hill", 25T-201506, prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of six blocks for up to 6 single detached dwellings (Blocks 1 to 6), one block for a private road and stormwater management dry pond (Block 7) and one block for an Environmentally Significant Area and Vegetation Protection Zone (Block 8); subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "C", as amended to require a privacy fence and landscaping, to Report 18-012.
- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act* and By-law No. 18-126, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.
- (d) That Amended Draft Plan of Condominium Application 25CDM-201507, by Don and Susan Pede (Owners), to establish a Draft Plan of Condominium (Common Element) to create a condominium road, stormwater management dry pond, and Environmentally Sensitive Area and Vegetation Protection Zone, on lands located at 706 Highway No. 8 Flamborough, as shown on Appendix "E" to Report PED18144 be APPROVED, subject to special conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201507, applies to the plan prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of a condominium road, stormwater management dry pond, and Environmentally Sensitive Area and Vegetation Protection Zone, attached as Appendix "E" to Report PED18144;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201507, attached as Appendix "F" to Report PED18144, be received and endorsed by City Council.
- (e) That the public submissions received regarding this matter did not affect the decision.

13. Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) (Item 6.8)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-085 by Branthaven Marz Inc. (c/o Anthony Girolami), Owner, to remove the northerly portion of the subject lands at located at 121 and 125 Highway No. 8 from the City of Hamilton Zoning By-law No. 6593 and zoned "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified as shown on the attached map shown as "Block 2" on Appendix "A" to Report PED18180, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18180, 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 PED18180, be added to Schedule No. 5 of Zoning By-law No. 3692-92;
- (b) That Amended Zoning By-law Amendment Application ZAC-17-085 by Branthaven Marz Inc. (c/o Anthony Girolami), Owner, to add lands shown as "Block 2" on Appendix "A" to Report PED18180 to the City of Stoney Creek Zoning By-law No. 3692-92; to zone lands as shown as "Block 2" on Appendix "A" to Report PED180180 to Multiple Residential "RM4-10" Zone, Modified in the Stoney Creek Zoning By-law No. 3692-92; and, to change the zoning of Block "1" as shown on Appendix "A" to Report PED18180, in the City of Stoney Creek Zoning By-law No. 3692-92 from General Commercial "GC" Zone to Multiple Residential "RM4-10" Zone, Modified, to permit an eight storey multiple dwelling for lands located at 121 and 125 Highway No. 8, Stoney Creek, as shown on Appendix "A" to Report PED18180, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18180, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the amending By-law, attached as Appendix "C" to Report PED18180, be added to Schedule No. 5 of Zoning By-law No. 3692-92;
 - (iv) 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.
- (c) That approval be given for a modification to the Mixed Use – Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit an

eight storey multiple dwelling for lands located at 121 and 125 Highway No. 8, Stoney Creek, as shown on Appendix "A" to Report PED18180, subject to the following:

- (i) That the draft By-law, attached as Appendix "D" to Report PED18180, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish the Commercial and Mixed Use Zones is in force and effect; and,
 - (ii) That staff be directed to being forward the draft By-law, attached as Appendix "D" to Report PED18180, for enactment by City Council, once By-law No. 17-240 is in force and effect.
- (d) That the public submissions received regarding this matter did not affect the decision.

14. Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) (Item 6.9)

- (a) That Rural Hamilton Official Plan Amendment Application RHOPA-17-024, by Five SAC, (Owner), to establish a Site Specific Policy Area in order to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East, as shown on Appendix "A" to Report PED18169, be APPROVED and staff be directed to prepare the Official Plan Amendment for Council's approval,
- (b) That Zoning By-law Amendment Application ZAC-17-055 by Five SAC, (Owner), for a further modification to the Rural Industrial "MR-5" Zone - Holding to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East, as shown on Appendix "A" to Report PED18169, be APPROVED and staff be directed to prepare the amending Zoning By-law for Council's approval;
- (c) That there were no public submissions received regarding this matter.

15. Hamilton Municipal Heritage Committee Report 18-007 (Item 8.1)

(Pearson/Partridge)

(a) Inventory and Research Working Group Meeting Notes - January 22, 2018 (Item 5.1)

- (i) Stoney Creek United Church, 1 King Street West, Stoney Creek

That the Stoney Creek United Church not be added to the City of Hamilton Register of Properties of Cultural and Heritage Value and/or Interest and that Staff be directed to complete an inventory of the heritage features for posterity.

- (ii) The Powerhouse, 21 Jones Street, Stoney Creek

That the Powerhouse, Stoney Creek Ontario, be added to the City Register of Properties of Cultural and Heritage Value and/or Interest, and that Staff complete a preliminary screening to add the property to the work plan as a candidate for designation.

- (b) Notice of Intention to Demolish the Building at 154 Main Street East, Hamilton (PED18157) (Ward 2) (Item 7.1)**

That 154 Main Street East, Hamilton, be removed from the Register of Property of Cultural Heritage Value or Interest.

- (c) Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13) (Item 7.2)**

- (i) That no action be taken in response to the notice of intention to demolish the metal accessory structure at 64 Hatt Street, Dundas, a property included in the City's Register of Property of Cultural Heritage Value or Interest;
- (ii) That 64 Hatt Street, Dundas remain on the designation work plan for completion of a Cultural Heritage Assessment in 2025.

- (d) Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act* (PED18167) (Ward 3) (Item 8.1)**

- (i) That the designation of 270 Sherman Avenue North, Hamilton (Cotton Factory), shown in Appendix "A" to Report PED18167, 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 "B" to Report PED18167, be approved;
- (iii) That the City Clerk be directed to take appropriate action to designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18167.

16. Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) (Outstanding Business List Item) (Item 8.2)

- (a) That Schedule 24 and Schedule 25 to the City of Hamilton's Business Licensing By-law 07-170 be amended to increase all taxicab vehicle ages to ten years and to update the term "manufacturing year" to "model year", as described in Report PED16099(c);
- (b) That the appropriate By-law updates be enacted by Council, with content acceptable to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor.

