

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 15
COMMITTEE DATE: September 17, 2013	
SUBJECT/REPORT NO: Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough) (PED13140) (Ward 15)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Edward John (905) 546-2424 Ext. 5803
SIGNATURE:	

RECOMMENDATION:

- (a) That approval be given to **Zoning Application ZAC-12-013, by Waterdown Bay Ltd.**, for a change in zoning to permit a residential, commercial, and mixed-use subdivision, for lands located at 392, 488, and 530 Dundas Street East (Flamborough), as shown on Appendix "A" to Report PED13140, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED13140, 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, conform with the Places to Grow Growth Plan, and the Urban Hamilton Official Plan;

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- (iii) That the proposed development satisfies the intent of the Waterdown South Secondary Plan, providing for a residential, mixed-use, and commercial subdivision that is consistent with existing and planned future developments of the area.

- (b) That the Draft Plan of Subdivision conditions, as contained within Appendix “E” to Report PED13140, in addition to the balance of By-law provisions that affect lands formally considered under previous Zoning Application ZAC-05-066, as contained in Appendix “A” of Report PED13140, be endorsed by City Council; and that staff be directed to present these conditions and applicable By-law provisions to the Ontario Municipal Board (OMB) in support of the proposed development, subject to such modifications as staff may identify of a technical or minor nature during the course of the Board proceedings or pertaining to drafting issues.

- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the Building Permit stage. 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, with the exception of the townhouse and multiple dwelling blocks, to which payment shall be based on the value of the land on the day prior to the issuance of the first Building Permit for each said block.

Parkland credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of Parkland from the registration of the Draft Plan of Subdivision 25T200513.

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council, and which is without prejudice to any determination of the implications of the Memorandum of Agreement, dated October 30, 1997.

EXECUTIVE SUMMARY

The purpose of this application is to permit a residential, mixed-use, and commercial development. The proposed Zoning By-law would facilitate the Draft Plan of Subdivision currently before the OMB, which would create approximately 2,580 dwellings and a potential 25,000 sq. m of retail and service commercial space. In addition, a number of Parkland and conservation uses will be created.

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The zoning application will be implemented through Subdivision Application 25T200513R. This subdivision application, in addition to Zoning Amendment Application ZAC-05-066, was previously appealed to the OMB. However, the decision by the Board is outstanding, until such time as a zoning application to consider the balance of lands not previously considered under Application ZAC-05-066 has been appropriately dealt with. As such, the Zoning By-law attached to this Report is accompanied by a proposed list of subdivision conditions. It is recommended that Council endorse these conditions and approve the attached By-law, and that both the approval of the By-law and endorsement of the attached conditions be presented to the OMB for approval and enactment.

The proposal can be supported, as it is consistent with the Provincial Policy Statement, conforms to the Places to Grow – Growth Plan and the Urban Hamilton Official Plan.

Alternatives for Consideration - See Page 32.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located south of Dundas Street East, north of Mountain Brow Road and between Evans Road and Waterdown Road in Waterdown (see Appendix “A”). The application seeks to modify the existing zoning to permit a large residential, mixed-use, and commercial development of approximately 2,580 dwellings, and a maximum potential of 25,000sq.m of retail and service commercial space. In addition, a number of Parkland and conservation uses will be created.

The lands currently are vacant, although it is noted that an earlier phase of the development has been previously approved and constructed for residential and institutional development. The area proposed for the development has been the subject of recent and detailed review, as it forms a predominant amount of the recently approved Waterdown South Secondary Plan.

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The Secondary Plan was approved by the OMB following appeals filed by a number of parties, including the owner of the subject lands, as well as adjacent properties to the west. The approval of the Secondary Plan precipitated from a mediated settlement, whereby the City of Hamilton, residents of Flanders Drive, as well as the owner of the subject lands, were able to establish consensus and agree on the Secondary Plan. This mediated outcome was final approved by the Board on August 13, 2012.

The current application, therefore, represents the natural extension of these agreements, providing the required justification and development statistics necessary to ensure the development meets the intent of the Secondary Plan. In support of this, the applicant submitted the following, but not limited to, studies: Environmental Impact Study, Functioning Servicing Report, and Traffic Impact Study. The merits of these studies and overall development are assessed, in detail, within the Analysis/Rationale section of this Report.

Chronology of Events:

- May 31, 2005: Subdivision application was submitted.
- December 6, 2006: Application was appealed.
- September 15, 2010: Secondary Plan approved by Council.
- August 13, 2012: Secondary Plan approved by the OMB.
- May 9, 2012: Zoning and Subdivision Amendment application submitted.
- June 8, 2012: Notice of complete application mailed to all land owners within 120m of the subject property.
- April 12, 2013: Notice of Public Meeting mailed to all land owners within 120m of the subject property.

Details of Submitted Application:

Location: 392, 488 and 530 Dundas Street East (Flamborough)

Owners: Waterdown Bay Ltd.

Agent: Webb Planning Consultants

Property Description: Frontage: 1,355m (Highway 5)
Lot Depth: 875m
Area: 23 ha

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Agricultural "A", Parkway Belt Open Space "O1", Conservation Management "CM", Highway Commercial "CH-5", Modified
<u>Surrounding Lands:</u>		
North	Vacant, Environmentally Significant Area	Agricultural "A", Conservation Management "CM"
South	Residential, Vacant, Environmentally Significant Area	Urban Protected Residential "R1-4", Modified, Parkway Belt Open Space "O1"
East	Vacant, Environmentally Significant Area	Parkway Belt Open Space "O1"
West	Vacant, Residential, Institutional	Neighbourhood Institutional, "I1" and Open Space "P4" (Hamilton Zoning By-law No. 05-200), Medium Density Residential, "R1-38", "R1-39", "R6-19", "R6-20", Modified, Urban Residential (Single Detached) "R1-4", Modified

POLICY IMPLICATIONS

Niagara Escarpment Plan:

The subject lands are located within the Niagara Escarpment Plan Area, and are designated as "Urban Area". Staff notes that the lands are outside of the Niagara Escarpment Commission's (NEC) Development Control Area. Comments received from the NEC have determined that their interests were secured through their involvement in the Secondary Plan process. They reserve the opportunity to comment with respect to the proposed water tower, and with respect to any visual impact assessments that would be required in order to allow additional heights of buildings, in accordance with the policies of the Waterdown South Secondary Plan.

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It is noted that a Holding provision has been included in the recommended Zoning By-law ensuring additional height above 8-storeys is not permitted until an approved Visual Impact Assessment has been submitted, to the satisfaction of the Director of Planning (see Appendix "B" - Provision 12.iii)). It is considered that this would satisfactorily address the comments of the NEC.

Provincial Growth Plan for the Greater Golden Horseshoe:

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3. The proposal maintains the intent to develop and create compact and complete communities. Therefore, the applications conform to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement:

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

However, Policy 1.1.1 (c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site with the proposed use such that there will be no adverse effects. Staff notes that the subject lands are located adjacent to 490 Dundas Street East, which contains an existing gas station. Accordingly, staff will require the submission of a Record of Site Condition (RSC) as a condition of the Draft Plan of Subdivision application for the subject lands. This is recommended in Draft Plan Condition 60 of Appendix "E".

In addition, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odor, noise, and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended to be developed to include residential components located adjacent to Dundas Street East. The proximity of the proposed sensitive land use to a road noise source triggers the requirement for a Noise Study.

Staff notes that a Noise Study, titled "Environmental Noise Impact Study Waterdown Bay Subdivision, Phase 2, Part of Lots 2, 3, 4, and 5, Concession 3, Formerly in the Township of East Flamborough, Now in the City of Hamilton", dated June 2012, and

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prepared by dBA Environmental Services Inc., was submitted with the subject applications.

Staff has reviewed the aforementioned Study, and concur with the finding of the Report that noise mitigation is feasible. However, staff requires the submission of an Addendum to the Noise Study to confirm the requirement for and location of noise barriers for those dwelling units having Outdoor Living Areas (OLAs) located adjacent to or in close proximity to Burke Street. In addition, the Noise Study Addendum will need to project traffic volumes for Dundas Street East and Burke Street to a minimum of 10 years post construction. The Noise Study Addendum should be submitted once the proposed plan has been draft approved. Further, once staff has provided clearance on the Noise Study information, the approved noise mitigation measures will need to be implemented through the Subdivision Agreement for the subject lands. This is recommended in Draft Plan Condition 61 of Appendix "E".

Further, Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage features identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Staff notes that the subject lands contain a portion of the Waterdown Woods Environmentally Significant Area (ESA # 9). A scoped Environmental Impact Study and Tree Inventory, dated July 2012 and April 2012, respectively, were submitted in support of the application. Subject to the Draft Plan Conditions, as contained within Appendix "E", it is considered that this provincial interest has been addressed.

It is noted that Conservation Halton has provided detailed comments with respect to the proposal, and further, has a number of outstanding items that need to be addressed. As discussed within this Report, staff considers that through the proposed implementing By-law and recommended Draft Plan Conditions, sufficient opportunity exists to satisfactorily address these items.

Finally, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject lands are located within an area of archaeological potential.

One registered archaeological site remains on the subject property, and the applicant has stated their intent in the archaeological report (PIF P018-144-2005) to conserve the site in place and transfer ownership to the City or Conservation Authority. The Ministry of Tourism, Culture, and Sport has specified conditions which are to be met prior to such transfers of property encompassing archaeological sites for their long term

conservation. These requirements have been addressed through Conditions of Draft Plan Approval 67-68 in Appendix “E”.

New Urban Hamilton Official Plan (Under Appeal):

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and following the decision by the Ontario Municipal Board on August 16, 2013, portions of the plan have come into force and effect.

The subject lands are designated as “Neighbourhoods” and “Major Open Space” on Schedule E-1 of the Urban Hamilton Official Plan, and are intended to accommodate a variety of land uses and promote and support residential intensification. It is noted that the residential intensification policies remain under appeal, however, notwithstanding this, the subject lands are further guided by the detailed policies of the Waterdown South Secondary Plan.

The portions of the Urban Hamilton Official Plan regarding the Waterdown South Secondary Plan are in full force and effect. A detailed assessment of the proposal against this Secondary Plan is provided below.

Waterdown South Secondary Plan:

The subject lands represent a significant portion of the Waterdown South Secondary Plan Area. As such, a majority of the policies and principles envisioned in the Secondary Plan are directly relevant to this proposal. In order to avoid an exhaustive review, staff has drawn upon the more significant policies and principles of the Plan and, subsequently, assessed the degree to which these policies have been satisfactorily addressed throughout the proposal.

Residential Designation:

With regard to the residential designations, the general residential policies of the Plan provide broad context and guidance with respect to the form and function of the residential areas. Policies such as A.9.3.1.1 typify the overall intent to not only direct variation of form and density to certain areas of the Plan, but to encourage within those areas, variation in how that form and density is designed, as it states:

“A.9.3.1.1.c A broad range and mix of housing types are promoted between and within residential density categories. The City shall strive to achieve a variety of building types within each density category, such that no portion of the Secondary Plan Area is dominated by one housing type, and to provide an interesting streetscape.”

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It is considered that the proposed development will satisfactorily achieve this intent. The proposed density and form of each residential designation, as determined by the Plan, has been met, and further, variation within these designations has been achieved. The single detached lots have frontages that vary along any given street, and will be subject to design conditions that will ensure elevations in key and sensitive locations are enhanced. The townhouse blocks will similarly vary in form and density, consisting of stacked, back-to-back and live-work units, and will be varied in terms of block lengths ranging from 3 to 8 units. This will be secured through the lotting pattern of the subdivision and through the design conditions attached to the Draft Plan Approval (see Appendix "D" and Conditions 57-59 of Appendix "E").

The opportunity for higher densities will be permitted within certain locations of the Plan, and given that these multiple dwelling and mixed-use buildings will be subject to Site Plan approval, there will be sufficient opportunity to ensure all pertinent and relevant policies of the Plan are achieved.

With particular reference to two areas of concern, it is noted that specific language to address the concerns of the existing residents along Flanders Drive was included in the OMB decision, as it pertains to the lot sizes of those proposed lots that would be contiguous to the existing units on Flanders Drive. Policy A.9.3.1.2 b) identifies this area as a transition area between the established and proposed development and, as such, requires '*all new lots immediately opposite those on Flanders Drive and Rosecliffe Place have a similar lot width at the point where the new lots are opposite to the existing lots, and in no case shall the lot width at the point opposite to the existing lots be narrower than 18.2m*'. These lots are also required to have a '*maximum building height of 2.5 storeys*'. As detailed in the proposed By-law (see Appendix "B" - Provisions 2.(b) and 2.(c)), these requirements will be achieved and secured.

Secondly, as detailed within the proposed Draft Plan of Subdivision, backlotting is proposed along a small section of Mountain Brow Road and Burke Street. Policies A.9.3.1.1(k) and A.9.4.2(i) discourage the use of reverse frontage lotting patterns, unless it can be demonstrated that no other alternative development form or street patterns are feasible.

With respect to Mountain Brow Road, this road is considered a special character road, based on aspects such as the existing vegetation, their ability to provide transition to the natural area, and their rural cross section. As such, Policy A.9.4.7 states that it is the objective of the plan that the existing rural road cross-section, including existing mature vegetation fronting onto the street, be maintained, where feasible. Through engineering submissions, it was determined that significant changes to the elevation and alignment of this special character road would be required if the proposal were to avoid reverse lotting. As an alternative option, the applicant, therefore, has proposed reverse lotting, which would allow the existing elevation, existing vegetation, and alignment of Mountain Brow Road to remain largely intact. In support of this approach, the applicant has

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submitted a conceptual section and plan views of Mountain Brow Boulevard, and conceptual fence details, in order to ensure the impact of reverse lotting is mitigated.

It is, therefore, considered that in order to balance the competing objectives of the Plan, the Urban Design Brief to be required as a condition of Draft Plan Approval, shall in addition, provide more specific details regarding fence height and materials, and the rear building elevations, in order to demonstrate how the impact of the reverse frontage lots will be minimized (see Appendix "E" - Condition 56). In addition, the Zoning Bylaw will include the prohibition of board-on-board and chain link fencing adjacent to Mountain Brow Boulevard, and restrictions on the size of accessory structures (see Appendix "B" - Provision 4.(o)). It is considered that this approach would successfully maintain the Special Character of Mountain Brow, while also achieving appropriate urban design standards to ensure the reverse lotting proposed is appropriate.

With respect to Burke Road, the applicant was required to eliminate and/or reduce substantially the use of retaining walls. In order to achieve this, reverse lotting has been proposed along a short portion of Burke Road. Similar to the approach above, design conditions of Draft Approval have been recommended to ensure enhanced design for noise walls and elevations are required (see Appendix "E" - Draft Plan - Condition 56).

Finally, a number of lots adjacent the proposed Stormwater Management Ponds have been placed within a Holding provision until such time that staff is satisfied that the sizing of the ponds have been confirmed. This is intended to provide additional flexibility following detailed review and implementation of the engineering submissions (see Appendix "B" - Provision 12.(i)).

On the above basis, it is considered that the proposed residential development of the subdivision satisfactorily meets the intent of the Secondary Plan.

Commercial Designations:

The commercial component of the plan is divided into a hierarchy, differentiating between 'District', 'Mixed-Use Medium', and 'Neighbourhood Node'. The general policies of the plan indicate that the intent of the designations is to support commuting and transit services, and to create neighbourhood identity and focal points. As such, mixed-uses are strongly encouraged with the commercial component at grade and residential uses above. In addition, the amount and scale of new retail development is limited, in order to ensure the commercial areas complement and do not impact on the planned function of established commercial areas of Waterdown. This is achieved through the strategic location of these three designations, in addition to more prescriptive policies detailing the form and function of these areas.

District Commercial:

The District Commercial component is located in the easterly portion of the Secondary Plan, to the east of Grindstone Creek, benefitting from direct frontage onto Dundas Street East. This designation has been planned to accommodate a range of retail and service commercial uses intended to serve the weekly and day-to-day retail and service needs of the residents of the Secondary Plan. Maximum floor capacities are determined within the policies of the Plan to ensure that while the retail and service needs of the Secondary Plan residents are accommodated, the overall impact of this additional retail and service area complements, and does not impact, the existing commercial areas within Waterdown. As reviewed in greater detail in the Analysis/Rationale section of this Report, the range of uses and floor areas requested by the applicant for this designation reflect the intent and direction of the aforementioned policies.

It is noted that a Holding provision has been attached to the implementing By-law for the lands within the District Commercial designation in order to ensure that the timing of the development of the District Commercial lands are commensurate with the intent and planned function of the pedestrian Retail Main Street, located in the “Mixed-Use Medium” Density designation. Staff considers it prudent to have full build out of the Retail Main Street (see Street “A” of Appendix “H”), prior to the full build out of the District Commercial area, in order to ensure the intent of the different commercial areas are achieved.

The Holding provision also identifies that the portion of District Commercial lands abutting Dundas Street East not be developed until such time as the proposed realignment of Grindstone Creek has been approved by the City of Hamilton and Conservation Halton, and the necessary easements, in favour of the City, have been established (see Appendix “B” - Provision 12.(ii).

