



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 30, 2019
<b>SUBJECT/REPORT NO:</b>	By-law No.18-261 – Correction of Typographical Errors for Lands Located at 5 Hamilton Street North, Flamborough (PED18179(a))
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That By-law No. 18-261, respecting 5 Hamilton Street North, Flamborough be amended to correct one error and to add two administrative clauses, on the following basis:
- i) That Section 3 (d) of By-law 18-261 be amended by deleting the word “east” and replacing it with “north”;
  - ii) The following two administrative sections be added to By-law 18-261 as clauses 5 and 6:
    - 5. 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; and,
    - 6. That no building or structure shall be erected, 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 Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

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- (b) That the draft By-law attached as Appendix “B” to Report PED18179(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and the Urban Hamilton Official Plan.

**EXECUTIVE SUMMARY**

The purpose of this Report is to amend By-law No. 18-261 to correct the inadvertent errors in the By-law.

By-law No. 18-261 will be amended as follows:

- a) Section 3 (d) of the original By-law stated that the principal commercial entrance within the ground floor façade shall be located on the east side of the building, whereas Section 3 (d) of the By-law should state that the principal commercial entrance within the ground floor façade shall be located on the north side of the building; and
- b) The following administrative sections shall be added to the By-law:
  - (i) 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; and,
  - (ii) That no building or structure shall be erected, 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 Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

The Application was heard by Planning Committee on September 4, 2018 and was approved by Council on September 12, 2018. After the By-law was passed, typographical errors in the text of the By-law were identified.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Official Plan Amendment and Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

## **HISTORICAL BACKGROUND**

The application for a Zoning By-law Amendment (ZAR 18-015 by Hawk Ridge Homes, Inc.) was submitted for the property identified as 5 Hamilton Street North, Flamborough. The purpose of the subject application was to amend Zoning By-law No. 05-200 and Town of Flamborough Zoning By-law 90-145-Z to permit a six storey mixed use building with 74 residential units and commercial space on the ground floor on the subject lands. The principal commercial entrance is planned for the north side of the building.

The application was approved by Planning Committee on September 4, 2018 and by Council on September 12, 2018. Two By-laws were passed: one bylaw was to amend Flamborough Zoning By-law 90-145-Z and the other By-law 18-261 was to amend Zoning By-law No. 05-200 to modify the Mixed Use Medium Density (C5) Zone to permit the development to proceed. By-law No. 18-261 is in effect.

Staff noticed that the principal commercial entrance in By-law No. 18-261 was inadvertently referenced as the east side of the building whereas the principal entrance was on the north side. Further, it was identified two administrative clauses regularly included in Zoning By-law amendments were left out.

As such, staff have drafted proposed By-law revisions attached as Appendix “B” to Report PED18179(a).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

The extent of the changes proposed to By-law No. 18-261 are administrative and do not conflict with the Provincial Policy framework.

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Accordingly, it is staff's opinion that these amendments:

- Are Consistent with the Provincial Policy Statement (2014);
- Conform to the Growth Plan for the Greater Golden Horseshow (2017); and,
- Conform to the Greenbelt Plan (2017).

**Urban Hamilton Official Plan (UHOP)**

The following policy, amongst others apply:

"F.1.17.7 Public meetings under the *Planning Act*, R.S.O., 1990 c. P.13 shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes."

Although staff are directing Council to amend the previously approved By-law and approve the revised By-law, the proposed revised By-law does not require a public meeting because the intent is to correct typographical errors.

**RELEVANT CONSULTATION**

Not applicable.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The purpose of the proposed amendments to By-law No. 18-261 is:

- a) To amend Section 3 (d) of the original By-law to state that the principal commercial entrance within the ground floor façade shall be located on the north side of the building; and,
- b) Add the following administrative sections to the By-law:
  - (i) 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; and,
  - (ii) That no building or structure shall be erected, 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 Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

## **ALTERNATIVES FOR CONSIDERATION**

If the proposed By-law amendments are not approved, inconsistencies in the application of the Zoning By-law may occur.

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

### **Economic Prosperity and Growth**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Zoning By-law No. 05-200 Amendment