17. Request that Health Canada seek the City of Hamilton's Approval for the Location of any Potential Licensed Producers of Medical Cannabis Prior to Issuing the Licence (Item 9.3)

WHEREAS, the City of Hamilton has experienced numerous complaints about the illegal growing of Cannabis in our Community;

WHEREAS, Health Canada has a rigorous vetting process for the issuance of licences to Licenced Producers which includes security checks, and security and storage capacity of the applicant;

WHEREAS, although the applicant must notify the City of its intent to produce, there is no approval process for the City to object to licencing production at a specific location; and

WHEREAS, the odour, property conditions and operations of these Licenced Producers may have a negative impact and affect the quality of life for the local neighbouring residents,

THEREFORE, BE IT RESOLVED:

That the Mayor write to Health Canada and request that Health Canada's approval of any Licence for a Cannabis Producer for Medical Purposes within the City of Hamilton be conditional upon the receipt of written confirmation from the City that the site of the production facility that is the subject of the application for a licence respects nearby sensitive land uses and complies with all zoning and other applicable municipal regulations.

18. Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation (Item 9.4)

WHEREAS the Chair of the Hamilton Wentworth District School Board (HWDSB) advised Council on June 20th that their intent was to sever 11 acres of land from the campus of Ancaster High School at 374 Jerseyville Road West;

WHEREAS the HWDSB has advised the City that they could purchase the 11 acres of land from the Board to keep it in public use for a price of "highest and best use" which means residential development or one to one and a half million dollars per acre or 11 to 13 million dollars;

WHEREAS in the June 28th Ancaster News story, the Board Chair states that "There is no threat to the use of this property", the same article quotes the local trustee as saying their desire is to get the property in the hands of the City and this means at highest and best use or residential development price, not the cost of parkland;

WHEREAS the City currently has an infrastructure deficit of \$3.5 billion dollars and therefore unlikely to afford to purchase the 11 acres at highest and best use prices or 11 to 13 million dollars;

WHEREAS the taxpayers of Ancaster have already paid for the site once;

WHEREAS the Town of Oakville recently put a heritage designation on Glen Abby Golf Club as it formed an integral part of the Town's Culture and Heritage;

WHEREAS in the 1950's the Ancaster High School Board, in conjunction with the Town of Ancaster, decided to jointly purchase the existing High School Campus with the novel idea that the school would use the site during the day and community would use the site in the evening and on weekends; and

WHEREAS the Ancaster High School with some 40 acres, form an integral part of the community for the past 60 years and the Town has invested in a pool at this site with the similar novel idea that the school would use it during the day and the community could use the pool in the evenings and on weekends;

THEREFORE, BE IT RESOLVED:

That staff be directed to start the process of designating the campus of Ancaster High School site as a site of historical significance and report back to the Heritage Committee on providing the property with a Heritage designation.

19. Site Plan Application (SPA-18-082) for 2400 Regional Road 56 (Item 10.1)

WHEREAS the District Commercial (C6) Zone does not permit parking in the front yard;

WHEREAS a Site Specific amendment to the District Commercial (C6) Zone was passed by Council for the lands located at 2400 Regional Road 56 to recognize existing uses and to allow for the expansion of the use but did not capture parking in the front yard; and

WHEREAS a Site Plan Application (SPA-18-082) to permit the construction of a two storey commercial addition has been submitted;

THEREFORE, BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the required Minor Variance application for the lands located at 2400 Regional Road 56 and to schedule the hearing for the September 20, 2018 Committee of Adjustment meeting.

20. Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-Law Amendment, for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) (LS18020/PED18172) (Ward 7) (Distributed under separate cover.) (Item 12.1)

- (a) That the recommendations of Report LS18020/PED18172 respecting Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-Law Amendment, for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) be approved and be released to the public following a decision by Council;
- (b) That the remainder of Report LS18020/PED18172 remain private and confidential.

21. Boats Moored on Hamilton Waterfront Used As Residences ("Liveaboards") (LS18048) (City Wide) (Distributed under separate cover) (Added Item 12.2)

- (a) That Report LS18048 respecting Boats Moored on Hamilton Waterfront Used As Residences ("Liveaboards") be received;
- (b) That Report LS18048 respecting Boats Moored on Hamilton Waterfront Used As Residences ("Liveaboards") remain confidential and not be released as a public document without the consent of City Council.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

- 4.1 Linda Hart, Stoney Creek United Church, respecting Hamilton Council – August 17, 2018

Municipal Heritage Committee recommendation for heritage designate for the Stoney Creek United Church (Item 8.1) (For today's meeting)

- 4.2 Doug Caldwell, regarding Stoney Creek United Church, 1 King Street West, and the potential impact of a heritage designation (Item 8.1) (For today's meeting)
- 4.3 Reverend Mark Winger, Stoney Creek United Church, respecting the proposed heritage designation of the Church. (Item 8.1) (For today's meeting)
- 4.4 Mike Jovanovic, Terrapure Environmental, respecting Item 5.6, the proposed Compensation Agreement with the City. (For today's meeting.)

2. ADDED WRITTEN COMMENTS

- 6.5(a) Marjorie McIntyre, 26 Cardinal Mindszenty Blvd, respecting Item 6.5 Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8)
- 6.7(a) Al & Ann Forth, 724 Old Highway No. 8 Flamborough respecting Item 6.7 Applications to Amend Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium (Common Element) for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14)

3. MOTIONS

- 9.2 Terrapure Environmental Stoney Creek Regional Facility 65 Green Mountain Road West – this Item is REMOVED at the request of the Councillor
- 9.4 Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation (this Item is added as it was a Notice of Motion at the July 10, 2018 Meeting)

4. CHANGE TO THE OUTSTANDING BUSINESS LIST:

11.1 Outstanding Business List

- (a) Item identified as completed to be removed:

Item "GG(b)" – Staff to report back on August 14, 2018 regarding the existing rules respecting year-round liveboard accommodations.

(Added Item 12.2 on this agenda)

5. ADDED PRIVATE AND CONFIDENTIAL

- 12.2 Boats Moored on Hamilton Waterfront Used As Residences ("Liveaboards") (LS18048) (City Wide) (Distributed under separate cover)

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the August 14, 2018 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest with respect to Items 5.4 and 5.5 as she is the owner of rental properties.