Mixed-Use Medium:

The “Mixed-Use Medium” designation is located adjacent Dundas Street East, central of the Secondary Plan, divided into two areas, either side of Collector Road “A”. This designation is intended to accommodate a range of residential, commercial, institutional, and service uses. The designation supports either primarily residential or primarily commercial uses, but it envisioned that the area will, over time, evolve into a truly mixed-use area with commercial and residential areas accommodated within the same building or within different buildings within the same lot. Notwithstanding this, policies within the Secondary Plan limit stand-alone residential areas along the intended Retail Main Street (see Street “A” of Appendix “H”). The intent for this street is to accommodate the planned function of a pedestrian-oriented Retail Main Street and, as such, a number of polices related to the form and function apply, in particular, to this street.

The general intent of the Retail Main Street is to have commercial uses at grade, and have the buildings located within close proximity to the street in order to provide a conducive design element that promotes the walkability and experience of a traditional main street. Such elements would also include the encouragement of Parking at the rear, as well as wider sidewalks and additional landscaping and enhanced street furniture.

The Draft Plan of Subdivision and implementing By-law proposed would, in addition to the requested subdivision conditions, ensure that the intent and function of the designation is achieved. In particular, the By-law, as it pertains to the Retail Main Street, has established a number of provisions, including minimum setbacks and range of permitted uses, which will satisfactorily achieve the planned function and design of this Street. These provisions are discussed in more detail in the Analysis/Rationale section of this Report.

Neighbourhood Node:

The “Neighbourhood Node” designation is to function as a neighbourhood focal point, which meets the day-to-day commercial needs of nearby residents and those within walking distance. Consequently, the form, function, and location of these designations are noticeably different to that of the “District” and “Mixed-Use Medium” designations. The Neighbourhood Nodes are located within the interior of the Secondary Plan area, and are significantly smaller in area. While they continue to have frontage on Collector/Arterial roads for access purposes, the intent is clearly to encourage access by pedestrians who reside in the immediate residential areas. Similar design objectives of the other two commercial designations are incorporated within this designation, including contemplation of reduced Parking rates, with Parking located toward the rear of properties, and the buildings brought forward to the building line. Emphasis is placed on convenience type commercial uses, as well as live-work and medium density housing forms. On this basis, given that both residential and commercial forms are intended to co-exist, and endorsed through the amending By-law (see Appendix “B” - Provision 7.6.3), warning clauses have been recommended to be placed on all Purchase and Sale Agreements for residential units within this designation (see Appendix “E” - Condition 64). The warning clauses are intended to inform prospective purchasers that such commercial uses are permitted as-of-right, and potentially would not require a public process in order to be implemented.

In addition, design policies of the plan encourage a village square approach, whereby a meeting place, in the form of a Parkette, has been proposed by the applicant in proximity to the node located at the intersection of Burke and Skinner. This Parkette will be constructed and maintained by the applicant, and will not form part of the Parkland dedication requirement.

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It is considered that subject to further review of the design, through appropriate design conditions attached to the Draft Plan Approval (see Appendix “E” - Conditions 56-58), this approach satisfies the intent of the Plan design policies. Further, the remaining nodes and associated village square requirements will be addressed through the above discussed conditions of Draft Plan and Site Plan approval.

Pedestrian Trail System, Sidewalks, and Bicycle Paths:

The Secondary Plan requires the implementation of measures to facilitate pedestrian movements to encourage more active lifestyles and a sustainable community. As such, through implementation of the proposed Draft Plan and subsequent recommended conditions of approval (see Appendix “E” - Conditions 65-66), the incorporation of bicycle paths, trail system, and sidewalks will be required and secured to serve the community and provide linkages to the open spaces and Parks developed within the subdivision.

On the basis of the above, the proposed development is considered to conform with the Urban Hamilton Official Plan, in general, and the Waterdown South Secondary Plan, in particular.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Operations and Waste Management Division, Public Works Department.
- Union Gas.
- HydroOne.
- Canada Post.
- Bell Canada.

Recreation Division (Community Services Department):

Recreation Planning staff advises that the Park locations were set by the Waterdown South Secondary Plan, and are evenly distributed throughout the community. The Park sizes generally meet the size requirements for a Neighbourhood Park. Recreation Planning staff is pleased to see that the school block has frontage on two roads, making it more accessible and visible in the community.

The Secondary Plan shows the lots fronting onto Mountain Brow Road as part of a Special Character Road area. In addition, given the rural cross-section, a 4m, multi-use path was also shown on the Secondary Plan along Mountain Brow Road.

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The applicant should be advised that Cash-in-Lieu of Parkland Dedication will be payable at the Building Permit stage, and will be addressed through the Draft Plan of Subdivision.

Environment and Sustainable Infrastructure Division (Public Works Department):

It is requested that all road widenings, as detailed in the requisite Official Plans, be taken. In addition, it is noted that a trail is to be constructed along the Hydro Corridor, which is to be a minimum of 4m wide granular path either side of the proposed Open Space block. This is included within the Draft Plan Conditions (see Appendix "E" - Conditions 65-66).

Forestry and Horticulture Section (Public Works Department):

Submission and approval of a Tree Management Plan shall be required as a Condition of Draft Plan Approval. This is secured through the Standard Form Subdivision Agreement.

Corridor Management (Public Works Department):

With respect to the zoning application, Traffic staff raised no concern or comments.

With respect to the proposed Draft Plan of Subdivision, Traffic staff recommended that a number of conditions be attached to any approval. While the majority of conditions and issues have been addressed, the construction of a roundabout has not been recommended by Planning staff on the basis of land use and design objective concerns.

Hamilton Municipal Parking Services (HMPS):

HMPS has no concerns with the Zoning Amendment, provided it does not preclude the applicant from providing adequate Parking for these units.

An on-street Parking plan, showing the location of all proposed Parking spaces, fire hydrants, and 'super mailboxes' (if applicable) will be required. Parking in front of fire hydrants and mailboxes is prohibited. Parking along the perimeter of a Park or school property is prohibited, unless the property is fenced.

A minimum of 6.5m between driveways is recommended to accommodate a Parking space and comfortable manoeuvring room for residents accessing their driveways (particularly in winter conditions).

All driveways and garages should be appropriately dimensioned to ensure their use for Parking.

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These issues will be addressed and secured through approval of the Draft Plan Conditions.

Fire Department (Community and Emergency Services Department):

A proposed new Fire Hall is included within the Draft Plan of Subdivision. Discussions with the Fire Department indicated that direct access and priority signals are a requirement. Although the proposed location currently is not intended to have a signalized intersection, review of the development at the Site Plan stage will ensure all necessary site requirements are provided.

Hydro One:

Staff at Hydro One has confirmed, that subject to standard conditions, they have no concerns. Planning staff notes that one SWM pond is bisected by the Hydro Corridor and, therefore, has requested the applicant follow up directly with the Hydro Company in order to ensure such a layout meets with their approval.

Niagara Escarpment Commission (NEC):

Comments received from the NEC have determined that their interests were secured through their involvement in the Secondary Plan process. They reserve the opportunity to comment with respect to the proposed water tower and any required visual impact assessments that would be required to allow additional heights of structures.

It is noted that a Holding provision has been included in the recommended Zoning By-law ensuring additional height above 8-storeys is not permitted until an approved Visual Impact Assessment has been submitted, to the satisfaction of the Director of Planning (see Appendix "B" - Provision 12.iii). It is considered that his would satisfactorily address the comments of the NEC.

Hamilton-Wentworth Public School Board (HWDSB):

Discussions with representatives at the HWDSB have confirmed that the Board maintain interest in the proposed school site and are satisfied with the proposed location, which is in conformity with the approved Secondary Plan. The HWDSB maintains concerns and seek assurances that the lands are graded and not used for the stockpiling of materials. Through the Standard Form Subdivision Agreement, the City ensures all lands are graded in accordance with the approved grading plans, and further, are responsible for approval of fill and stockpiling plans and, as such, it is considered that the concerns of the HWDSB are sufficiently addressed.

Standard HWDSB conditions of approval have been attached to the approval (see Appendix "E" - Conditions 75-78).

Conservation Halton:

Conservation Halton has provided detailed comments with respect to the proposal (see Appendix "G). The information and issues are discussed in detail within the Analysis/Rationale section of this Report.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 146 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120m of the subject property on June 8, 2012, requesting public input on the application. A further amended notice, including a copy of the Draft Plan of Subdivision was circulated on July 20, 2012. To date, six comments have been received, and have been included in Appendix "F".

Two principle concerns were raised within the six letters. Five of the letters/emails were from residents located on Flanders Drive and George Street. These concerns regard the general impacts of the development and, in particular, the lot sizes of proposed units adjacent Flanders Drive. The remaining letter concerned the impacts upon development potential for the land owner of 518 Dundas Street East (see Appendix "F"). These concerns are discussed in the Analysis/Rationale for Recommendation section of this Report.

Further, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It conforms to the Places to Grow Plan, and is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Regional Official Plan;
 - (ii) It conforms with the Town of Flamborough Official Plan; through implementing the intent of the Waterdown South Secondary Plan; and,
 - (iii) It is compatible with the existing and planned development in the area.
2. Waterdown Bay Secondary Plan:

The Waterdown North Secondary Plan was subject to an appeal to the OMB. The OMB final approved the Secondary Plan in August 2012. Given that this is a recent Secondary Plan created and approved through extensive consultation and

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mediation with the land owner, as well as the community, direction on the anticipated development for this area is clear and detailed.

As discussed in the Policy Implications section of this Report, the proposed arrangement of land uses and densities satisfactorily achieves the intent of the Secondary Plan.

3. Zoning By-law Amendment:

Given the level of detail contained within the applicable Secondary Plan, in addition to the scale of development, consisting of almost the entire balance of lands within the Secondary Plan, the accompanying By-law is extensive (see Appendix “B”). This ensures that sufficient control has been exerted over each proposed zoning designation, and ensures conformity with the recently approved Secondary Plan, which in itself, regulates not only a number of different residential forms and densities, but also regulates the form and scale of commercial development.

In order to present the extensive By-law in a more palatable form, the following table, dividing the varying residential and commercial uses, along with their performance standards intended to further regulate their scale and density, has been detailed below. It should be noted that a number of generally accepted performance standard modifications detailed in the residential table have been requested and approved, most notably in recent subdivisions within the North Waterdown Secondary Plan Area, and that in general, the performance standards requested for this development meet or exceed those previously approved development standards.

Residential Zones:

Table 1.1 Standard “R1” Urban Residential (Single Detached) and “R4” (Semi-Detached and Link) By-law Requirements

Zone	Permitted Uses	Minimum Frontage	Front yard Set back	Rear Yard Setback	Max. Height
“R1” Urban Residential (Single Detached)	Single Detached	18m	7.5m	7.5m	11m
“R4” Urban Residential (Semi-Detached and Link)	Link Dwelling	9.5m	7.5m	7.5m	11m
	Semi Detached	6.7m	7.5m	7.5m	11m

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Table 1.2 Proposed “R1” Urban Residential (Single Detached) By-law Requirements

Zone	Permitted Uses	Minimum Frontage	Front yard Set back	Rear Yard Setback	Max. Height
R1-62 (Blocks 1 and 18 of By-law Schedule)	Single Detached	18.2m	3.0m, except 5.8m to an attached garage or attached carport	7.0m	2 ½ storey height max.
R1-63 (Blocks 2 and 19 of By-law Schedule)	Single Detached	15.24m	3.0m, except 5.8m to an attached garage or attached carport	7.0m	10.5m height max.
R1-64 (Blocks 3 and 17 of By-law Schedule)	Single Detached Semi Detached Street Townhouse	<u>Single</u> : 11.5m <u>Semi</u> : 7.5m <u>Street Townhouse</u> : 5.5m	3.0m, except 5.8m to an attached garage or attached carport	7.0m	2 ½ storey height max.
R4-6 (Blocks 4 and 14 of By-law Schedule)	Single Detached Semi Detached Street Townhouse	<u>Single</u> : 11.5m <u>Semi</u> : 7.5m <u>Street Townhouse</u> : 5.5m	3.0m, except 5.8m to an attached garage or attached carport	7.0m	3 storey height max.

As detailed above, additional uses in the form of semi-detached and townhouses, will be permitted within certain “R1” and “R-4” Zones. It is considered more appropriate to place these uses within these zones, as opposed to rezone the blocks to a zone which already permits the uses, as it is intended that these blocks maintain a low density character. As such, although reductions to the standard provisions are requested (most notably lot frontage, height, and front yard requirements), it is considered that these modifications are reasonable, maintain the principles of new urbanism, and satisfactorily achieve the intent of the Secondary Plan designations.

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Finally, although not detailed above, modifications to the required side yards are proposed. The provisions, as requested, have been tailored to ensure they meet the intent of the new grading and drainage policy requirements with respect to accommodating overland flow routes.

Table 2.1 Standard “R6” Medium Density Residential Zone By-law Requirements

Zone	Permitted Uses	Minimum Frontage	Front yard Set back	Rear Yard Setback	Max. Height
“R6” Medium Density Residential Zone	Townhouse	30m	7.5m	7.5m	11m
	Street Townhouse	6.5m	7.5m	7.5m	
	Apartment Building	30m	7.5m	7.5m	
	Quadruplex	20m	16m	6m	
	Retirement Home	30m	10m	7.5m	

Table 2.2 Proposed “R6” Medium Density Residential Zone By-law Requirements

Zone	Permitted Uses	Minimum Frontage	Front yard Set back	Rear Yard Setback	Max. Height
R6-30 (Blocks 5 and 13 of By-law Schedule) MD2 - BLOCKS	Single Detached	11.5m	3.0m, except 5.8m to an attached garage or attached carport	7.0m	3 storeys
	Semi Detached	7.5m			3 storeys
	Street Townhouse	5.5m (Unit)			4 storeys
	Townhouse	30m (Block)			4 storeys
	Stacked Townhouse	30m (Block)			4 storeys

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	Maisonette	30m (Block)	3.0m		4 storeys
	Low Rise Apartment	30m (Block)			4 storeys
R6-31 (Block 6 of By-law Schedule) Neighbourhood Node	Retail* Personal Service* Repair Shop* Dry Cleaner* *: ground floor only Office Street Townhouse Townhouse Stacked Townhouse Apartment Building Live-Work Unit	<u>Freehold:</u> 5.5m <u>Block:</u> 30m	0.0m, except 5.8m to an attached garage or attached carport	7.0m (except 3.0m when abutting a Park Designation)	4 storeys
R6-32 (Blocks 7 and 15 of By-law Schedule) Street Town Houses Along Creek	Street Townhouse	5.5m	3.0m, except 5.8m to an attached garage or attached carport	7.0m	4 storeys

As detailed in the above table, a number of uses have been added to the standard “R6” Zone and defined through the implementing By-law, including stacked townhouses, live-work units, and limited commercial uses. The accommodation of these uses, particularly in the “Neighbourhood Nodes”, is in recognition of the Secondary Plan, and the intent to facilitate more compact and sustainable communities through the accommodation of mixed-uses in appropriate locations.

With respect to the density of development, it is considered that the proposed heights, lot frontages, rear yard depths, and front yard setbacks are all consistent with recent approvals within the Urban Area of Waterdown for Greenfield development, and represent an appropriate mix of development consistent with

the objectives of Provincial legislation, and more specifically, policy objectives of the South Waterdown Secondary Plan.

It is noted that within the Neighbourhood Node areas, rear yards are able to be further reduced to 3.0m when abutting a “Park” designation. With respect to the Draft Plan, the Park Block abutting the Neighbourhood Node would be for the purpose of creating a Village Square, a design component intended to act as a meeting place for members of the community. It is considered that the character of these areas (mixed-use), with the additional requirement for a ‘Village Square’, which in themselves provide amenity and open areas, are considered appropriate. This Park would not be considered as part of the Parkland designation.

Commercial Zones:

Given the prescriptive Secondary Plan policies governing the type and form of commercial development within the South Waterdown Plan area (discussed in the Policy Implications section of this Report), inclusion of the standard Urban Commercial Zone provisions, for reference purposes, fails to provide any meaningful context on which to evaluate the requested modifications, particularly as the majority of the provisions are intended to fulfil the Secondary Plan objectives.

The commercial areas have been divided into three main components, being: “Mixed-Use Medium” (outside of retail main street), “Mixed-Use Medium” (Retail Main Street), and “District Commercial”. The “Mixed-Use Medium” component covers both an intended retail main street (Street “A”) and a general retail area. The retail main street (as discussed in greater detail in the Policy Implication Section of this Report) is intended to create a pedestrian-oriented environment, characterized by buildings close to the street, wider sidewalks, and generous landscaping. The opportunity for residential development is in the form of units located above the retail/commercial uses, with parking accessed from the rear.

Urban Design Guidelines secured through conditions of draft approval (see Appendix “E” - Conditions 56-58), and ultimately implemented through Site Plan Approval, will ensure that the character and function of the retail main street, as envisioned, is achieved.