Councillor Green advised that after consulting with the Integrity Commissioner, although he is the owner of a rental property, he has no interest to declare.

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

(i) July 10, 2018 (Item 3.1)

The Minutes of the July 10, 2018 meeting were approved.

(d) DELEGATION REQUESTS

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

- 4.1 Linda Hart, Stoney Creek United Church, respecting Hamilton Municipal Heritage Committee recommendation for heritage designate for the Stoney Creek United Church (Item 8.1)
- 4.2 Doug Caldwell, regarding Stoney Creek United Church, 1 King Street West, and the potential impact of a heritage designation (Item 8.1)
- 4.3 Reverend Mark Winger, Stoney Creek United Church, respecting the proposed heritage designation of the Church. (Item 8.1)
- 4.4 Mike Jovanovic, Terrapure Environmental, respecting Item 5.6, the proposed Compensation Agreement with the City

Item 5.6 was considered following Item 8.2.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) (TABLED June 19, 2018) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.1(a) Tom Broen, 231 Sherman Avenue South

6.1(b) Brian Gilham, 183 Burris Street

6.1(c) Ricardo Campos, 137 Gladstone Avenue

6.1(d) Andre and Ursula Erasmus, 145 Gladstone Avenue

6.1(e) Chelsea Woods and Sean House, 151 Gladstone Avenue

6.1(f) C.J. Urech, 147 Gladstone Avenue

The written comments, Items 6.1(a) to 6.1(f) were received.

Councillor Green submitted to the Committee Clerk copies of correspondence received through his office to be added to the August 17, 2018 Council agenda in the event that this correspondence had not already been entered into the public record.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Eldon Theodore of MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Staff were directed to include the appropriate provisions in the amending by-law to allow for a commercial use at grade level not exceeding 80 square metres in gross floor area.

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

- (c) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 6.

(ii) Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Ward Councillor Ferguson was in attendance and spoke in support of the proposal.

Ed Fothergill of Fothergill Planning and Development was in attendance representing the applicant. He indicated that the applicant is in support of the staff report.

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

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

For disposition of this matter refer to Item 7.

(iii) Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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 Amendments and Zoning By-law Amendments and Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Sergio Manchia of UrbanSolutions Planning and Land Development Consultants Inc was in attendance and addressed committee with a PowerPoint presentation. He presented proposed amendments to the Draft Plan of Subdivision and he provided copies of the proposed amendments which were distributed to the Committee and a copy has been retained for the public record.

Ward Councillor Ferguson was in attendance and spoke in support of the application and asked to be allowed to speak to the applicant, the agent and staff regarding the proposed changes.

The agent's presentation was received.

The following motion was put on the floor:

That the report be referred back to staff to consider the proposed changes and to report to a meeting in September, 2018.

Councillor Partridge withdrew as a seconder.

This Item was TABLED to be considered later on the agenda in order to allow the Ward Councillor to discuss the proposed changes with the applicant, the agent and staff.

Councillor Green indicated that he wished to be recorded as OPPOSED to this motion.

Subsequently, after the discussions between the Ward Councillor, the applicant, the agent and staff, the following amending motion was presented to Committee:

Subsection (c) of the recommendations were amended by adding the following subsection (ii) and renumbering the balance:

(c)(ii) Notwithstanding conditions of approval within Appendix D, that conditions 3, 5 and 15 shall be deemed satisfied upon deed and transfer of the lands required for the extension of Cormorant Road.

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

(d) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 8.

(iv) Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Michael Crough of IBI Group was in attendance representing the applicant. He indicated that the applicant is in support of the staff report.

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

- (b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 9.

(v) **Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) (Item 6.5)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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 the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.5(a) Marjorie McIntyre, 26 Cardinal Mindszenty Blvd

The added written comments, Item 6.5(a) were received.

Speakers

1. Marcel Lambert, 23 Bishop Sherlock Lane

Marcel Lambert addressed Committee and expressed concerns that, as per the original contract, the lands were supposed to be used for charitable and not-for-profit purposes.

2. Ruth Chappell, 29 Nolan Trail

Ruth Chappell addressed Committee and expressed concerns that the culverts and stormwater pond are not being properly maintained.

The delegations were received.

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

The staff presentation was received.

Sarah Knoll of GSP Group was in attendance representing the applicant. Ms. Knoll indicated that the applicant is in agreement with the staff report and she addressed Committee with the aid of a PowerPoint presentation. Gary Zock from Zock and Associates, the Project Manager, explained that the property was sold to Zest Communities Inc. in 2014. Part of the requirement is to have a not-for-profit corporation. Such a corporation has been set up. A copy of the presentation is available for viewing on the City's website.

The agent's presentation was received.

The public meeting was closed.

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

- (b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 10.

(vi) Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 517 Stone Church Road West, Hamilton (PED18188) (Ward 8) (Item 6.6)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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 the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

James Webb of WEBB Planning Consultants and the owners, Nicholas Legault and Josee Pregent were in attendance. Mr. Webb advised that the owners are in agreement with the staff report.

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

- (b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 11.

(vii) Applications to Amend Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium (Common Element) for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) (Item 6.7)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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, the Draft Plan of Subdivision and 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.7(a) Al & Ann Forth, 724 Old Highway No. 8, Flamborough

The added written comments, Item 6.7(a) were received.

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

The staff presentation was received.

John Ariens of IBI Group was in attendance representing the applicant. Mr. Ariens addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available for viewing on the City's website.

The agent's presentation was received.

Speakers

1. Don Liske, 701 Old Highway 8

Don Liske addressed Committee and read letters expressing concerns from the following neighbours:

- Dave Bromston, 716 old Highway 8
- Laurene and Orval Quantz, 712 Old Highway 8

He also read a letter from he and his wife expressing their concerns with the proposal.

Copies of the correspondence have been submitted for the public record and are available for viewing on the City's website.

The delegation and written comments were received.

The public meeting was closed.

- (a) Appendix "B" to the report, the Zoning By-law amendment, was amended to require a planting strip and a visual barrier;
- (b) Appendix "D" to the report, the Draft Plan of Subdivision, was amended to require privacy fencing and landscaping.

The recommendations be amended by adding the following subsection (e):

- (e) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 12.

(viii) **Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) (Item 6.8)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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 Local

Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Franz Kloibhofer of A.J. Clarke and Associates Limited was in attendance representing the applicant. He indicated that the applicant is in agreement with the staff report.

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

- (d) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 13.

(ix) Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) (Item 6.9)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

John Fisher, of U-Haul International, the applicant, addressed Committee and spoke about the Company. Jason Brower of Brower Architecture

addressed Committee with the aid of a PowerPoint presentation and outlined the merits of the proposal.

The agent's presentation was received.

For disposition of this matter refer to Item 14.

Councillor B. Johnson indicated that she wished to be recorded as OPPOSED to the approval of this Item.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 18-007 (Item 8.1)

Jason Parsons, Cultural Heritage Planner, provided a brief overview of Item 1(a) of the Committee Report regarding the recommendation to designate the Stoney Creek United Church.

The verbal overview from staff was received.

Delegations

1. Linda Hart, Stoney Creek United Church (Item 4.1)

Linda Hart addressed Committee and read from a prepared statement. A copy has been submitted to the Clerk for the official record and is available for viewing on the City's website. She also presented a couple of photographic images.

2. Doug Caldwell (Item 4.2)

Doug Caldwell addressed Committee and read from a prepared statement. He also used the aid of a PowerPoint presentation. Copies of the hand out were distributed and is available for viewing on the City's website.

3. Reverend Mark Winger, Stoney Creek United Church (Item 4.3)

Reverend Mark Winger addressed Committee and read from a prepared statement requesting that Stoney Creek United Church not be designated as a heritage property.

The delegations were received.

Item 1(a) of the Hamilton Municipal Heritage Committee Report 18-007 was amended by inserting the word "not" before the words "be added" and by removing the words "complete a preliminary screening to add the

property to the work plan as a candidate for designation” and inserting the words “be directed to complete an inventory of the heritage features for posterity” therein.

For disposition of this matter refer to Item 15.

(ii) Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) (Outstanding Business List Item) (Item 8.2)

The Clerk advised that no one had registered to speak to this matter.

There was no one in attendance who indicated they wished to address Committee regarding Item 8.2.

For disposition of this matter refer to Item 16.

(iii) Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) (Item 5.6)

Delegations

1. Mike Jovanovic, Terrapure Environmental (Item 4.4)

Mike Jovanovic of Terrapure Environmental addressed Committee and spoke to the compensation agreement. He affirmed that they are agreeable to a compensation agreement with the City.

The delegation was received.

Report LS18045/FCS18072 respecting Terrapure Stoney Creek Regional Facility EA – Compensation Agreement was TABLED until a decision has been made by the Province respecting Terrapure’s Environment Assessment process whereby it is seeking to increase the capacity of the landfill.

(g) MOTIONS (Item 9)

(i) To Waive the Road Widening Requirement for 71 Rebecca Street (Item 9.1)

Item 9.1 regarding To Waive the Road Widening Requirement for 71 Rebecca Street was removed from the agenda.

(ii) **Terrapure Environmental Stoney Creek Regional Facility 65 Green Mountain Road West (Item 9.2)**

This Item was removed under Changes to the agenda.

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

(i) **Site Plan Application (SPA-18-082) for 2400 Regional Road 56 (Added Item 10.1)**

Councillor B. Johnson introduced a Notice of Motion respecting Site Plan Application (SPA-18-082) for 2400 Regional Road 56.

The rules of order were waived in order to allow for the introduction of a Motion respecting Site Plan Application (SPA-18-082) for 2400 Regional Road 56.

For disposition of this matter refer to Item 19.

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

11.1 Outstanding Business List

(a) The following new due dates were approved:

Item "G" - That staff be directed to present to the Planning Committee an updated digital sign by-law

Due date: August 14, 2018

New due date: September 18, 2018

Item "N" - Update re: Losani OMB appeal and sign variance application appeal.

Due date: August 14, 2018

New due date: December 11, 2018

Item "P" - That Staff report back to the Planning Committee on increasing the number of EV Charging Stations in our downtown and include how the City will recover costs, how users will pay for current and future facilities and the current plus future demand levels.

Due date: August 14, 2018

New due date: December 11, 2018

Item "T" - Staff to prepare an updated discharge of Firearms by-law

Due date: August 14, 2018

New due date: February 19, 2019

- (b) The following Items were identified as completed and were removed:

Item "I" - That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.
Item 8.2 on this agenda.

Item "GG(b)" – Staff to report back on August 14, 2018 regarding the existing rules respecting year-round liveboard accommodations.
Added Item 12.2 on this agenda.

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Items without moving into Closed Session:

- (i) **Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-Law Amendment, for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) (LS18020/PED18172) (Ward 7) (Distributed under separate cover.) (Item 12.1)**

For disposition of the matter refer to Item 20.

- (ii) **Boats Moored on Hamilton Waterfront Used As Residences ("Liveboards") (LS18048) (City Wide) (Distributed under separate cover) (Item 12.2)**

For disposition of the matter refer to Item 21.

(k) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 1:47 p.m.

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Authority: Item [REDACTED]
Planning Committee
Report: 18-[REDACTED] (PED18129)
CM: [REDACTED]

Bill No.