The following provisions, therefore, are considered appropriate, based on the understanding that they facilitate the type and form of commercial development, as envisioned within the Plan area.

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Table 3.1 Commercial Zones

Zone	Secondary Plan Designation	Permitted Uses	Density	Minimum Frontage	Special Provisions
UC-12 (Block 8 of By-law Schedule)	Mixed-Use Medium (outside of retail main street)	Commercial Uses per UC Zone Apartment Building Gas Bar Accessory Car Wash	60 - 200 upnrh for exclusive residential development	9.0m	8 storey height max.
UC-13 (Block 9 of By-law Schedule)	Mixed-Use Medium (Retail Main Street)	Commercial Uses per UC Zone Live-Work Unit	60 to 200 upnrh <u>Floor Space Index</u> : Max. of 2.5 times the lot area	6.0m	8 Storey height max. Minimum Gross Leaseable Floor Area of 3,600 sq. m. of retail and service commercial use
UC-14 (Blocks 10 and 16 of By-law Schedule)	District Commercial	Commercial Uses per UC Zone Auto Service Station Gas Bar Accessory Car Wash Live-Work Unit		9.0m	Maximum of 9,300sq. m. while 'H' in effect, increase to 16,000 sq. m.

A number of areas within the subdivision plan are being zoned for Parkland, Conservation, Institutional and Infrastructure (stormwater management ponds/water tower) purposes. Consequently, they will be assigned zones currently within Hamilton Zoning By-law No. 05-200. There are no requested modifications to these standard zones beyond including a water tower as a permitted use (see Appendix "C"). This is consistent with similar developments within the recent North Waterdown Secondary Plans.

Finally a Holding provision has been attached to the District Commercial designated lands in order to ensure that the timing of the development of the District Commercial lands are commensurate with the intent and planned function of the pedestrian Retail Main Street, located in the “Mixed-Use Medium Density” Designation. Staff considers it prudent to have full build out of the retail main street (see Street “A” of Appendix “D”) prior to the full build out of the District Commercial area, in order to ensure the intent of the different commercial areas are achieved.

4. Subdivision:

As discussed earlier in the Report, the subdivision application was previously appealed for non-decision. As such, it is noted that final approval of the Subdivision rests with the OMB. Notwithstanding this, staff has provided a list of Draft Plan Conditions deemed appropriate and necessary to implement the development, in general, and the By-law, in particular. Consequently, staff recommends that the attached conditions be endorsed by Committee and Council, in addition to the approval of the attached Zoning By-law; and that these two appendices be forwarded to the OMB for consideration of the outstanding appeals.

The Conditions recommended cover a range of engineering, traffic, design, and environmental issues (see Appendix “E”), and are considered prudent in order to ensure that the intent of the Secondary Plan is maintained; and further, that the impacts of the intended development are sufficiently controlled and mitigated in order to minimize any potential adverse impacts. As such, it is staff’s position that the approval of the subdivision would satisfy the following requirements, as detailed within the Planning Act.

Staff has had consideration for the criteria contained in Sub-section 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advises that:

- (a) It complies with the Provincial Policy Statement;
- (b) With the imposition of Conditions of Draft Plan Approval respecting phasing, it will be a logical and timely extension of existing development and services, and is in the public interest;
- (c) It conforms with the policies of the Official Plan;
- (d) The lands can be appropriately used for the use for which it is to be subdivided;

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- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the lots are appropriate;
- (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, Conditions of Draft Plan Approval, and Subdivision Agreement;
- (h) Flood control, and detailed review of the Creek Crossing, will be addressed through stormwater management plans and further engineering review that will be required as Conditions of Draft Plan Approval;
- (i) Adequate municipal services are available, the particulars of which will be determined as part of the standard Conditions of Draft Plan Approval and Subdivision Agreement;
- (j) School Boards have not expressed any concerns regarding the adequacy of school sites available to accommodate the anticipated student yield of this subdivision;
- (k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision;
- (l) Efforts will be made, where possible, during development and thereafter to efficiently use and conserve energy; and,
- (m) Site Plan Control will be applied to a number of Blocks within the Subdivision Plan concerning both commercial and residential development within this subdivision.

Traffic:

In support of the application, the applicant submitted a Traffic Impact Study compiled May 2012. The Study was intended to fulfil Policy A.9.9.1(e) of the Secondary Plan, which required a transportation analysis of intersection requirements and timing of external road improvements, while also comprehensively taking into account the *Waterdown South Transportation Study*.

The study concludes that the arterial and collector road system will accommodate the area wide traffic and the local subdivision traffic. Further, that the Waterdown Bay Subdivision can be accommodated, at good levels of service, at the access intersections proposed on Dundas Street.

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Traffic staff has reviewed the study and the proposed development and made a number of observations. In particular, they note that they have no comments with the proposed zoning application. However, they have identified a number of issues to be addressed through the conditions of approval to be attached to the Draft Plan of Subdivision.

The majority of concerns can satisfactorily be addressed through appropriate Draft Plan Conditions, which include, but are not limited to the following: requirement of bike lanes, street widenings, alignment of Street "B" with Pamela Street, and the restricted access to a number of blocks.

However, included within the comments from the Traffic Engineering and Operations Section of Public Works was the request that the applicants pursue an analysis of the installation of a roundabout on Street "A", at the intersection of Streets "B" and "D", and at Skinner Road and the proposed road located on the lands to the east (Collector Road B of the Secondary Plan - Appendix "H").

As detailed in the Transportation policies of the Secondary Plan, it is the policy of the City of Hamilton to consider roundabouts where a study confirms they are feasible, appropriate, and advantageous in terms of traffic flow, traffic safety, community design, or environmental considerations. On this basis, it is noted that the *Waterdown South Secondary Plan Area Transportation Study* recommended roundabouts along Burke Street at Collector Road C and Skinner Road. Both these roundabouts have been included in the proposed Draft Plan of Subdivision. However, it is further noted in the Secondary Plan that as part of the Transportation Study either stop controls or roundabouts are appropriate options for the intersections of Collector A/Skinner Road and Skinner Road/Collector Road B.

It is Planning staff's opinion that from a design perspective, a roundabout is not a preferred option at Street "A". More specifically, the built form design of this development, at this identified 'Gateway' location, is intended to provide for a pedestrian-oriented retail main street, as detailed within the Secondary Plan. As such, the location of a roundabout would, in the opinion of Planning staff, significantly prejudice the form and function of this street, and would negatively impact the design objectives. Accordingly, Planning staff has excluded any references to a roundabout requirement for this location in the conditions of approval.

Traffic staff, in response to this position, noted that in adopting the Secondary Plan, Community Planning commissioned a Traffic Study for these lands. The approved Traffic Study, prepared by iTrans, was received in February 2010.

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The Report indicated, under two-way stop control, Streets B and D would operate at an Operating Service C. This is considered acceptable side-street delay, however, at the time of the Study, Street D intersected with Dundas Street and was not a cul-de-sac; therefore, an additional 150 p.m. trips needed to be included in the analysis. Based on this, Traffic staff suggests that should side-street delay become problematic in the future, the network spacing would not allow many options for providing appropriate solutions.

Based on this, Traffic staff continues to pursue a roundabout at this location in order to ensure effective long term operation of the Street "A" corridor, noting in particular, that implementing a roundabout during Greenfield construction is more cost-effective than retro-fitting after build out. Furthermore, Traffic staff notes that signals may affect traffic calming given the distance between Skinner Street and Dundas Street, and the fact this could increase speeding issues. It is the position of Traffic staff that the inclusion of a roundabout would, therefore, also serve to address this concern.

Notwithstanding this position, based on the above justification, Planning staff maintains that the inclusion of the roundabout is not desirable and would compromise the design and land use objectives of the pedestrian corridor. As such, reference in the Draft Plan Conditions, with respect to a roundabout at this location, has not been recommended.

With regard to the request for a roundabout at the intersection of Skinner Street with the lands to the east (identified as Collector Road "B" in the Secondary Plan), this has been recommended as a Draft Plan condition, such that the applicant demonstrates the required land dedications necessary for a roundabout at this intersection. It is noted that the applicant maintains concern with this condition, and is of the opinion that signalization is their preferred intersection treatment. Unless agreement can be made with respect to Condition 12 of the Draft Plan Approval (see Appendix "E"), this matter will need to be resolved through submission of evidence at the Ontario Municipal hearing.

Engineering:

There is no land dedication required for road widening purposes from the subject lands along this section of Dundas Street East at this time. Currently, Dundas Street East has a semi urban cross section adjacent to the subject lands. More specifically, there are existing curb and sidewalks along the north side of the street and rural cross section along the south side of the street adjacent to the subject lands.

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In addition, the future intersection of Dundas Street East with the East-West transportation corridor is identified in the vicinity of the proposed cul-de-sac of Street 'D'. As a condition of development of the subject lands, the owner will be responsible for all urbanization works within the Dundas Street East right-of-way (south side), including, but not limited to, installation of curb, sidewalk, turning lanes, traffic signals, street lights, storm sewer, etc., at the owner's expense, to bring the street to a full urban cross section adjacent to the subject lands.

The owner will be required to construct a portion of Mountain Brow Road from Flanders Drive to Burke Street as a part of the proposed development, including required upgrades to the intersection of Mountain Brow Road with Mill Street and Waterdown Road. It is noted that the cross-section for Mountain Brow Road to the south of the roundabout is not provided in the Functional Servicing Report. Any proposed cross-section should reflect the preferred design concept identified in the Waterdown Road Class EA Assessment.

It is noted that the curvature of Street 'D' of the proposed Draft Plan (see Appendix "D") is not acceptable and should be lessened in order to avoid potential traffic conflicts. It has been raised with the applicant, and it is anticipated to be red-lined revised through the post Draft Plan Approval process.

Further, it is noted that there is significant difference in the vertical alignment of Mountain Brow Road, provided in the Class EA document, to the proposal included in the drawing submitted in support of the overall grading concept for this portion of the Draft Plan lands. It appears that proposed centreline elevations are approximately 4.0m higher at the proposed bend than the preliminary grades established in the Class EA document, which will require adjustment by additional land acquisition or installation of retaining walls to facilitate this proposal (the latter is not supported staff).

The Modified Draft Plan of Subdivision, dated May 31, 2013, considers the option of shifting the proposed right-of-way northerly as a way to reduce the grade differential and land requirements on the south side of Mountain Brow. Additional cross sections shall, therefore, be provided to confirm that the proposed side slope on the road embankment complies with the City Guidelines. This will be required as a condition of Draft Plan Approval.

With respect to the proposed multi-use trail, it is noted that this should be extended along the south side of the proposed right-of-way, adjacent to the Conservation lands, to connect to the Bruce Trail in the vicinity of Flanders Drive. The access to the existing private property at 376 Mountain Brow Road shall also be addressed as a part of the engineering design for this section of the street. Both these items will be addressed through Conditions of Draft Plan Approval.

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With respect to the proposed phasing, it is the opinion of staff that it shall not prevent completion of the works on the District Water Tower. Therefore, the owner shall, as part of Phase 1B, construct Street 'A', and extend Skinner Road to Block 884. Discussions with respect to phasing are on-going with the applicant, and will be resolved through either the proposed Draft Plan condition (see Appendix "E" - Condition 3) or through the OMB hearing.

Finally, the FSR also identifies the requirement of a temporary connection from Street AE of the Draft Plan to Mountain Brow Road to stage servicing of Burke Street. This particular plan is not acceptable to the City, as it will route development traffic and external traffic through the local road system. The City will expect that the Burke Street extension is completed first (see Appendix "E" - Condition 3).

Environmental Impacts:

Given that the Secondary Plan Area contains a number of significant natural heritage features, including two Environmentally Significant Areas, a scoped Environmental Impact Study and Tree Inventory, dated July 2012 and April 2012, respectively, were submitted, in support of the application. Of particular note was the intended Creek Crossing proposed along Street "A".

The documents were reviewed by ESAIEG on September 13, 2012, who were generally satisfied with the reports and recommendations, subject to the requested conditions (see Appendix "E" - Conditions 79-81).

Conservation Halton has reviewed the submission and made a number of comprehensive and detailed comments. The comments, (see Appendix "G") conclude that while a number of the outstanding issues can be dealt with through Conditions of Draft Plan Approval, Conservation Halton, before they will formally provide Conditions of Draft Plan Approval, first requires additional information regarding the following five items:

1. Water balance report;
2. Stormwater management block sizing;
3. Usage of retaining walls;
4. Channel block sizing; and,
5. Karst treatment.

It is the opinion of staff that as the Draft Plan of Subdivision is currently before the Board, determination of the outstanding items will be a matter to be resolved either through mediation or submission of evidence.

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Furthermore, it is noted that the recommended implementing By-law has included the use of Holding provisions. It is the opinion of staff that the Holding provisions, in addition to the Conditions of Draft Plan Approval, will address a number of the above issues, and allow them to be satisfactorily resolved following Draft Plan Approval. These include the following:

- All lots contiguous to a proposed SWM pond would be subject to a Holding provision. The Holding provision would be removed upon additional detailed information confirming that the pond sizes are sufficient. The intent is to ensure that should the pond blocks require resizing, there would be an opportunity to include lands currently intended for lots.
- As detailed below, the area identified as a karst sink hole, and the lands surrounding it, will be placed in a Holding provision to ensure the limits of the karst feature are accurately and appropriately addressed.
- The channel block proposed to be aligned through the District Commercial block (both existing and proposed alignment) will be placed under a Holding provision to ensure the Conservation Authority and City of Hamilton are satisfied with the location of the realigned creek.

Given the above, and the position of staff regarding all other matters, staff continues to lend their support to the proposal, subject to the above issues being resolved. On this basis, staff is of the opinion that they have satisfied the agreement, as determined in the Memorandum of Understanding between the Conservation Authority and the City of Hamilton.

Karst Hazard Area:

The applicant submitted a Karst Assessment (*Mountainview Heights: Karst Assessment and Contingency Plan for GS-1 Branch 3 (Karst Area G), Waterdown, Ontario*), which is located adjacent to the proposed District Commercial block. As raised within Conservation Halton's comments, the intent of the proposed By-law is to ensure that the sinkhole, as defined in the Karst Report, and appropriate development setbacks determined by the Karst experts, is to be zoned within a P5 Hazard/Conservation Zone. It is considered that his approach would satisfactorily address the outstanding concerns as they relate to this feature.

In order to ensure the correct limits of the hazard are identified, the area containing the karst feature and a portion of surrounding lands will be placed within the P5 Hazard/Conservation Zone, in accordance with the provided Karst Assessment. In addition, a Holding provision will be recommended for the adjacent lands, to be zoned for District Commercial, until such time as additional

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information from the karst specialist determines and remediates the actions necessary to address the sink hole issue (see Appendix “B” - Provision 12.ii))

Burke Street Alignment/Widening:

Concern has been raised with respect to the potential impact of the alignment of Burke Street, as it pertains to those lands owned by Conservation Halton outside of the Secondary Plan Area. It is noted that the alignment of Burke Street was subject to a comprehensive EA process, and further, that sufficient permits and approvals are necessary, prior to any potential development that may affect Species at Risk, taking place.

Retaining Walls:

Given the grading and drainage requirements, and the proposed engineering solutions, it is apparent that retaining walls will be necessary within certain areas of the subdivision. It is the intention of the City of Hamilton to avoid, where possible, and limit, where necessary, the use and scale of retaining walls. Currently the Draft Plan of Subdivision would utilize retaining walls along the cul-de-sac shown as Street “H”. Consequently, Condition 37, as recommended in the Conditions of Draft Plan Approval, requires further review and potential reductions in the use of retaining walls.

In addition, a Holding provision is recommended for those lots adjacent to Pond 5, which require retaining walls. This is considered to ensure that the maintenance of the walls and the impact of water balancing do not affect the wetlands or regulated areas (see Appendix “B” - Provision 12.ii)).

Finally, By-law provisions are also recommended such that any lot with a retaining wall higher than 1m would not be permitted to conduct any on site engineering works (e.g. pool construction) until such time as they submit and have approved additional engineering plans (see Appendix “B” - Provision 3. - General Provisions). This is in order to ensure that the integrity and continued function of the retaining walls remains unaffected.

Parkland:

There are three Neighbourhood Parks that have been identified within the Secondary Plan and provided within the proposed Plan of Subdivision. In addition, two smaller Parkettes are proposed, which are not a requirement of the Secondary Plan.

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The Parkettes are located at Burke Street and Skinner Road, and at the terminus of Collector Road "A". They are intended to form part of the Neighbourhood Nodes, which have been identified within the Secondary Plan as an area that should benefit from a public meeting place. These Parkettes will, therefore, be zoned accordingly in order to ensure they maintain the intent of the designation. The Parkettes will, however, not be considered as part of the Parkland dedication.

On this matter, Legal staff has drawn attention to the existence of a Memorandum of Agreement that was entered into by the landowners and Town of Flamborough with respect to the ability to compensate buffer areas and open space areas in the calculation of Parkland. Typically, in accordance with Parkland Dedication By-law 09-124, such areas are not calculated within the dedication provisions. Given that this is a legal matter, staff notes that this will be addressed through submission by Legal Counsel, and that any decision on the outcome be honoured by the proposed Draft Plan condition (see Appendix "E" - Condition 69).