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 100 Cumberland Avenue, Hamilton

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

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

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;

WHEREAS the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 18 - [REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. The Sheet No. E23 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'"

(Multiple Dwellings) District, Holding, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "DE-2" (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593, be modified to include the following special requirements:
 - a) Notwithstanding Section 10B(1)(vi), a multiple dwelling with a maximum of 65 dwelling units shall be permitted.
 - b) *That in addition to Section 10B(1), a restaurant without dancing or other entertainment shall be permitted within a building containing a multiple dwelling, subject to the following provision:***
 - i) That a restaurant shall be restricted to a maximum gross floor area of 80 square metres.***
 - c) Sections 10B(1)(vii) and (viii) shall not apply.
 - d) Notwithstanding Section 10B(2)(ii), no building or structure for any other use shall exceed five storeys or 22.0 m in height.
 - e) Notwithstanding Section 10B(3)(i)(b), for every other building or structure a front yard of a depth of at least 6.5 m for the first two storeys and 12.5 m for all storeys above the second storey.
 - f) Notwithstanding Section 10B(3)(ii)(b):
 - i) an easterly side yard of a width of at least 2.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 5.4 m;
 - ii) a westerly side yard of a width of at least 36.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 39.4 m; and,
 - iii) A minimum width of 0.0 m from the easterly side lot line of the hypotenuse to the daylight triangle.
 - g) Notwithstanding Section 10B(3)(iii)(b), a rear yard of a depth of at least 14.9 m.
 - h) Section 10B(5) shall not apply.
 - i) Notwithstanding Section 10B(6), there shall be provided and maintained on the lot and within the district, at least 20% of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking or any other purpose other than landscaped area including a playground.
 - j) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project:

- i) into a required front yard not more than 1.8 m above the second storey, provided that no such project shall be closer to a street line than 1.5 m;
 - ii) into a required rear yard not more than 1.8 m;
 - iii) into a required easterly side yard not more than 1.8 m above the second storey; and,
 - iv) into a required westerly side yard not more than 1.8 m.
- k) Notwithstanding Section 18(3)(d), a below grade porch providing access and amenity area to the units located below the first storey may project into a required front yard to a distance of not more than 4.0 m and every open stairway associated with the below grade porch shall be distant at least 0.0 m from the front lot line.
- l) Notwithstanding Subsection 18(4)(iv), an accessory building shall:
- i) not be located in a front yard or required side yard;
 - ii) be distant at least 0.0 m from the rear lot line;
 - iii) be distant a least 5.5 m from the side lot line;
 - iv) have maximum gross floor area of 600 sq m;
- m) Notwithstanding Section 18A(1)(a) and (b), the following provisions shall apply:
- i) A multiple dwelling is required to provide not less than 1.3 parking spaces per dwelling unit, 0.25 of which will be reserved for visitors.
 - ii) In addition to i) above, one parking space shall be provided on a surface parking area for the exclusive purpose of accommodating a car share vehicle.
 - iii) A multiple dwelling is required to provide not less than 1.16 bicycle parking spaces per dwelling unit of which six bicycle parking spaces shall be short term bicycle parking spaces and 70 bicycle parking space shall be secure long term bicycle parking spaces.
 - iv) A restaurant with a maximum of 18 seats shall require no parking.
- n) That in addition to Section 18A(1)(c), the required loading space may have a minimum length of 10.5 m.
- o) That in addition to Section 18A(7), two parking spaces located within the underground parking garage may have a minimum width of 2.6 m.

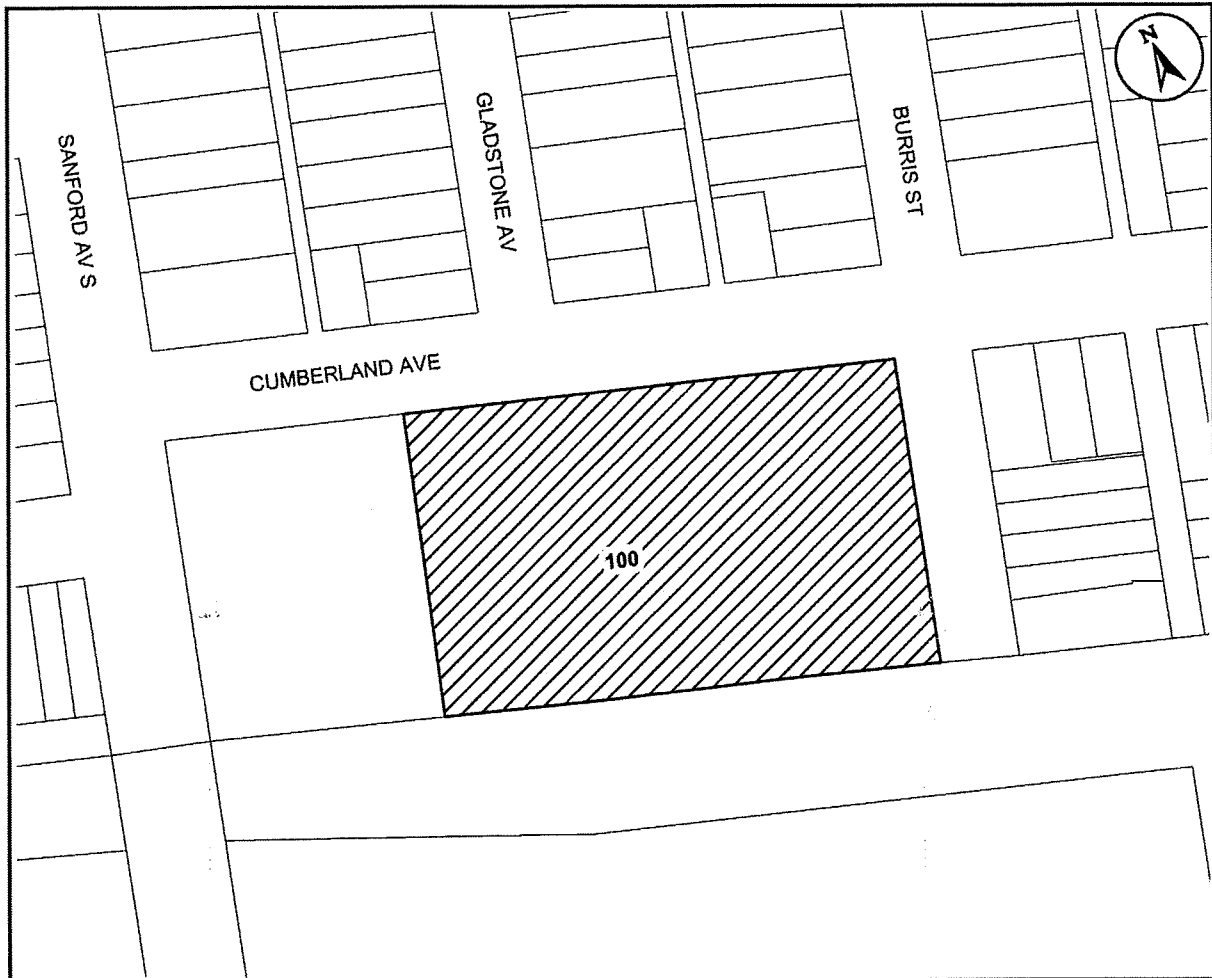
- p) Notwithstanding Subsection 18A(14g), a parking area shall not be located within a front yard except for a maximum 35.0 m wide portion which may not be any closer than 5.6 m to the front lot line.
3. That the 'H' Holding symbol, applicable to the lands zoned "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, may be removed by further amendment to this By-law at such time as:
- a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.
4. 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 "DE-2" (Multiple Dwellings) District, provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That Sheet No. E23 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as "DE-2/S-1763-'H'".
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1763.
7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