Staging of Development:

As per Policy A.9.9.4, a number of requirements are contained within the Secondary Plan with respect to Staging of Development. As already discussed, the commercial development will be staged in order to ensure the retail main street is developed, as intended.

In addition, policies within this section of the Plan require that all development proceed in a manner that ensures services and infrastructure is within fiscal capabilities of the City of Hamilton. This has been secured through the engineering review and subsequent recommended Draft Plan Conditions.

Finally, it is noted in Policy A.9.9.4.e) that until Burke Street is connected to Mountain Brow, or alternatively, until Skinner Road is connected to Dundas Street, a maximum of 250 units can be constructed. As this maximum threshold was established in the earlier phase, the connection must now be established prior to the development of any additional units. Consequently, through the phasing approvals, as required within the engineering Conditions of Draft Plan Approval, this connection will be secured prior to any further units being constructed.

5. Public Comments:

In response to the pre-circulation of the application, six written comments were submitted to staff for consideration (see Appendix “D”). Five of the six concerns were related to the impact of the development and, in particular, highlighted the intent of the Secondary Plan to specifically address the issue of lot size and development form for those proposed lots immediately opposite the existing development along Flanders Drive.

As detailed in the review of the plan against the Secondary Plan objectives, it is acknowledged that specific policies within the Secondary Plan require a minimal lot width (18.2m) and maximum height (2.5 storeys) be governed through the amending By-law. As detailed within Appendix “B” - Provisions 2.(b) and (c), this intent has been secured.

The remaining letter raised concern with respect to the development potential for the lands located at 518 Dundas Street East. It is considered that the proposed Draft Plan, which currently proposes access to these lands through an internal cul-de-sac, in addition to the fact the property has direct frontage onto Dundas Street East, does not preclude the development potential of these lands. It is noted that the potential of the lands to develop is currently limited by the existence of environmental features within this site and, as such, at the time of development, development proposals will need to address and mitigate any potential impact on the environmental features.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the applicant would have the option to utilize the lands in accordance with the provisions of Agricultural “A”, Conservation Management “CM” Zone, Parkway Belt Open Space ‘O1” Zone, Automotive Commercial “AC” Zone, and the Highway Commercial “HC-5” Zone.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

APPENDICES / SCHEDULES

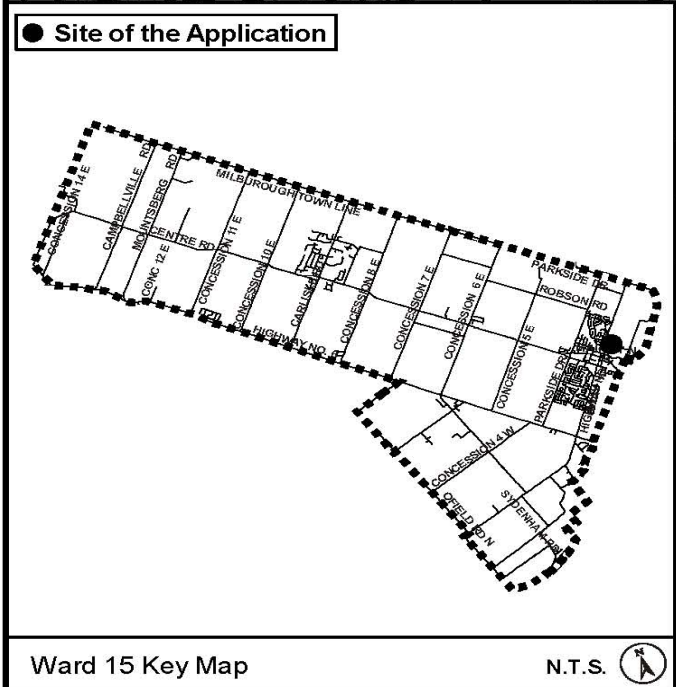
- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law (90-145-Z)
- Appendix "C": Draft Zoning By-law (05-200)
- Appendix "D": Draft Plan of Subdivision
- Appendix "E": Draft Plan of Subdivision Conditions
- Appendix "F": Public Consultation Letters
- Appendix "G": Conservation Halton Comments
- Appendix "H": Waterdown South Secondary Plan

:EJ


Attachs. (8)



Regional Municipality of Hamilton



Location Map



Hamilton


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


File Name/Number: ZAC-12-013 / 25T-200513	Date: July 10, 2012
Appendix "A"	Scale: N.T.S.
Planner/Technician: KM / KA	

Subject Property

392, 488, and 530 Dundas Street East, Flamborough

 **Block 1:** Lands subject to revised subdivision application 25T-200513 and Zoning application ZAC-12-013 for a change in Zoning from the Agricultural "A" Zone, Conservation Management "CM" Zone, and Highway Commercial "HC-5" Zone, modified to permit Residential and Mixed Use Zones at varying densities in addition to Institutional and Conservation uses.

 **Block 2:** Lands Subject to Zoning Application and subdivision application ZAC-05-066 / 25T-200513, currently under appeal.

 Municipal Boundary

Appendix "B" to Report PED13140 (Page 1 of 63)
By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

Authority: Item [REDACTED]
Planning Committee
Report 13-[REDACTED] (PED13140)
CM: [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at 392, 488 & 530 Dundas Street East, Concession 3,
Part of Lots 2, 3, 4, & 5 (East Flamborough), in the former Town of Flamborough,
now in the City of Hamilton**

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

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

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

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Ontario Municipal Board on August 16, 2013, in accordance with the provisions of the Planning Act.

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By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

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

1. That Schedule "A-31" and "A-32", attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended:
 - (a) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-62" Zone, for lands comprised in **Block "1"**;
 - (b) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-63" Zone, for lands comprised in **Block "2"**;
 - (c) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-64" Zone, for lands comprised in **Block "3"**;
 - (d) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential (Semi-Detached & Link) "R4-6" Zone, for lands comprised in **Block "4"**;
 - (e) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-30" Zone, for lands comprised in **Block "5"**;
 - (f) by changing from the Agriculture "A" Zone to the Medium Density Residential "R6-31" Holding Zone, for lands comprised in **Blocks "6"**;
 - (e) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-32" Zone, for lands comprised in **Blocks "7"**;
 - (f) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Commercial "UC-12(H)" Zone, for lands comprised in **Block "8"**;
 - (g) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Commercial "UC-13" Zone, for lands comprised in **Block "9"**;

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By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (h) by changing from the Agriculture "A" Zone, Highway Commercial "HC" Zone, and the Conservation Management "CM" Zone to the Urban Commercial "UC-14(H)" Zone, for lands comprised in **Block "10"**;
- (i) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Development "UD" Zone, for the lands comprised in **Block "11"**;
- (j) to be removed from By-law 90-145-Z, for lands comprised in **Block "12"**.
- (k) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-30(H)" Holding Zone, for lands comprised in **Block "13"**;
- (l) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential (Semi-Detached and Link) "R4-6(H)" Holding Zone, for lands comprised in **Block "14"**;
- (m) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-32(H)" Holding Zone, for lands comprised in **Blocks "15"**;
- (n) by changing from the Agriculture "A" Zone, Highway Commercial "HC" Zone and the Conservation Management "CM" Zone to the Urban Commercial "UC-14(H)" Holding Zone, for lands comprised in **Block "16"**;
- (o) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-64(H)" Holding Zone, for lands comprised in **Block "17"**;
- (p) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-62(H)" Holding Zone, for lands comprised in **Block "18"**; and,
- (q) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-63(H)" Holding Zone, for lands comprised in **Block "19"**;

the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

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By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

2. Section 6 - Urban Residential (R1) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3 EXCEPTION NUMBERS

6.3.62 "R1-62" (LD1 - Block "1" and Block "18" - LOTS ADJOINING FLANDERS)

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Storm Water Management Pond

Zone Provisions:

- (a) Lot Area (minimum): 350 sq. m.
- (b) Lot frontage (minimum): 13.0m, except 18.2m shall be provided where a lot abuts a linear Open Space Block (Block No. 884 of the Draft Plan).
- (c) Height (Maximum): 2½ storeys, except where a lot abuts a linear Open Space Block (Block No. 884 of the Draft Plan), a maximum height of 2½ storeys is permitted provided the floor area above the second floor is contained within the roof peak and that windows above the second floor are contained in dormers facing the front yard, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m.
- (h) Exterior Side Yard (minimum): 3.0m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Density (maximum): 22 units per net residential ha (upnrh).
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

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By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
 - (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
 - (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.
3. Section 6 - Urban Residential (R1) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3.63 **"R1-63" (LD1 - BLOCK "2" (R1-63) and BLOCK "19" (R1-63-(H))
- Waterdown Woods Area)**

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Storm Water Management Pond

General Provisions:

Where installation of a retaining wall, higher than 1.0m and of material other than armourstone, the owner of such lot shall not (i) excavate, drill, install, erect, or build; (ii) plant any tree, construct any pit, well, pavement, building, or structure; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the Senior Director, Growth Management Division.

Zone Provisions:

- (a) Lot Area (minimum): 410 sq. m.
- (b) Lot frontage (minimum): 15.24m.

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (c) Height: (Maximum) 10.5m, height shall be defined as the vertical distance measured from the average finished grade level adjacent to the front elevation of the building to the midway point between the eaves and the roof peak.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m.
- (h) Exterior Side Yard (minimum): 3.0m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Density (maximum): 22 upnrh.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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 By-law Respecting 392, 488, and 530 Dundas Street East,
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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Rear Lot Line shall be fenced with a 1.2m (minimum) high black chain link fence.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

4. Section 6 - Urban Residential (R1) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3.64 “R1-64” (**LD2 - BLOCK “3” and BLOCK “17” (R1-64-(H))**)

Permitted Uses:

- (a) Single Detached Dwellings
- (b) Semi-detached Dwellings
- (c) Street Townhouses
- (d) Storm Water Management Pond

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By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

General Provisions:

Where installation of a retaining wall, higher than 1.0m and of material other than armourstone, owner of such lot shall not (i) excavate, drill, install, erect, or build; (ii) plant any tree, construct any pit, well, pavement, building, or structure; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the Senior Director, Growth Management Division.

Zone Provisions for (a) - Single Detached Dwellings:

- | | | |
|-----|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Lot Area (minimum): | 310 sq. m. |
| (b) | Lot frontage (minimum): | 11.5m. |
| (c) | Height (maximum): | 2½ storeys, height shall be measured at the front façade, a ½ storey shall have a floor area of 50% or less of the floor area below. |
| (d) | Lot Coverage (maximum): | N/A. |
| (e) | Front Yard (minimum): | 3.0m, except 5.8m to an attached garage or attached carport. |
| (f) | Rear Yard (minimum): | 7.0m. |
| (g) | Interior Side Yard (minimum): | 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side |

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

lot line less than 1.2m, except:

On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

- (h) Exterior Side Yard (minimum): On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 5.8m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 22 - 40 upnrh for the lands zoned as “R1-64”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) Lots backing onto Mountain Brow Road shall have decorative fencing along the rear lot line. Solid, board-on-board or chain link fencing is not permitted.
- (o) Notwithstanding Section 5 - General Provisions, accessory buildings within the rear yards of those Lots backing onto Mountain Brow Road shall have a maximum height of 2.5m and a maximum floor area of 6.0 sq. m.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (b) - Semi-Detached Dwellings:

- (a) Lot Area (minimum): 200 sq. m.
- (b) Lot frontage (minimum): 7.5m.

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (c) Height (maximum): 2½ storeys, height shall be measured at the front façade, a ½ storey shall have a floor area of 50% or less of the floor area below.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 0.0m on the common side and 1.2m on other side.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 22 - 40 upnrh for the lands zoned as “R1-64”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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 By-law Respecting 392, 488, and 530 Dundas Street East,
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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (c) - Street Townhouses:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 2½ storeys, height shall be measured at the front façade, a ½ storey shall have a floor area of 50% or less of the floor area below.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (f) Rear Yard (minimum): 7.0 m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 22 - 40 upnrh for the lands zoned as “R1-64”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline

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 By-law Respecting 392, 488, and 530 Dundas Street East,
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Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle
---------------------------------------------------	------------------------------------------------	--------------------------------------------

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

5. Section 9 - Urban Residential (Semi-Detached and Link) (R4) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

9.3.6 “R4-6” (**LD3 - BLOCK “4” (R4-6) and BLOCK “14” (R4-6-(H))**)

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Semi-detached Dwelling
- (c) Street Townhouse
- (d) Storm Water Management Pond

Zone Provisions for (a) - Single Detached Dwelling:

- (a) Lot Area (minimum): 310 sq. m.
- (b) Lot frontage (minimum): 11.5m.
- (c) Height (maximum): 3 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.

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By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except:
- On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.
- (h) Exterior Side Yard (minimum): On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 5.8m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required;
- (i) Landscape Open Space: N/A.

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 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- (j) Overall Density: 30 - 60 upnrh for the lands Zoned as “R4-6”.
- (k) Maximum Number of Singles: Single detached dwellings shall comprise no more than 60% of the housing units for the lands zoned as “R4-6”.
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

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- (o) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (b) - Semi-Detached Dwelling:

- | | | |
|-----|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Lot Area (minimum): | 200 sq. m. |
| (b) | Lot frontage (minimum): | 7.5m. |
| (c) | Height (maximum): | 3 storeys, height shall be measured at the front façade. |
| (d) | Lot Coverage (maximum): | N/A. |
| (e) | Front Yard (minimum): | 3.0m, except 5.8m to an attached garage or attached carport. |
| (f) | Rear Yard (minimum): | 7.0m. |
| (g) | Interior Side Yard (minimum): | 0.0m on the common side and 1.2m on other side. |
| (h) | Exterior Side Yard (minimum): | 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line. |
| (i) | Landscape Open Space: | N/A. |
| (j) | Overall Density: | 30 - 60 upnrh for the lands zoned as "R4-6". |

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(k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (c) - Street Townhouse:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.

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- (c) Height (maximum): 3 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 30 - 60 upnrh for the lands zoned as “R4-6”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

6. Section 6 - Medium Density Residential (R6) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3.30 “R6-30” (MD - BLOCK “5” (R6-30) and Block “13”) (R6-30-(H))

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Semi-Detached Dwelling
- (c) Street Townhouse
- (d) Townhouse
- (e) Stacked Townhouse

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- (f) Maisonette
- (g) Low Rise Apartment Building
- (h) Storm Water Management Pond

Zone Provisions for (a) - Single Detached Dwellings:

- (a) Lot Area (minimum): 310 sq. m.
- (b) Lot frontage (minimum): 11.5m.
- (c) Height (maximum): 3 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except:

On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained

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between buildings along one common lot line.

- (h) Exterior Side Yard (minimum): On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 5.8m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands Zoned as “R6-30”.
- (k) Maximum Number of Singles: Single detached dwellings shall comprise no more than 25% of the housing units for the lands zoned as “R6-30”.
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (b) - Semi-Detached Dwellings:

- (a) Lot Area (minimum): 200 sq. m.
- (b) Lot frontage (minimum): 7.5m.
- (c) Height (maximum): 3 storeys
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.

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- (g) Interior Side Yard (minimum): 0.0m on the common side and 1.2m on other side.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands zoned as “R6-30”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

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- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (o) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (c) - Street Townhouse:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.

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(k) Overall Density: 60 - 75 upnrh for the lands zoned as “R6-30”.

(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

(m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.

(n) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.

(o) Planting Strip - General Provision 5.12.2 (d) shall not apply.

(p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

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Zone Provisions for (d) - Townhouse:

- | | | |
|-----|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Lot Area (minimum): | 150 sq. m. per dwelling unit. |
| (b) | Lot frontage (minimum): | 30m. |
| (c) | Height (maximum): | 4 storeys. |
| (d) | Lot Coverage (maximum): | N/A. |
| (e) | Front Yard (minimum): | 3.0m, except 5.8m to an attached garage or attached carport. |
| (f) | Rear Yard (minimum): | 7.0m. |
| (g) | Interior Side Yard (minimum): | 1.2m, except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided. |
| (h) | Exterior Side Yard (minimum): | 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be within 5.8m of the exterior lot line. |
| (i) | Planting Strip: | N/A. |
| (j) | Landscape Open Space: | N/A. |
| (k) | Overall Density: | 60 - 75 upnrh for the lands zoned as "R6-30". |

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(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Townhouse dwelling unit.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within a front yard shall be 2.6m x 5.8m, visitor parking spaces shall have dimensions of 2.6m x 5.5.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.

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- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (e) - Stacked Townhouse:

For the purpose of this Zone, a Stacked Townhouse shall be defined as a residential apartment building containing a minimum of 4, and a maximum of 40 units, each of which has an independent entrance, provided that:

- i. Stacked townhouse buildings shall have a maximum length of 60m.
 - ii. Not more than half of all dwelling units shall be on or below the ground floor.
 - iii. Dwelling units shall be fully attached to adjoining units, and are attached vertically or horizontally.
 - iv. Access to all second level units shall be from an interior stairway within the stacked townhouse building.
- (a) Lot Area (minimum): 120 sq. m. per dwelling unit.
 - (b) Lot frontage (minimum): 30m.
 - (c) Height (maximum): 4 storeys.
 - (d) Lot Coverage (maximum): N/A.
 - (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
 - (f) Rear Yard (minimum): 7.0m.
 - (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case minimum side yard of 0.0m shall be provided.

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- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands zoned as “R6-30”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Stacked Townhouse dwelling unit.

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- (m) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within a front yard shall be 2.6m x 5.8, visitor parking spaces shall have dimensions of 2.6m x 5.5m.
- (n) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (o) Landscaped Open Space -General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (f) - Townhouse-Maisonette:

For the purpose of this Zone, a Townhouse Maisonette shall mean a building not more than one single family dwelling unit in height, designed to contain not less than six single family dwelling units, fully attached to each other, side-by-side, in two rows arranged back-to-back and in substantial harmony with each other, each of which dwelling units;

- i. Has a separate front entrance;
 - ii. Is joined on one or both sides by a party wall to another dwelling unit in the same row;
 - iii. Is joined by a common vertical back wall extending the length of the building.
-
- (a) Lot Area (minimum): 120 sq. m. per dwelling unit.
 - (b) Lot frontage (minimum): 30m.
 - (c) Height (maximum): 4 storeys.
 - (d) Lot Coverage (maximum): N/A.

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- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands zoned as “R6-30”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves

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Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Townhouse - Maisonette dwelling unit.
- (m) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within the front yard shall be 2.6m x 5.8, visitor parking spaces shall have dimensions of 2.6m x 5.5m.
- (n) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (o) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (g) - Low Rise Apartment Building:

- (a) Lot Area (minimum): 2000 sq. m.
- (b) Lot frontage (minimum): 30m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m.

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- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 3.0m.
- (h) Exterior Side Yard (minimum): 4.5m.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: 5%.
- (k) Overall Density: 60 - 75 upnrh for the lands zoned as “R6-30”.
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

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- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Apartment dwelling unit.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space shall be 2.6m x 5.5m.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

7. Section 11 - Medium Density Residential (R6) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3 EXCEPTION NUMBERS

6.3.31 "R6-31" (**Neighbourhood Node - Block "6"**)

Permitted Uses:

- (a) Retail Establishment
- (b) Personal Service Establishment
- (c) Service Shop
- (d) Dry Cleaning Distribution Station
- (e) Office
- (f) Street Townhouse Dwelling
- (g) Townhouse Dwelling
- (h) Stacked Townhouse Dwelling
- (i) Apartment Building with or without uses (a) - (e) at grade
- (j) Live-Work unit - (Street Townhouse (freehold) with residential and uses (a) - (e) at grade)
- (k) Stormwater Management Pond

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Prohibited Uses:

- (a) Drive-thru
- (b) Motor Vehicle Service Stations
- (c) Open Storage of Goods and Materials

General Zone Provisions:

- (a) The uses permitted in Paragraphs (a) to (d), inclusive, above, shall only be permitted on the ground floor.
- (b) Maximum Gross Floor Area for the uses permitted in Paragraphs (a) to (d) on a single lot shall be 300 sq. m. Maximum Gross Floor Area for use permitted in Paragraph (e) on a single lot shall be 500 sq. m.
- (c) Any permitted commercial use at grade within a building containing residential uses, including a Live-Work unit, shall be exempt from the applicable parking requirement.
- (d) Parking for multiple dwellings, excluding street townhouses, shall not be permitted between the front lot line and the building.

Zone Provisions for (a) - (e) - Commercial Uses:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line, for the Block located at Skinner Road and Street "A" - Street "A", the East lot line, shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys (commercial uses only permitted on ground floor, as per Sub-section (a) of General Zone Provision.

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- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m.
- (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as “R6-31”.
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.5.
- (n) Parking shall not be located between the front lot line and the building.
- (o) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (f) - Street Townhouse:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street “A” - Street “A” shall be deemed the front lot line.

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- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as “R6-31”.
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces within the front yard shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (g) - Townhouse:

- (a) Lot Area (minimum): 150 sq. m. per dwelling unit.
- (b) Lot frontage (minimum): 30m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street “A” - Street “A” shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys.

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- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as “R6-31”.
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Townhouse dwelling unit.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within the front yard shall be 2.6m x 5.8m, visitor parking spaces shall have dimensions of 2.6m x 5.5m.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (h) - Stacked Townhouse:

For the purpose of this Zone, a Stacked Townhouse shall be defined as a residential apartment building containing a minimum of 4, and a maximum of 32 units, each of which has an independent entrance, provided that:

- i. Stacked townhouse buildings shall have a maximum length of 60m.

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- ii. Not more than half of all dwelling units shall be on or below the ground floor.
- iii. Dwelling units shall be fully attached to adjoining units, and are attached vertically or horizontally.
- iv. Access to all second level units shall be from an interior stairway within the stacked townhouse building.
 - (a) Lot Area (minimum): 120 sq. m. per dwelling unit.
 - (b) Lot frontage (minimum): 30m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street "A" - Street "A" shall be deemed the front lot line.
 - (c) Height (maximum): 4 storeys.
 - (d) Lot Coverage (maximum): N/A.
 - (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
 - (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
 - (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided.
 - (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.

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- (i) Landscape Open Space: N/A.
- (j) Overall Density: 50 - 75 upnrh for the lands zoned as “R6-31”.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Stacked Townhouse dwelling unit.
- (m) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within a front yard shall be 2.6m x 5.5m, visitor parking spaces shall have dimensions of 2.6m x 5.5m.

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- (n) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (o) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (i) - Apartment Building:

- (a) Lot Area (minimum): 2,000 sq. m.
- (b) Lot frontage (minimum): 30m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street "A" - Street "A" shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 3.0m.
- (h) Exterior Side Yard (minimum): 4.5m.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: 5%.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as "R6-31".

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(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Apartment dwelling unit, no parking is required for uses (a) - (e) where located within an Apartment Building.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space shall be 2.6m x 5.5m.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

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- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (j) - Live-Work Unit:

For the purpose of this Zone, a Live-Work Unit shall be defined as a street townhouse or a townhouse dwelling that may contain residential and any of the uses described in Paragraphs (a) to (e), inclusive, on the ground floor.

Regulations for Street Townhouse are as provided in Section (f) above.

Regulations for Townhouse are as provided in Section (g) above.

Any permitted commercial use at grade within a Live-Work unit shall be exempt from the applicable parking requirement.

8. Section 11 - Medium Density Residential (R6) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

11.3 EXCEPTION NUMBERS

11.3.32 **"R6-32" (Mixed-Use Medium - Street Townhouses Block "7" (R6-32) and Block "15" (R6-32-(H)))**

Permitted Uses:

- (a) Street Townhouses
- (b) Storm Water Management Pond

Zone Provisions for Street Townhouse:

- (a) Lot Area (minimum): 1,506 sq. m.
- (b) Lot frontage (minimum): 5.5m.

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- (c) Height (maximum): 4 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 30 - 60 upnrh for the lands zoned as “R6-32”.

(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

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Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces within the front yard shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

9. Section 17 - Urban Commercial (UC) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

17.3 EXCEPTION NUMBERS

17.3.12 “UC-12(H)” (MIXED-USE MEDIUM - OUTSIDE OF RETAIL MAIN STREET - BLOCK “8”)

Permitted Uses:

- (a) In addition to the uses permitted by Section 17.1, the following additional uses shall also be permitted:

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- (i) Apartment Building
- (ii) Gas Bar
- (iii) Car Wash accessory to Item (ii)
- (iv) Public Uses

Prohibited Uses:

- (a) Vehicle dealerships
- (b) Garden Centres as a primary use
- (c) Open storage of goods and materials
- (d) Funeral Homes
- (e) Dry Cleaning Establishments
- (f) Automobile Sales and Service Establishment

General Provisions:

- (a) For each lot or block, a minimum of 40% of the ground floor facade width shall be located within a maximum of 25m from the north lot line (Dundas Street).

Zone Provisions:

- | | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------|
| (a) Lot Area (minimum): | 275 sq. m. |
| (b) Lot frontage (minimum): | 9.0m. |
| (c) Height (maximum): | 8 storeys (following removal of the Holding provision, the maximum height will be increased to 12 storeys). |
| (d) Lot Coverage (maximum): | N/A. |
| (e) Front Yard (minimum): | 3.0m. |
| (f) Rear Yard (minimum): | 3.0m. |
| (g) Interior Side Yard (minimum): | 3.0m. |
| (h) Exterior Side Yard (minimum): | 4.5m. |

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- (i) Planting Strip (minimum): A planting strip having a minimum width of 3.0m shall be provided between the street line and parking spaces.
- (j) Landscaped Open Space (minimum): 5%.
- (k) Density: 60 to 200 units per net residential ha for exclusive residential developments of up to 8 storeys in height.

200-300 units per net residential ha shall be permitted, subject to the removal of the Holding provision.
- (l) Floor Space Index (FSI): Maximum of 2.5 times the lot area.
- (m) Gross Leasable Floor Area: Maximum GLFA for retail and service commercial uses shall not exceed a total of 25,000 sq. m. when combined with the GLFA of the UC-13 Zone (Mixed-Use Medium - Retail Main Street) and the UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (n) Notwithstanding Section 5.21, 1.25 parking spaces, including visitor parking, shall be required per apartment dwelling unit.
- (o) Loading doors shall not be permitted in a yard abutting a street or a yard abutting a Residential Zone or Institutional Zone, except where screened from view by a Visual Barrier which may include overhead doors.

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- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.
 - (q) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.5m.
10. Section 17 - Urban Commercial (UC) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

17.3 EXCEPTION NUMBERS

17.3.13 "UC-13" (**MIXED-USE MEDIUM - RETAIL MAIN STREET - BLOCK "9"**)

Permitted Uses:

- (a) In addition to the uses permitted by Section 17.1, the following additional uses shall also be permitted:

Live-Work Unit: For the purpose of this Zone, a Live-Work Unit shall be defined as a street townhouse or a townhouse dwelling that may contain residential uses and the following commercial uses on the ground floor: retail establishment, personal services, service shop, office, or dry cleaning distribution station. Any permitted commercial use at grade within a Live-Work Unit shall be exempt from the applicable parking requirement

Prohibited Uses:

- (a) Car Washes
- (b) Automobile Service Stations
- (c) Gas Bars
- (d) Vehicle Dealerships
- (e) Garden Centres as primary use
- (f) Drive through facilities
- (g) Funeral Homes
- (h) Automobile Sales and Service Establishment
- (i) Dry Cleaning Establishment
- (j) Open storage of goods and materials

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Zone Provisions (i.e. Freehold):

- | | | |
|-----|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Lot Area (minimum): | 150 sq. m. |
| (b) | Lot frontage (minimum): | 6.0m. |
| (c) | Height Maximum: | 8 storeys. |
| (d) | Lot Coverage (maximum): | N/A. |
| (e) | Front Yard (maximum): | 1.0m. |
| (f) | Rear Yard (minimum): | 5.8m. |
| (g) | Interior Side Yard (maximum): | 1.5m, except for the side yard related to the common wall of a Live-Work Unit, in which case a minimum side yard of 0.0m shall be provided. |
| (h) | Exterior Side Yard (maximum): | 1.0m. |
| (i) | Planting Strip (minimum): | A planting strip having a minimum width of 3.0m shall be provided between the street line and parking spaces. |
| (j) | Landscaped Open Space (minimum): | N/A. |
| (l) | Gross Leasable Floor Area: | Minimum of 3,600 sq. m. of retail and service commercial floor space is to be provided within the lands Zoned UC-13 (retail main street zone). |
| (m) | Gross Leasable Floor Area: | Maximum GLFA for retail and service commercial uses shall not exceed a total of 25,000 sq. m. when combined with the GLFA of the UC-12 Zone (Mixed-Use |

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Medium) and UC-14 Zone
(District Commercial Zone),
exclusive of office and service
commercial uses above the
ground floor.

- (n) Floor Space Index (FSI): Maximum of 2.5 times the lot area.
- (o) Principal building entrances for Commercial uses shall face the Street.
- (p) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.5.
- (q) Notwithstanding Section 5.12, any commercial use at grade shall be exempt from the applicable parking requirement.
- (r) Loading doors shall not be permitted in a yard abutting a street, or a yard abutting a Residential Zone or Institutional Zone, except where screened from view by a Visual Barrier, which may include overhead doors.
- (s) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

11. Section 17 - Urban Commercial (UC) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

17.3 EXCEPTION NUMBERS

17.3.14 "UC-14 (H) (**DISTRICT COMMERCIAL - BLOCK "10" and BLOCK "16"**)

Permitted Uses:

- (a) In addition to the uses permitted by Section 17.1 the following additional uses shall also be permitted:
 - (i) Automobile Service Station

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- (ii) Gas Bar
- (iii) Car Wash accessory to item (i) and (ii)
- (iv) Live-Work Unit

For the purpose of this Zone, a Live-Work Unit shall be defined as a street townhouse or a townhouse dwelling that may contain residential uses and the following commercial uses on the ground floor: retail establishment, personal services, service shop, office, or dry cleaning distribution station. Any permitted commercial use at grade within a Live-Work Unit shall be exempt from the applicable parking requirement

Prohibited Uses:

- (i) Funeral Home
- (ii) Automobile Sales and Service Establishment
- (iii) Dry Cleaning Establishment
- (iv) Open storage of goods and materials
- (v) Hotels, Motels, Places of Entertainment, and Private Clubs are permitted, provided the total floor area of such uses does not exceed 6,000 sq. m.

Zone Provisions for Uses other than a Live-Work Unit:

- (a) Lot Area (minimum): 275 sq. m.
- (b) Lot frontage (minimum): 9.0m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard:
 - (i) (Minimum): 0.0m.
 - (ii) (Maximum): 3.0m. (Skinner Road).
- (f) Rear Yard (minimum): 7.5m.
- (g) Interior Side Yard (minimum): 3.0m.

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- (h) Exterior Side Yard (minimum): 3.0m.
- (i) Planting Strip (minimum): A planting strip having a minimum width of 3.0m shall be provided between the street line and parking spaces.
- (j) Landscaped Open Space (minimum): N/A.
- (k) Gross Leasable Floor Area (maximum) - 9,300 sq. m of retail and service commercial floor space comprised of a supermarket of not more than 7,500 sq. m., and other permitted retail and service commercial floor space to a maximum of 1,800 sq. m. The maximum GLFA is exclusive of office and service commercial uses located above the ground floor.

Upon the removal of the Holding Provision, the Gross Leasable Floor Area for retail and service commercial floor space may increase to a maximum of 16,000 sq. m. with no restrictions on the size of a supermarket or the amount of retail and service commercial floor space. The maximum GLFA is exclusive of office and service commercial uses located above the ground floor.

Maximum GLFA for retail and service commercial uses shall not exceed a total of 25,000 sq. m. when combined with the GLFA of the UC-12 Zone (Mixed-Use Medium) and UC-13 Zone (Mixed-Use Medium - Retail Main Street), exclusive of office and service commercial uses above the ground floor.
- (l) GLA for single user (maximum): A single user over 10,000 sq. m. shall not be permitted.
- (m) GLA for Office Uses: Office uses on the same lot shall not exceed 2,000 sq. m.
- (n) Dimensions of Parking Spaces - all required parking spaces shall have minimum dimensions of 2.6m x 5.5.

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- (o) Loading doors shall not be permitted in a yard abutting a street or a yard abutting a Residential Zone or Institutional Zone, except where screened from view by a Visual Barrier, which may include overhead doors.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for Live Work Unit:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m, except 3.0ms where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of a townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.

Appendix “B” to Report PED13140 (Page 59 of 63)
 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

(k) Overall Density: 75 upnrh maximum for the lands zoned “UC-14”.

(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

(m) Dimensions of Parking Spaces - all required surface parking spaces within the front yard shall have minimum dimensions of 2.6m x 5.8m.

(n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

(o) Planting Strip - General Provision 5.12.2 (d) shall not apply.

(p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Appendix "B" to Report PED13140 (Page 60 of 63)
By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

12. (H) Holding Symbol:

Where an (H) symbol is prefixed to a Zone identified in Schedule "A", the following conditions must be fulfilled, to the satisfaction of the City, prior to the lifting of the (H) Holding provision on any portion of the lands as noted below:

- i) For Blocks 13, 14, 15, 17, 18, and 19 - all Lots abutting a SWM Facility are subject to a "H" provision, which shall not be removed until the size and shape of the abutting SWM Facility is designed adequately, as per South Waterdown Subwatershed Study recommendations, to the satisfaction of the Senior Director of Growth Management and Conservation Halton.
- ii) Blocks 10 and 16 are subject to a Holding Provision. Pursuant to Paragraph (k) of the Zone Provisions, the maximum Gross Leasable Floor Area for the lands shall be 9,300 sq. m. of retail and service commercial floor space while the Holding Provision remains in effect.

The Holding Provision shall be removed upon the build out of a minimum of 3,600 sq. m. of retail and service commercial floor space within the lands zoned as UC-13 (Block 9), to the satisfaction of the Director of Planning.