PASSED and ENACTED this [] day of [], 2018.

F. Eisenberger
Mayor

R. Caterini
Clerk

ZAC-13-007



This is Schedule "A" to By-Law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-Law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	Subject Property 100 Cumberland Avenue Change in Zoning from the "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H" (Multiple Dwellings) District, Holding, Modified
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Scale: N.T.S.	File Name/Number: ZAC-13-007 / OPA-13-001	
Date: April 24, 2018	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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? Yes

Committee: Steve Robichaud

Report No.: PED18129

Date: 06/19/2018

Ward: 3

(MM/DD/YYYY)

Prepared by: Daniel Barnett

Phone No: 905-546-2424 ext. 4445

For Office Use Only, this doesn't appear in the by-law

Authority: Item ,
Report (PED18144)
CM:
Ward: 14

Bill No.

CITY OF HAMILTON
BY-LAW NO. ____

To Amend Zoning By-law 05-200
Respecting Lands Located at 706 Highway No. 8, Flamborough

WHEREAS Council approved Item ___ of Report PED18144 of the Planning Committee, at its meeting held on August 14, 2018;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

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

1. That Map No. 80 of Schedule "A" to Zoning By-law No. 05-200 is amended as follows:
 - a) For a change in zoning from the Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone on lands described as Block 1.
 - b) For a change in zoning from the Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone on lands described as Block 2.
 - c) For a change in zoning from the Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone on lands described as Block 3.
2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by adding an additional exception 23, as follows:
 23. Within those lands zoned Settlement Residential (S1) Zone, identified on Map No. 80, of Schedule "A" – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:
 - a) In addition to Section 12.3.3 the following shall apply:
 - i) Maximum Capacity for Single Detached Dwellings A single detached dwelling shall have a maximum of 3 bedrooms.

ii) Planting Strip Requirements A minimum **2.0 m Planting Strip** shall be provided and maintained abutting 708, 712, 716 and 720 Old Highway 8.

iii) Visual Barrier A visual barrier shall be provided and maintained along any lot line abutting 708, 712, 716 and 720 Old Highway 8, in accordance with the requirements of Section 4.19 of this By-law

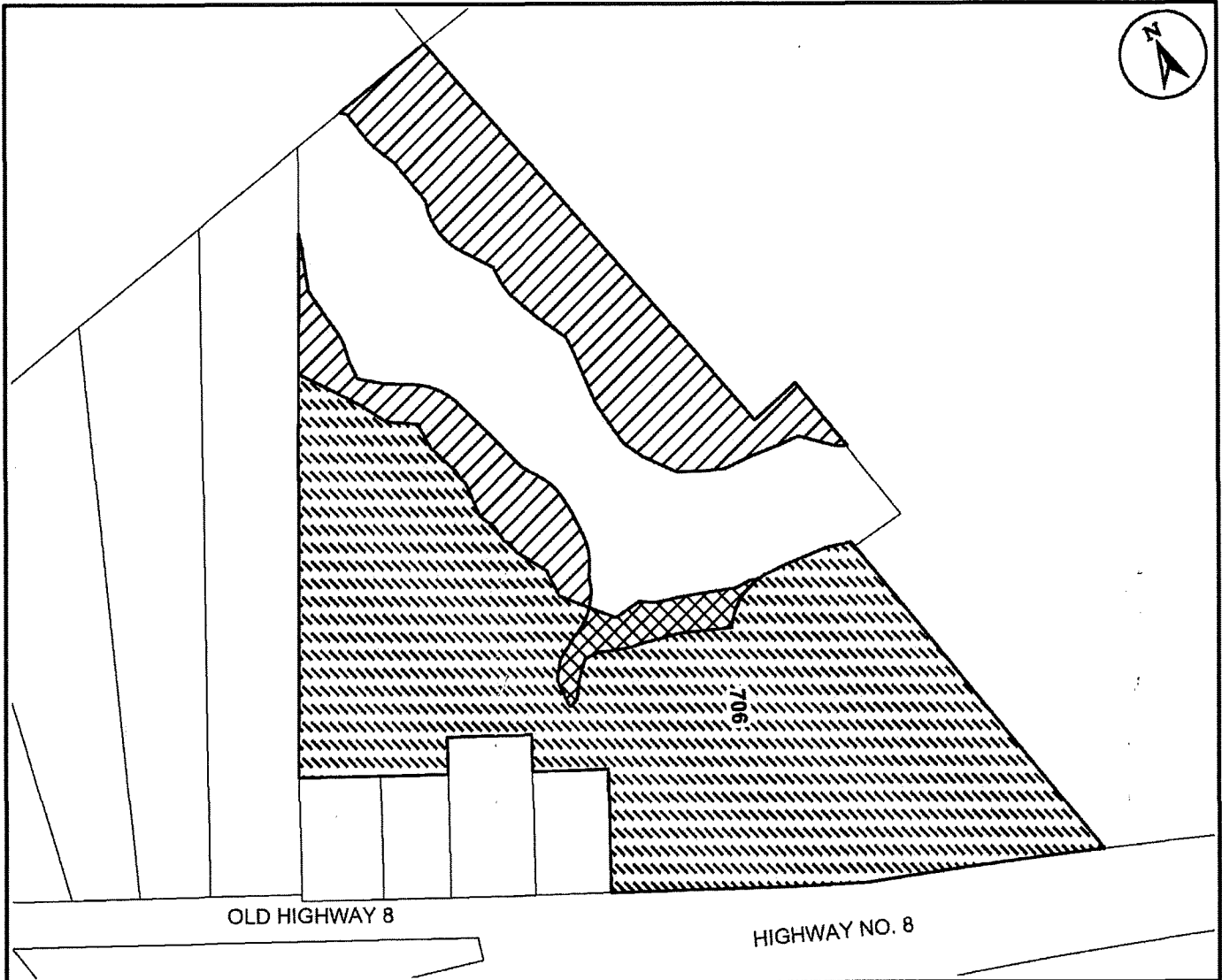
b) Notwithstanding Section 12.3.3 a), the minimum lot area shall be 0.42 hectares.