Upon the removal of the Holding Provision, the Gross Leasable Floor Area for retail and service commercial floor space may increase to a maximum of 16,000 sq. m. with no restrictions on the size of a supermarket or the amount of retail and service commercial floor space. The maximum GLFA is exclusive of office and service commercial uses located above the ground floor.

Block 16 is also subject to a Holding Provision encompassing the existing alignment of GS1 - Tributary 3, Karst Area G regulated Area plus setback, the Waterdown South Secondary Plan 30m, GS1 - Tributary 3 realigned creek corridor, and the existing commercial plaza. The Holding provision shall apply for any future land uses until a final determination is made with respect to the realignment of GS1 - Tributary 3, and an easement in favour of the City of Hamilton, is granted over the final creek block(s) to ensure public control, to the satisfaction of the Senior Director of Growth Management and Conservation Halton.

Appendix "B" to Report PED13140 (Page 61 of 63)
By-law Respecting 392, 488, and 530 Dundas Street East,
Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough

- iii) Block 8 is subject to a Holding Provision. Pursuant to Paragraphs (c) and (k) of the Zone Provisions, the maximum building height shall be 8 storeys, with a density of 60 - 200 upnrh, while the Holding Provision remains in effect.

The Holding Provision may be removed subject to the completion of a Visual Impact Assessment, to the satisfaction of the City, the Niagara Escarpment Commission, and the Director of Planning.

Upon the removal of the Holding Provision, building height may be increased to a maximum of 12 storeys, and density increased to 200 - 300 upnrh.

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

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-05-066, ZAC-12-013, and 25T200513

Appendix "B" to Report PED13140 (Page 62 of 63)
 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough



This is Schedule "A" to By-law No. 13-
 Passed the day of, 2013













 Mayor

 Clerk

Schedule "A"
 Map 1 of 2
 Map Forming Part of
 By-law No. 13-_____
 to Amend By-law No. 90-145-Z

Subject Property - Waterdown Bay

Change in Zoning from the Agricultural "A", Conservation Management "CM", and the Highway Commercial "HC" Zone to the:

-  Block 1 - Urban Residential "R1-62" Zone
-  Block 2 - Urban Residential "R1-63" Zone
-  Block 3 - Urban Residential "R1-64" Zone
-  Block 4 - Urban Residential "R4-6" Zone
-  Block 5 - Medium Density Residential "R6-30" Zone
-  Block 6 - Medium Density Residential "R6-31" Zone
-  Block 7 - Medium Density Residential "R6-32" Zone
-  Block 8 - Urban Commercial "UC-12- (H)" Zone
-  Block 9 - Urban Commercial "UC-13" Zone
-  Block 10 - Urban Commercial "UC-14-(H)" Zone
-  Block 11 - Urban Development "UD" Zone
-  Block 12 - Refer to By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-12-013
Date: August 15, 2013	Planner/Technician: EJ/DB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



Appendix "B" to Report PED13140 (Page 63 of 63)
 By-law Respecting 392, 488, and 530 Dundas Street East,
 Part of Lots 2, 3, 4, and 5, Concession 3, East Flamborough



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

 Mayor

 Clerk








Schedule "A"

Map 2 of 2
 Map Forming Part of
 By-law No. 13-_____

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

Subject Property - Waterdown Bay

Change in Zoning from the Agricultural "A", Conservation Management "CM", and the Highway Commercial "HC" Zone to the:

-  Block 13 - Medium Density Residential "R6-30-(H)" Zone
-  Block 14 - Urban Residential "R4-6-(H)" Zone
-  Block 15 - Medium Density Residential "R6-32-(H)" Zone
-  Block 16 - Urban Commercial "UC-14-(H)" Zone
-  Block 17 - Urban Residential "R1-64-(H)" Zone
-  Block 18 - Urban Residential "R1-62-(H)" Zone
-  Block 19 - Urban Residential "R1-63-(H)" Zone

Scale:
 N.T.S.

File Name/Number:
 ZAC-12-013

Date:
 August 15, 2013

Planner/Technician:
 EJ/DB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Authority: Item [REDACTED]
Planning Committee
Report 13-[REDACTED] (PED13140)
CM: [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 392, 488, and 530 Dundas Street East, Concession
3, Part of Lots 2, 3, 4, and 5 (East Flamborough), in the Former Town of
Flamborough, now in the City of Hamilton**

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

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the Former Town of Flamborough, approved by the Minister under the Planning Act on September 27, 1988) in accordance with the provisions of the Planning Act.

NOW THEREFORE the City of Hamilton enacts as follows:

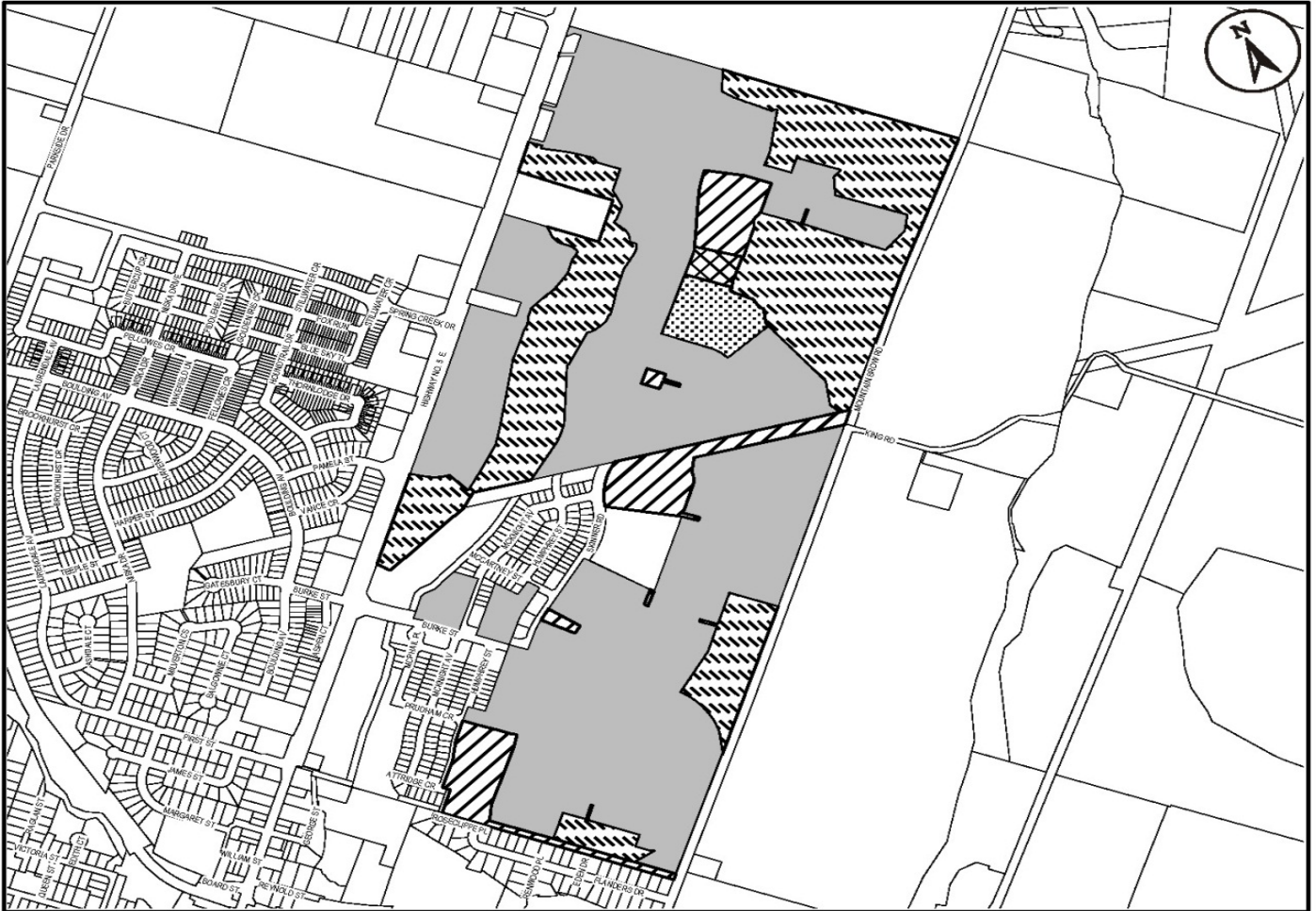
1. That Maps 384, 414, 415, 416, 447, 448, and 483 of Schedule "A" of By-law No. 05-200 are amended by zoning the lands Open Space Zone "P4", the extent and boundaries of which are shown as "Block 1" on a plan hereto annexed as Schedule "A".

2. That Map 415 of Schedule "A" of By-law 05-200 is amended by zoning the lands Open Space Zone "P4-455", the extent and boundaries of which are shown as "Block 2" on a plan hereto annexed as Schedule "A".
3. That Maps 384, 414, 415, 416, 447, 448, and 483, of Schedule "A" of By-law No. 05-200 are amended by zoning the lands Conservation/Hazard Land Zone "P5", the extent and boundaries of which are shown as "Block 3" on a plan hereto annexed as Schedule "A".
4. That Map 415 of Schedule "A" of By-law No. 05-200 is amended by zoning the lands Neighbourhood Institutional Zone "I1", the extent and boundaries of which are shown as "Block 4" on a plan hereto annexed as Schedule "A".
5. That Schedule "C" of By-law No. 05-200 is amended by adding an additional Special Exception, as follows:
 - "455. Within the lands zoned Open Space and Parks (P4-455) Zone, identified on Map 415 of Schedule "A", and described as part of 392 Dundas Street East, being Block 2 on Schedule "A" of this By-law, the following special provision shall apply:
 - a) In addition to the uses permitted within Section 4.4 and Section 7.4 of By-law 05-200, the subject property shall also be permitted to be used for a municipal water tower.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

R. Caterini
Clerk



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

Mayor

Clerk






Schedule "A"

Map Forming Part of
By-law No. 13-_____

to Amend By-law No. 05-200
Map 384, 414, 415, 416, 447, 448 & 483

Subject Property

Waterdown Bay

-  **Block 1-** Lands to be Zoned Open Space and Park (P4) Zone
-  **Block 2 -** Lands to be Zoned Open Space and Park (P4-455) Zone Site Specific
-  **Block 3 -** Lands to be Zoned Conservation/Hazard Lands (P5) Zone
-  **Block 4 -** Lands to be Zoned Neighbourhood Institutional (I1) Zone
-  **Block 5 -** Refer to By-law No. 90-145-Z

Scale:
N.T.S.

File Name/Number:
ZAC-12-013

Date:
August 15, 2013

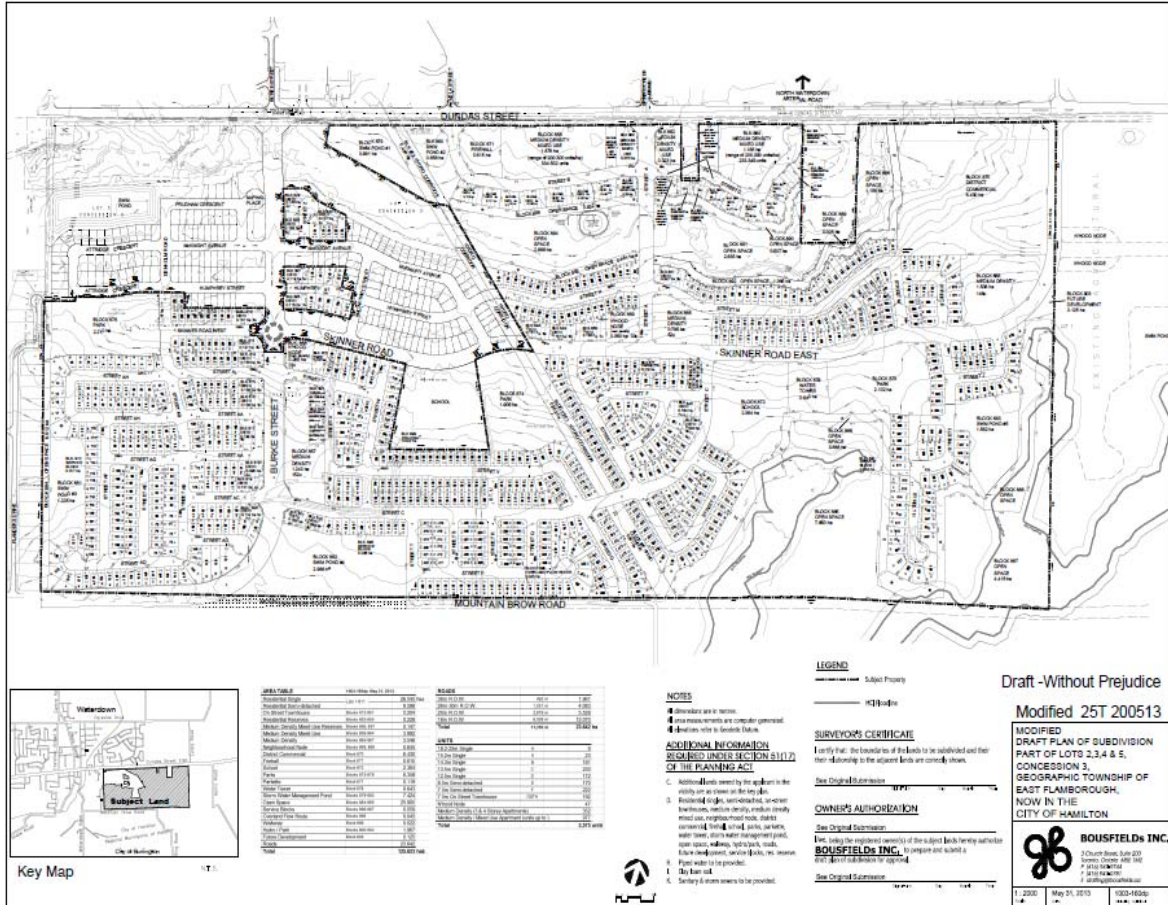
Planner/Technician:
EJ/DB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "D" to Report PED13140 (Page 1 of 1)



Draft - Without Prejudice
 Modified 25T 200513

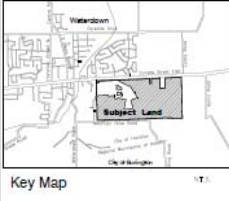
SURVEYOR'S CERTIFICATE
 I certify that the boundaries of the lands to be subdivided and their relationship to the adjacent lands are correctly shown.

See Original Submission

OWNERS AUTHORIZATION
 See Original Submission

BOUSFIELDS INC.
 1000 Dundas Street West
 Toronto, Ontario M6J 1B5
 Tel: (416) 593-8800
 Fax: (416) 593-8801
 Email: info@bousfields.com

BOUSFIELDS INC.
 1000 Dundas Street West
 Toronto, Ontario M6J 1B5
 Tel: (416) 593-8800
 Fax: (416) 593-8801
 Email: info@bousfields.com



AVAILABLE	AREA (sq. m)	PERCENT	TOTAL
Lot 2	1,200	100%	1,200
Lot 3	1,200	100%	1,200
Lot 4	1,200	100%	1,200
Lot 5	1,200	100%	1,200
Total	4,800	100%	4,800



1:200 May 31, 2013 100-1000

Special Conditions of Draft Plan Approval for 25T-200513, Waterdown

That this approval apply to the Draft Plan of Subdivision, 25T200513, prepared by Bousfields Inc. and certified by J.D. Barnes, O.L.S., dated May 31, 2013, showing 903 Blocks, 811 lots (Lots 1-811) for single detached and semi-detached dwellings, 50 Blocks (Blocks 812-851) for townhouses, 6 Blocks (Blocks 852-857) for Reserves, 7 Blocks (Blocks 858-864) for Medium Density Mixed-Use, 3 Blocks (Blocks 865-867) for Medium Density uses, 2 Blocks (Blocks 868-869) for Neighbourhood Nodes, 1 Block (Block 870) for District Commercial uses, 1 Block (Block 871) for a Fire Hall, 1 Block (Block 872) for a School, 4 Blocks (Blocks 873-876) for Park uses, 1 Block (Block 877) for a Parkette, 1 Block (Block 878) for a Watertower, 5 Blocks (Blocks 879-883) for Stormwater Management Ponds, 12 Blocks (Blocks 884-895) for Open Space Blocks, 2 Blocks (Blocks 896-897) for Service Blocks, 1 Block (Block 898) for Overland Flow Route, 1 Block (Block 899) for a walkway, 3 Blocks (Blocks 900-902) for Hydro Corridor/Walkway, and 1 Block (Block 903) for Future Development, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

Engineering:

1. That the owner shall agree that Lots 126 -127, 423 - 432, and 634 - 638; and Blocks 821, 822, and 831, all of which are abutting stormwater management blocks, are undevelopable until the size of abutting block is confirmed to be sufficient to accommodate the final design of the stormwater management facility, to the satisfaction of the Senior Director of Growth Management.
2. That the owner shall agree to relocate, as required and at his expense, all utility poles, hydrants, pedestals, hydro vaults, etc., that are affected by improvements required as a result of the subject draft plan, on Dundas Street, Mountain Brow Road, and at the Waterdown Road/Mill Street intersection, to the satisfaction of the Senior Director, Growth Management Division.
3. That the owner shall agree that phasing of the subject lands shall be to the satisfaction of the Senior Director of Growth Management. Further, in the first phase of servicing:
 - i) Burke Street extension shall be constructed to Flanders Drive and include a connection to Mountain Brow Road, east of SWM Facility #4;
 - ii) Street A and Skinner Road shall be constructed to the district water tower (Block 884) to provide road access.
 - iii) Watermain on Street A and Skinner Road shall be constructed to provide watermain looping.
 - iv) Temporary routing of traffic from Burke Street to Waterdown Road through the local road network is not permitted.

Prior to Registration of the Final Plan of Subdivision:

4. That minimum 4.5m x 4.5m daylight triangles shall be established on the final Plan of Subdivision on lots and blocks at intersections of local roads.
5. That minimum 15m x 15m daylight triangles shall be established on the final Plan of Subdivision for Skinner Road at Dundas Street and Street A at Dundas Street.
6. That Blocks 898 and 899 shall be dedicated to the City of Hamilton by the owner's certificate on the final Plan of Subdivision, as public walkways and Block 897 dedicated as a Servicing Block.
7. That the owner shall submit the necessary transfer deeds to the City's Legal Services to convey: adequate blocks for SWM facilities within the draft plan (Blocks 879 - 883), Block 884 for the district water tower and Blocks (885 - 895) for open space, subject to Condition 69. Further, Block 896 and 910 are to be incorporated in SWM Blocks.
8. That sufficient sanitary capacity shall be confirmed at Pumping Station DC14 on Dundas Street East, to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to servicing**, the owner shall prepare a Water Servicing Study demonstrating how residential and fire flows demands will be accommodated based on field information and hydraulic modeling in order to support the application. The Report shall focus on the following issues:
 - a) Tabularize the expected occupancy;
 - b) Generate water demand estimation related to close nodes;
 - c) Calculate needed fire flow (via FUS, 1999);
 - d) Provide Water Quality Plan to address phasing of the development (i.e. watermain looping/flushing required for interim periods);
 - e) Utilize some 200mm watermains in proposed watermain layout especially for the extensions of existing watermains.
10. That the owner shall pay their proportionate share for the future urbanization of Dundas Street East from the future intersection of the E-W Arterial Road to the east limits of the draft plan lands, based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Senior Director of Growth Management.

11. That the owner shall include in the engineering design all road geometrics to City standards. The minimum urban residential horizontal centreline road radius, excluding 90° curves, shall be 90m for locals, 95m for minor collectors, and 160m for major collectors.
12. That the owner shall agree to establish sufficient right-of-way on the final Plan of Subdivision to accommodate installation of roundabouts at the following locations:
 - intersection of Burke Street and Street AC/C;
 - intersection of Skinner Road East and Collector Road "B" of the Secondary Plan;

to the satisfaction of the Senior Director of Growth Management.

13. That the owner shall dedicate all sections of Grindstone Creek and buffer adjacent to the ESA lands within the draft plan, to the City by transfer deed. The transferred area will not be included in the 5% Parkland Dedication calculation for this development, except as per Condition 69.
14. That the owner shall locate all Lots and Blocks outside of any buffer areas, as approved in the South Waterdown Subwatershed Study.
15. That the owner shall covenant and agree to include the following notice to perspective purchasers in all Agreements of Purchase and Sale for all lots having a retaining wall more than 1m in height:

"The owner of this lot shall not, on, in, or over the wall (i) excavate, drill, install, erect or build; (ii) plant any tree, construct any pit, well, pavement, building, or structure; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the City."

Prior to Preliminary Grading:

16. That the owner shall obtain the necessary approvals from the Conservation Authority, MNR, and DFO for the works adjacent to the ESA or hazard lands, and prepare a monitoring plan to establish monitoring locations, parameters, reporting structure, and length of the monitoring program, at his expense, and post sufficient securities with the City for completion of the said program, to the satisfaction of the Senior Director of Growth Management.
17. That the owner shall decommission any domestic well or sewage disposal system that is found within the draft plan lands, to the satisfaction of the Senior Director of Growth Management.

18. That, **prior to preliminary grading**, the owner shall provide, to the satisfaction of the Senior Director, Growth Management Division, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.
19. That the owner shall agree to inform and update property owners within 300m from the place of blasting by direct notice and advertise in the local newspaper. The owner is to provide a blasting survey addressing impacts of blasting, and get City approval prior to any blasting works, if required.

Prior to Servicing:

20. That the owner shall include, with the first submission of the engineering plans, a report, complete with contingency plan, prepared by a karst specialist, to address any potential servicing issues related, but not limited to, ground water movement, contamination, sinkhole collapse, etc., that may arise during completion of the proposed works within areas with known or potential presence of karst features, to the satisfaction of the Senior Director of Growth Management.
21. That the owner shall prepare a Groundwater Study to address the impact of the proposed development on the water supply and sewage disposal systems downstream of the site by implementing a Water Well Monitoring Program, including any karst spring utilized for household water supply, at his expense. The owner shall, pending the outcome of the said Study, address any identified issue, at his expense, to the Satisfaction of the Senior Director of Growth Management.
22. That the owner shall include in the engineering design and cost estimate schedules, the urbanization of the south side of Dundas Street East, from Burke Street to the future intersection of Skinner Road, including, but not limited to, storm sewer, curb and sidewalk, turning lanes, traffic signals and street lights, pavement markings, median islands, etc., at his expense, and to the satisfaction of the Senior Director of Growth Management.

23. That the owner shall include in the engineering design and cost estimate schedules, all necessary works within the Mountain Brow Road road allowance, from King Road to the future extension of Burke Street, including but not limited to, reconstructing a portion of the road to reflect the approved Waterdown South Secondary Plan as a character road, multi-use path installation, required street lighting, removal of pavement and naturalization of disturbed areas, re-ditching, closing of the road, etc., at his expense, and to the satisfaction of the Senior Director of Growth Management.
24. That the owner shall include in the engineering design and cost estimate schedules, recommendations of Waterdown Road ESR, from Flanders Drive to Skinner Road, and required interim upgrades (if any) to the intersection of Mountain Brow Road with Mill Street/Waterdown Road, as a direct result of the phase-by-phase development of the subject lands, to the satisfaction of the Senior Director of Growth Management.
25. That, **prior to preliminary grading**, the owner shall agree, to the satisfaction of the Senior Director of Growth Management:
 - i. The owner shall submit a detailed Storm Water Management (SWM) Report, prepared by a qualified professional, that demonstrates how quality and quantity control criteria, including the existing water budget model, will be handled, in accordance with City of Hamilton Storm Drainage Policy, City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design, as well the recommendations of the "South Waterdown Subwatershed Study". Further the owner shall:
 - ii. The pond design geometry shall be as per City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design 2007 and pond landscaping, as per City of Hamilton Landscape Design Guidelines for SWM facilities (May 2009).
 - iii. To provide a hydraulic grade line and erosion threshold assessment with respect to the minor and major system conveyances at the downstream end in order to establish the potential impacts.

Further that, **prior to assumption**, the owner shall agree:

- iv. To construct, operate, and maintain, at the owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the MOE's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Director of Development Engineering; and,

- v. Operate and maintain, in an acceptable manner, the stormwater management facility(s) throughout the construction and all stages of development until a time, as established by the Senior Director of Growth Management, and monitor such operation and effects thereof; and,
 - vi. To remove sediment from the stormwater management facility and oil/grit separators attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the stormwater management facility, prior to release of the owner's operation and maintenance responsibilities for the stormwater management facility.
 - vii. To submit an Operation and Maintenance Manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director, Growth Management, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility; and,
 - viii. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading, construction activities, and at the time of assumption, in accordance with the Operation Manual.
26. That the owner shall include in the engineering design and cost estimate schedules, provision for a 1.5m high heavy duty black vinyl galvanized chain link fence between private and public lands, including parkland, SWM facilities, walkways, ESA buffers, Burke Street, and the hydro corridor, to the satisfaction of the Director of Growth Management.
27. That the owner shall include in the engineering design and cost estimate schedules, provision for a 1.5m high heavy duty black vinyl galvanized chain link fence between open space blocks and the: future school block (Block 878), district water tower (Block 884), park block (Block 879), and commercial block (Block 876), to the satisfaction of the Director of Growth Management.
28. That the owner shall include in the engineering design and cost estimate schedules, provision to install multi-use paths, in accordance with the Waterdown South Secondary Plan, and paved public walkways with bollards at locations as directed by the City, at his expense, and to the satisfaction of the Senior Director of Growth Management.
29. That the owner shall include in the engineering design and cost estimates, provision to install municipal sidewalks, in accordance with the current City of Hamilton Policy, and to the satisfaction of the Senior Director of the Growth Management.

30. That, the owner shall prepare a driveway location/on street parking plan that shall be submitted showing:
- the location of driveways based on the premise of achieving on-street parking for 40% of the ground related total dwelling units per phase;
 - the driveways ramps and curb openings for all lots;
 - the pairing of driveways;
 - where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.
- to the satisfaction of the Senior Director, Growth Management Division.
31. That the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, address the impacts of the pond bottom elevation below the groundwater table, and to undertake any mitigative works, as recommended, including monitoring. The Report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
- i) An aquifer is breached during construction;
 - ii) Groundwater is encountered during any construction within the subdivision including, but not limited to, house construction;
 - iii) Sump pumps, if required, are found to be continuously running; and,
 - iv) Water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted.
32. That the owner shall indicate all driveway locations on the engineering drawings for all lots, and that no driveway shall be located within a daylight triangle or such that access is restricted by a splitter island at a roundabout, to the satisfaction of the Senior Director of Growth Management, and Director of Engineering Services.

33. That the owner shall include in the engineering design for the draft plan lands, removal of all dead or diseased trees within the City's road allowance, as required by reconstruction on existing streets, and pay all costs for replacement of such street trees. A Tree Preservation Plan, to be submitted to the satisfaction of the Senior Director of Growth Management, for Mountain Brow Road tree removal across the frontage of the subject lands.
34. That the owner shall include in the engineering design and cost schedules, provision for a minimum of 2.0m separation between foundation walls in order to facilitate one-way drainage or accommodate any rear yard catch basin which requires an overland flow route to the road, to the satisfaction of the Senior Director, Growth Management Division. Further, the owner shall demonstrate that all minor and major overland flow from the rear yards can be safely conveyed to appropriate outlets.
35. That the owner shall submit a detailed sump pump design to include a secondary relief/overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on the groundwater and severe wet weather conditions, to the satisfaction of the Senior Director, Growth Management Division.
36. That the owner shall notify the downstream private land owner(s) of impending pond construction, to the satisfaction of the Senior Director of Growth Management Division.
37. That the owner shall include in the engineering design options for the City's consideration to address transitional grading without retaining walls, while still providing the required maximum 5% grade within the required 5.0m rear yards of the subject lands, to the satisfaction of the Senior Director of Growth Management.
38. That, **prior to registration**, the owner and the City of Hamilton shall enter into a written agreement with respect to the conditions, including timing, of the purchase and sale of Block 871 as a Fire Station, to the satisfaction of the Director of Planning.

Traffic:

39. That, **prior to registration**, the owner shall agree to construct a roundabout at the intersection of Burke and Streets C/AC. The applicant shall retain an expert roundabout Engineering Consultant to design the roundabout, to the satisfaction of the Director of Engineering Services.
40. That, **prior to registration**, the owner shall agree to construct Street AC as a 20m Right-of-Way, to the satisfaction of the Senior Director of Growth Management.

41. That, **prior to servicing**, the owner may re-assess the preferred solution for traffic control at the intersection of Skinner Road with future Shalem Road (Collector Road "B" of the Secondary Plan), to the satisfaction of the Director of Engineering Services. Should preference for a roundabout be re-affirmed, the west leg of the roundabout shall be constructed as a shared private driveway to serve Blocks 870 and 866.
42. That, **prior to registration**, per the Waterdown South Secondary Plan Traffic Study (February, 2010), Skinner Road shall align centreline-to-centreline with Evans Road at Dundas Street, to the satisfaction of the Director of Engineering Services. The intersection shall include upgraded traffic signals, a minimum 25m northbound left turn storage lane, and an exclusive northbound right-turn lane (the latter identified in Reed Voorhees Study).
43. That, **prior to registration**, per the Waterdown South Secondary Plan Traffic Study (February 2010), Street A shall align centreline-to-centreline with Spring Creek Drive, and be constructed as a fully signalized intersection at Dundas Street, to the satisfaction of the Director of Engineering Services. The intersection shall include a minimum 50m northbound left-turn storage at Dundas Street.
44. That, **prior to registration**, per the Waterdown South Secondary Plan Traffic Study (February 2010), Street B shall align centreline-to-centreline with Pamela Street, and be constructed as a fully signalized intersection at Dundas Street, to the satisfaction of the Director of Engineering Services. The intersection shall include a minimum 25m northbound left-turn storage at Dundas Street.
45. That, **prior to registration**, the owner shall submit detailed design drawings in MicroStation V8, to the satisfaction of the Manager of Design Engineering Services. for Traffic Signals, Pavement Markings, and Traffic Signs for the following the intersections:
 - Dundas Street at Skinner Road / Evans Road
 - Dundas at Spring Creek Drive / Street A
 - Dundas at Pamela Street / Street B
46. That, **prior to registration**, the owner shall include in the engineering design, a splitter island at the Burke/Skinner roundabout, extending 10m south of the south curb line of Streets A/Y, such that Streets A/Y function for right turns-in and right turns-out only and, if feasible, at the intersection of Street A at Street B/D, a raised intersection, including crosswalks, be constructed at a higher elevation than the adjacent roadway, to the satisfaction of the Director of Engineering Services and Senior Director of Growth Management.

47. That, **prior to issuance of a Building Permit**, the owner shall provide a driveway location plan, to the satisfaction of the Director of Engineering Services.
48. That, **prior to registration**, the owner shall agree that the eastern most driveways to Blocks 812 and 813 must be located along the west lot line of the eastern most units and driveway access to Block 868, located mid-block with the access to Skinner and Street Y, to the satisfaction of the Director of Engineering Services, in order that they do not interfere with the west splitter island of the Burke/Skinner roundabout.
49. That, **prior to registration**, the owner shall agree that the eastern most driveways to Blocks 819 and 820 must be located along the west lot line of the eastern most units, and that the western most driveway to Block 821 be located along the eastern lot line of the western most unit, to the satisfaction of the Director of Engineering Services, in order that they do not interfere with the west splitter island of the Burke/Streets C/AC roundabout. It is noted that some of the driveways to Blocks 819, 820, and 821 will function as right-in/right-out due to the location of the proposed splitter island.
50. That, **prior to registration**, the owner shall agree that the driveways to Blocks 821 and 867 must be located along the east lot line, to the satisfaction of the Director of Engineering Services, in order that they do not interfere with the east splitter island of the Burke/Streets C/AC roundabout.
51. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, installation of bicycle lanes on Skinner Road, from the west limits of the subject lands to Dundas Street, to the satisfaction of the Director of Engineering Services.
52. That, **prior to registration**, the owner shall submit detailed design drawings in MicroStation V8 for Pavement Markings and Traffic Signs, to the satisfaction of the Manager of Design, Engineering Services, for the on-street painted bike lanes on Skinner Road.
53. That, **prior to registration**, the owner shall pay for the future installation of School Zone 40 Km/hr Flashers on Skinner Road, in front of Block 939, to the satisfaction of the Director of Engineering Services.
54. That, **prior to registration**, the owner shall submit a Traffic Sightline Study that demonstrates minimum sightlines are available for Street J looking east, to the satisfaction of the Director of Engineering Services.

55. That, **prior to servicing**, the owner shall include in the engineering design and cost schedule, traffic calming measures in front of the future School and adjacent Park Blocks, and the Hydro Corridor for the trail connection, to the satisfaction of the Director of Planning, and the Director of Engineering Services.

HCA:

To be determined through the Ontario Municipal Board Hearing.

Planning, Heritage and Design:

Urban Design Requirements:

56. That, **prior to registration**, an Urban Design Brief shall be submitted to demonstrate compliance with the Urban Design Policies/Guidelines of this Plan. The Urban Design Brief shall include text, plans, details and/or elevations, as necessary, to demonstrate how the intent of the Secondary Plan policies has been met, to the satisfaction of the Director of Planning. The owner shall agree to adhere to the Urban Design Guidelines, and submit building plans for the lots identified in the Urban Design Guidelines to the City's Urban Designer/Architect for review and approval, prior to the issuance of the Building Permit.

The Urban Design Guidelines shall include, but not be limited to:

- a) the design of the pedestrian Main Street, and in particular, the design of the public realm, including sidewalks and landscaping treatment;
- b) the design of units adjacent Mountain Brow Road and Burke Street, and in particular, provide more specific details regarding fence materials, articulated noise walls, landscaping and height, in addition to the rear building elevations, in order to demonstrate how the impact of the reverse frontage lots will be minimized;
- c) design of the Neighbourhood Nodes, and in particular, the design of the required 'Village Squares';
- d) detailed design of the specific residential and commercial areas, as identified within the Secondary Plan;

all to the satisfaction of the Manager of Development Planning, Heritage and Design.