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
4. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this 14th day of August, 2018.

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018




 Mayor


 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 18-_____

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

- Subject Property**
 706 Highway No. 8
-  **Block 1** - Change in zoning from Settlement Residential (S1, 60) Zone to Conservation / Hazard Lands - Rural (P7) Zone
 -  **Block 2** - Change in zoning from Conservation / Hazard Lands - Rural (P7) Zone to Settlement Residential (S1, 23) Zone
 -  **Block 3** - Change in zoning from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone

Scale: N.T.S.	File Name/Number: ZAC-15-028 / 25T-201507	 Hamilton
Date: June 22, 2014	Planner/Technician: BN/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Conditions of Draft Plan of Subdivision Approval for
25T-201506, 706 Highway No. 8**

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201506, 706 Highway No. 8, "Butternut Hill", prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of eight blocks for four new single detached dwellings, subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

Development Engineering

1. That, **prior to preliminary grading**, the Owner shall clearly demonstrate that the SWM Pond Block is fully outside of the MTO's 14m setback requirement to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to preliminary grading**, the Owner shall locate and clearly show the location of the existing and proposed wells, and existing and proposed septic systems on all lots on all engineering submissions. The removal of existing septic beds, wells, and any structures that may be required to be removed, shall be done so in accordance with the applicable guidelines (MOECC, City of Hamilton, etc.) and at the sole cost to the Owner, to the satisfaction of the Senior Director of Growth Management.
3. That, **prior to preliminary grading**, the Owner shall demonstrate that a suitable storm outlet exists for drainage areas # 300 & # 400 (as identified on the Storm Drainage Area Plan contained within the December 15, 2017 Functional Servicing Report). In the event that a suitable storm outlet is not feasible for these areas, the Owner shall demonstrate that they have riparian rights for the outlet proposed through the adjacent private lands to the south to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to servicing**, the Owner agrees to submit a detailed Stormwater Management report. The report shall contain sufficient details and information to demonstrate that the proposed location of the SWM Pond will adequately accommodate the proposed facility's design and be in accordance with all current and applicable Stormwater Management Guidelines and to the satisfaction of the City's Senior Director of Growth Management;
 - a. The post-development flows shall be maintained at the pre-development levels for all storm events up to and including the 100-yr storm event;
 - b. The proposed driveways shall incorporate permeable pavement as part of the overall water balance strategy; and,
 - c. Soakaway systems shall be designed and constructed at the bottom of the dry pond and bottom of the proposed 2.0m wide flat bottom vegetative /

enhanced swale to provide stormwater quality control for the drainage from the private road. A minimum separation between groundwater elevation and the bottom of any soakaway system would need to be maintained as per MOECC guidelines.

5. That, **prior to servicing**, the Owner agrees to remove and dispose of the existing pool, pool deck, fence, etc. generally located south of Lot 3. The pool shall be completely removed and restored with engineered fill, compacted as recommended by a qualified Geotechnical Engineer, up to finished grade, to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates for the soakaway systems that all new dwellings shall have their roof leaders directly connected to the soakaway system to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to servicing** the Owner agrees in writing to provide "as-built" lot grading plans for each lot showing the location, depth and size of the soakaway systems as part of final grading certification to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates, where required, concrete pads to facilitate the placement of a community mail box in a location approved by Canada Post. The pad is to be poured at the time of the sidewalk and / or curb installation to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to occupancy** the Owner agrees in writing to provide certification by a qualified professional engineer that the soakaway systems on each lot has been installed in accordance with the approved plans and that roof leaders have been directed to the soakaway systems as required, all to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates provision for adequate street lighting for the private road to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing** the Owner shall submit a detailed sump pump design. The design shall consider the weeping tile inflow based on ground water and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.
12. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates provision for removal and replacement of the existing driveway culvert within the Highway #8 right of way to the satisfaction of the Senior Director of Growth Management.

13. That, **prior to registration of the Draft Plan of Subdivision**, the Owner shall provide an easement, in favour of the condominium corporation, for the drainage swale between proposed Block 2 & 3. The easement width shall be a minimum of 4.5m, subject to the final design requirements, to the satisfaction of the Senior Director of Growth Management.

14. That, **prior to registration of the Draft Plan of Subdivision**, the Owner agrees to include the following warning clause in all agreements of purchase and sale for the Blocks 1, 2, 4, and 5;

"This dwelling unit being serviced by a well, septic disposal system and stormwater soakaway system will require routine maintenance and upkeep and it is the responsibility of the property owners to maintain these systems, in accordance with the guidelines and regulations of the City of Hamilton, Ministry of Environment and Climate Change and Ontario Building Code."

to the satisfaction of the Senior Director of Growth Management.

15. That, **prior to the issuance of Building Permit**, the Owner agrees to submit individual lot grading plans showing the proposed septic systems, wells, soakaway systems, final house footprints and locations, to the satisfaction of the Senior Director of Growth Management.

Development Planning

16. That, **prior to preliminary grading of the final plan of subdivision**, the proponent shall carry out a Stage 3 archaeological assessment of the entire property and if required as part of the Stage 3 archaeological assessment, a Stage 4 archaeological assessment, and mitigate through preservation or resource material 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.

Natural Heritage

17. That, **prior to pre-grading**, the owner / developer prepare a Tree Protection Plan (TPP) according to the City of Hamilton's Tree Protection Guidelines to the satisfaction of the Director of Planning and Chief Planner.

18. That, **prior to pre-grading**, the tree management professional must provide a Verification of Tree Protection Letter to the Director of Planning and Chief Planner to confirm that all tree protection measures have been installed as shown in the Tree Protection Plan approved by the City of Hamilton.
19. That, **prior to preliminary grading**, 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. Vegetation removal may occur if it is determined that active nests are not present in the removal area, to the satisfaction of the Director of Planning and Chief Planner.
20. That, **prior to registration**, the owner / developer prepare a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the Tree Protection Plan, to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan should also show habitat restoration plantings, including:
 - a. Lands adjacent to the pond and woodland should be planted with native trees and shrubs to enhance ecological conditions.
 - b. That the boundary of the VPZ be planted with native thorny shrubs and plants to discourage encroachment.
21. That **prior to occupancy**, the applicant will prepare a Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.
22. That, **prior to occupancy**, interpretive signs be installed at the rear of each lot at the VPZ boundary, to inform residents about the ecological significance of the area and how to protect it (do not remove vegetation, do not dump compost or other materials, do not build structures, etc.), to the satisfaction of the Director of Planning and Chief Planner.

Source Protection Planning

23. That, **prior to registration of the Draft Plan of Subdivision**, the Applicant shall submit a revised site plan that delineates the locations of septic system components and wells, ensuring that wastewater effluent will be directed away from any nearby

water supply wells. This revised site plan should also delineate a reserve area bed as per Rural Hamilton Official Plan requirements, to the satisfaction of the Director of Hamilton Water.

24. **That, prior to registration of the Draft Plan of Subdivision**, the applicant shall demonstrate sustainable water services on site. This would include a pumping test in conformance with MOECC Guideline D-5-5 and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, to the satisfaction of the Director of Hamilton Water.
25. **That, prior to registration of the Draft Plan of Subdivision**, the applicant shall demonstrate that water quality for each lot is potable. As a result, the applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results, to the satisfaction of the Director of Hamilton Water.

Ministry of Transportation

26. **That, prior to registration of the Draft Plan of Subdivision** a Left Turn Lane Warrant analysis is required for the entrance into the subdivision to determine if any further analysis is required, and / or if any highway improvements are required to accommodate traffic operations related to the subdivision traffic, to the satisfaction of the Ministry of Transportation.
27. **That, prior to registration of the Draft Plan of Subdivision**, the Applicants must demonstrate, to the satisfaction of the Ministry, that land uses and structures that are integral to site operations or are essential to the viability of the site are set back a minimum of 14m from the Highway 8 Right of Way limits. The "Block 7 - common element" provides access to the subdivision, and is essential to the viability of the sub-division and the future sites. The portion of Block 7 that abuts and runs parallel to Highway 8 ROW should therefore be outside the 14m setback.
28. **That, prior to preliminary grading**, detailed design is to be submitted, including the proposed entrance onto Highway No. 8 from the common element "Block 7" to the satisfaction of the Ministry of Transportation, and entrance permits for the proposed entrance to Block 7 and to the most easterly Block 6 from Highway No. 8, to be issued by the Ministry of Transportation.

29. That **prior to final approval**, the owner shall submit to the Ministry of Transportation for review and approval a detailed stormwater management report, in accordance with MTO Stormwater Management Requirements for Land Development Proposals.
30. That, **prior to final approval**, a 0.3m reserve extending across the entire highway frontage, excepting for the common element roadway / driveway entrance, be conveyed by deed to the Ministry of Transportation. All deeds must be free of all encumbrances.

Strategic Planning

31. That **prior to registration of the Draft Plan of Subdivision**, the owner shall **fence** the property line shared with the adjacent park to the City's standards if there is no appropriate existing park fencing. The park perimeter fencing will allow for pedestrian walkway connections to the park where required. The proposed location of the fencing and construction shall be indicated on a plan for approval by the Director of Strategic Planning.

Urban Forestry

32. That **prior to the registration of the Draft Plan of Subdivision**, the owner shall provide a Tree Management Plan to the satisfaction of the Forestry & Horticulture Section. The Street Tree Planting condition will be cleared upon receipt of a plan depicting new trees and a cash payment as shown in Item 2.8 of the completed Subdivision Agreement.
33. That, **prior to preliminary grading of the final plan of subdivision**, the owner shall provide a Landscape Planting Plan prepared and signed by a certified Landscape Architect. This plan must be submitted for review and comments by the Forestry & Horticulture Section.

CANADA POST

34. That the home / business mail delivery will be from a designated Centralized Mail Box.
35. That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale.

Hamilton Conservation Authority

36. **That prior to preliminary grading or servicing**, the Owner prepares a stormwater management plan for the property to the satisfaction of the Hamilton Conservation Authority.
37. **That prior to preliminary grading or servicing**, the Owner prepares a grading plan, servicing plan, and an erosion and sediment control plan for the property to the satisfaction of the Hamilton Conservation Authority.
38. **That prior to preliminary grading or servicing**, the Owner prepares a landscape planting plan for the enhancement of the natural heritage feature buffer lands to the satisfaction of the Hamilton Conservation Authority.

Development Planning

39. That, **prior to registration of the Draft Plan of Subdivision**, the owner / developer prepare a Landscape Plan, to include a privacy fence, to the satisfaction of the Manager of Development Planning, Heritage and Design.
40. That, **prior to occupancy**, the owner / developer erect a privacy fence to the specifications of the approved Landscape Plan to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTES TO DRAFT PLAN APPROVAL

The following note should be included in the City's draft plan approval letter:

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.