57. That, at the owner's expense, a "Control Architect" shall be retained, to the satisfaction of the Manager of Development Planning, Heritage and Design, and whose function shall be:

- i) To ensure, amongst other matters, the appropriate development of each lot with respect to siting, built form, materials, colours, and landscaping in compliance with the approved Architectural and Urban Design Guidelines; and,
 - ii) To certify, through stamping and signing, all drawings for the development of each lot and/or block, subject to the Architectural Guidelines, prior to the issuance of any Building Permit(s).
58. That the City of Hamilton may undertake periodic reviews of certified drawings to ensure compliance with the Architectural and Urban Design Guidelines. Where inadequate compliance is evident, the City of Hamilton may cease to accept certified drawings by the Control Architect, and the owner shall retain another Control Architect, satisfactory to the Manager of Development Planning, Heritage and Design.
59. That, **prior to registration**, the owner shall submit final unit counts, demonstrating conformity with the density provisions of the Secondary Plan or how conformity will be achieved through future phases, to the satisfaction of the Director of Development Planning.

Record of Site Condition:

60. That, **prior to registration of the Subdivision Agreement**, the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC will be required for the lands adjacent 490 Dundas Street East (Gas Station), known municipally as 488 Dundas Street East. This RSC must be to the satisfaction of the City of Hamilton, including a notice of acknowledgement of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.

Noise Study Requirements:

61. That, **prior to registration of the Subdivision Agreement**, the owner/applicant shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer, containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner/applicant, and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.

Street Names and Numbering:

62. That the owner shall agree that prior to the closing of Mountain Brow Road, adjacent to Block 882 and/or prior to the registration of a Plan of Subdivision containing Street "O" (whichever one comes first), to initiate a street name change to rename the portion of Mountain Brow Road adjacent to Lots 433 to 467 by submitting the required processing fee for a "Change of Street Name" to the Growth Management Section.
63. That, **prior to registration of the Subdivision Agreement**, the owner shall agree to incur any cost associated by the renaming of Mountain Brow Road to the owner of 398 Mountain Brow Road, including but not limited to, replacement and installation of the 911 Rural Numbering Sign, Canada Post fees to redirect mail for six months, and the replacement of any other structure or sign that indicates the municipal number or street name, to the satisfaction of the Director of Growth Management.

Warning Clauses:

64. That, **prior to registration of the Subdivision Agreement**, the owner shall agree to include on all notices of purchase and sale of residential units, the following warning clauses:

"On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and intended for the purposes of parking a vehicle. It is the owner's responsibility to ensure that their parking needs can be accommodated."

For those residential units within a Neighbourhood Node:

"Residents are to be advised that commercial uses are permitted to be located within this designation under the existing applicable Zoning By-law provisions, without the requirement of a public planning process".

For those residential units with restricted accesses:

"Residents are to be advised that restricted vehicular movements are required to the access arrangements of their property".

Trail Design and Construction:

65. That, **prior to registration**, the owner shall agree to construct a 4m wide granular trail along the Hydro Corridor, both north and south of the open space block, a trail connection between Blocks 901 and 902, and a trail constructed along Block 892, to the satisfaction of the environment and sustainable infrastructure.
66. That, **prior to registration**, the owner shall submit and receive approval of a plan illustrating the location and construction details of all required trails through the Draft Plan of Subdivision, to the satisfaction of the environment and sustainable infrastructure.

Archaeology:

67. That one registered archaeological site remains on the subject property, and the applicant has stated their intent in the Archaeological Report (PIF P018-144-2005) to conserve the site in place and transfer ownership to the City or Conservation Authority. The Ministry of Tourism, Culture, and Sport has specified the following conditions are to be met, prior to such transfers of property encompassing archaeological sites for their long term conservation:
 - 1) A 10m buffer zone to be established around the archaeological site, and incorporated into Block "894";
 - 2) The incorporation of the archaeological site within a defined and dedicated Block within a registered plan;
 - 3) The protection of this Block through restrictive covenants incorporating Ministry-specified text;
 - 4) Provision of a notice of intent to transfer of title for this Block to a third party public body, and acknowledgement by that third party of these intentions;
 - 5) The protection of each Block through prohibitive zoning incorporating Ministry-specified text;
 - 6) The installation of temporary fencing to protect each site during construction activities; and,
 - 7) Documentation from the proponent undertaking to avoid any disturbance of each Block and the archaeological site thereon, prior to receiving sign-off of the Provincial interest.

In addition, special conditions for this transfer include:

- That, **prior to registration of the final Plan of Subdivision**, Block "963" (Archaeological site AiGx-300) be conveyed to the City.
 - That, **prior to registration of the draft Plan of Subdivision**, the owner shall provide the sum of \$10,000 per hectare, to be placed in a City fund for the perpetual care and maintenance of Block "963", to the satisfaction of the Director of Planning.
 - That, **prior to registration of the final Plan of Subdivision**, the owner shall prepare, at their expense, an Archaeological Site Management Plan for Block "963", prepared by a licensed archaeologist from the City of Hamilton's roster of consulting archaeologists, to the satisfaction of the Director of Planning detailing, but not limited to:
 - i) The intended long-term use of the Block "963";
 - ii) Any means of long-term physical definition and protection of the sites;
 - iii) Surface treatment (e.g. ground-cover);
 - iv) Neighbourhood and Councillor engagement; and,
 - v) First Nations engagement and the nature of this involvement.
68. That, **prior to registration**, the owner shall agree to place in any and all Agreements of Purchase and Sale for lots and blocks within the Draft Plan within 100m of the archaeological site, a clause indicating the following:
- "In respect of open space maintenance, a notice advising prospective purchasers and tenants that, despite the fact the City has ownership of the archeological site, maintenance of that site will be at a minimum, and the site will remain in a natural state, which may become of concern, occasionally interfering with some activities of the abutting land owners."
69. That, **prior to registration**, the owner shall agree, in writing, to provide Cash-in-Lieu of Parkland, as provided for under Section 51 of the Planning Act, and in accordance with the City's Parkland Dedication By-law No. 09-124. The Cash-in-Lieu payment shall be required prior to the issuance of a Building Permit, based on the market value of the lands of the day prior to the day of draft approval, and the calculation of the payment is based upon the unit count, as shown on the final M Plan. The development may be subject to the alternate dedication rate of 1 ha per 300 dwelling units if the density of development is between 20 and 75 Dwelling units per ha, inclusive; a rate of 0.6 ha per 300 dwelling units if the density of development is between 75 and 120 units per ha, inclusive; and a rate of 0.5 ha per 300 dwelling units if the density of development is greater than 120 units per ha. Final determination of Parkland

Dedication is subject to a determination of the implications of the Memorandum of Agreement, dated October 30, 1997.

70. That, **prior to registration**, the owner shall demonstrate that the lands to be dedicated to the City of Hamilton for the purposes of Parkland (Blocks 873, 874, 876, and 878) has occurred, and been appropriately zoned to accommodate the future proposed land uses, to the satisfaction of the Director of Planning.
71. That, **prior to registration**, the applicant shall prepare a General Vegetation Inventory/Tree Protection Plan, prepared by a certified arborist or landscape architect, at the owner's expense, and to the satisfaction of the Director of Planning.
72. That, **prior to registration**, the owner shall agree that, in addition to the City's regular Development Charge, a charge will be paid to the City of Hamilton of \$800 per unit at the time of issuance of Building Permits. This charge shall be indexed to the Consumer Price Index, commencing on the date of issuance of the first Building Permit, for those lands designated "Urban" or on January 1, 1999, whichever comes first, as outlined in the Memorandum of Agreement adopted by By-law 103-1999.
73. That, **prior to servicing**, the owner shall agree, in writing, as follows:
 - (i) That where construction of services is proposed in Karst Areas A, B, or C, a Geotechnical Engineer shall be retained to assess pre-construction conditions in the areas proposed for such construction, to determine the load bearing properties of the rock, and to determine if grouting of the bedrock is required to the satisfaction of the Director of Development Engineering.
 - (ii) That if karst features are encountered during the construction of services, they shall be remediated, as directed, by a Geotechnical Engineer, in consultation with a karst specialist as a function of the specific construction-related activity.
 - (iii) That if karst features are encountered during the construction of basements, mitigation measures shall be undertaken, in accordance with recommendations of a Geotechnical Engineer, in consultation with a karst specialist, to the satisfaction of the Director of Development Engineering.
74. That, **prior to preliminary grading**, that the owner shall receive any necessary Demolition Permits for any existing buildings on the property and submit proof that the buildings have been demolished or otherwise removed, to the satisfaction of the director of Planning.

Hamilton-Wentworth District Public School Board:

75. That the owner, at their expense, shall place adequate signage on site, based on Hamilton-Wentworth District School Board specifications, advising that students from this development are likely to be redirected to schools outside of the area with available capacity, and that students may be transported, as governed by the Hamilton-Wentworth School Board's Transportation Policy, unless granted exception.
76. That the Subdivision/Condominium Agreement shall include a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity, as governed by the Hamilton-Wentworth School Board's Transportation Policy.
77. That any rental or lease agreement required for occupancy shall include a clause advising renters or leasers that students from this development are likely to be redirected to schools outside of the area with available capacity.
78. That a warning clause shall be included in the Subdivision/Condominium Agreement advising the purchasers that students of the Hamilton-Wentworth District Public School Board system are likely to be redirected to schools outside the area with available capacity, as governed by the Hamilton-Wentworth School Board's Transportation Policy.

ESAIEG:

79. That, **prior to registration of the final Plan of Subdivision**, the applicant shall provide information from the Secondary Plan, which indicates the width of buffers to be provided, to the satisfaction of the City of Hamilton, Director of Planning.
80. That, **prior to registration of the final Plan of Subdivision**, ESAIEG shall be provided with the final design for the bridge crossing GS-1, to the satisfaction of the City of Hamilton, Director of Planning.
81. That, **prior to registration of the final Plan of Subdivision**, ESAIEG shall be provided with the Monitoring Report for the South Waterdown Secondary Planning area, to the satisfaction of the City of Hamilton, Director of Planning.

Canada Post:

82. That the owner shall covenant and agree to provide the Senior Director of Growth Management with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation and activation of Community Mail Boxes (CMB) in locations satisfactory to the City of Hamilton.

Notes:

- It should be noted to the owner and agent that there are a number of incorrect and unapproved street names shown on this plan. Skinner Road was approved as it reads. It was never given directional suffixes of East and West. The use of the street name Shalem Road has never been approved by the City of Hamilton, and will not be, as it is too similar to two older existing streets known as Salem Road and Salem Avenue. Shalem Road should not be used on any future plans, and will need to be replaced with another street name.
- For the information of the applicant, access to Dundas Street from Blocks 870, 858, and 864 will be restricted to right turns-in and right turns-out only. Access from Dundas Street will not be granted to Blocks 879, 859, 863, 880, 860, and 862.
- For the information of the applicant, access to Block 870 to Skinner Road must be a minimum 55m south of the south curb line of Dundas Street.
- For the information of the applicant, access to Street A will not be granted to Blocks 860 and 862. Access to Block 860 must be from Street B, and be located along the west lot line. Access to Block 862 must be from Street D, and located along the east lot line.
- For the information of the applicant, access to Block 861 must be located toward the west lot line; and access to Block 856 must be located toward the east lot line.
- For the information of the applicant, access to Dundas Street from Block 870 will be restricted to right turns-in and right turns-out, and be located a minimum 70m west of the west curb line of the North Waterdown Arterial Road.
- For the information of the applicant, Burke Street will be a controlled access road. In this regard, no access will be permitted to Burke Street from any private lot or window road.
- For the information of the applicant, should Block 867 and/or 866 exceed 100 units a second access will be required. Access will only be granted to Block 866 along Skinner Road toward the western property line. A Sightline Study may be a condition of Site Plan Approval.
- For the information of the applicant, Street C will be a signed Shared Use Road. In this regard, the minimum lane width on Street C will be 4.25m each.

- There is a City share for installation of the proposed services within the Draft Plan Lands, in accordance with the City's Financial Policies adjacent to Parks, the district water tower, and SWM facilities.
- The City will not contribute towards temporary works or works that may be driven by the owner's design or decision to optimize the development footprint, such as construction of retaining walls.
- The City will not contribute to additional road frontage created by changes to a SWM facility design beyond typical design details, such as walkway and decant area frontage.
- If determined to be an arterial road through an approved Class EA, the City will contribute to the cost of Burke Street, in accordance with the City's Financial Policies, Development Charge Policy, i.e. the cost of land beyond 26m and the cost of the road greater than a 2-lane local road, save and except for turning lanes, and any OMB approved settlement with respect to the Development Charge appeals.
- The City will contribute to the cost of SWM Facilities #1, 3, 4, and 5, in accordance with the City's Development Charges Background Study and any OMB approved settlement with respect to Development Charge appeals.
- The City will pay for the land required for the district water tower. The land shall be valued at the day prior to draft approval.
- The City will contribute to the cost of trails in accordance with the City's Development Charges background study and any OMB approved settlement with respect to Development Charge appeals.
- All City Share contributions unless established as a Flat Rate are subject to public tendering policies of the City.
- The City will contribute to the cost of galvanized fencing required for SWM facilities, the district water tower, parkland, public walkways and multi-paths, and Burke Street, in accordance with the City's Financial Policies for Development.

John, Edward

From: mary allan [REDACTED]
Sent: Monday, June 18, 2012 1:04 PM
To: Alex Bielak [REDACTED]; John, Edward
Cc: Judi Partridge; Dimitri Benak; Dave and Julie Scheerer; Roberta Bielak; Rick Breznik; Michael Staresinic
Subject: Re: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Thanks alex for reiterating all our concerns. Would also concur that we need more information so that we can make informed comments.

Mary

Sent from my BlackBerry phone powered by Koodo Mobile.

From: Alex Bielak [REDACTED]
Sender: [REDACTED]
Date: Mon, 18 Jun 2012 12:45:13 -0400
To: [REDACTED]
Cc: Judi Partridge [REDACTED]; Dimitri Benak [REDACTED]; Mary Allen [REDACTED]; Dave and Julie Scheerer [REDACTED]; Roberta Bielak [REDACTED]; Rick Breznik [REDACTED]; Michael Staresinic [REDACTED]
Subject: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Dear Edward:

thanks for taking my call the other day. To re-iterate a couple of points.

1. you agreed the notice sent out was next to useless in relaying information as the detailed lot plans are as yet unavailable and it is impossible to discern what is intended by the developers vis a vis the development from what was sent out June 8th. I consider that date for comment should be extended by at least as long as it takes to get us useable information.
2. I re-iterated our concerns that lot sizes adjacent to Flanders Drive should remain congruent (the same as) those on Flanders.
3. I re-iterated that residents on Flanders do not want a permanent road connection to the new subdivision and that it is our understanding that the current road is for emergencies only and will eventually disappear, once the new development has more than one egress.

These and other concerns have been relayed by the Waterdown South Residents Association to the City previously, and I am copying our lead in that effort Dimitri Benak, a couple of other neighbours on the east of Flanders, as well askey folk concerned with the road issues generally.

I understand that you will register these continuing concerns and ensure that as soon as it is available a detailed site plan is available copies will be made available to us also.

Thanks

Alex Bielak

--

John, Edward

From: Scheerer, David [REDACTED]
Sent: Monday, June 25, 2012 3:34 PM
To: John, Edward; Alex Bielak
Cc: [REDACTED]; Morrison, Alison
Subject: RE: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Hello John,

Thanks for the draft plan for the new subdivision behind Flanders. Do you have the timeline for when they will start the work? The other question we asked was when the temporary access road would be removed?

Dave Scheerer

From: John, Edward [REDACTED]
Sent: Monday, June 25, 2012 11:34 AM
To: Alex Bielak
Cc: Scheerer, David; [REDACTED]; Morrison, Alison
Subject: RE: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Hi Alex,

I have attached a copy of the Draft Plan of Subdivision, which should assist in interpreting the zoning by-law amendment proposed. I will be formally circulating this once I have all the revised fees/forms from the applicant, but in order to expedite matters though I would email yourself and the other interested parties.

Please note that the Draft plan covers the entire area (not just the lands subject to the current zoning by-law). If you have any questions please do not hesitate to contact me.

Regards

Edward

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

From: [REDACTED] **On Behalf Of** Alex Bielak
Sent: Thursday, June 21, 2012 8:54 AM
To: John, Edward
Cc: Scheerer, David; [REDACTED]; Morrison, Alison
Subject: Re: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

many thanks
Alex

On 21 June 2012 08:32, John, Edward [REDACTED] wrote:
I can confirm that a revised zoning map and attached draft plan indicating more clearly the development will be circulated shortly. In addition, further time for comment will be made available. I hope this will assist with all the existing concerns over the current circulation.

Regards

Edward John, B.A. (Hons.) M.A.
Senior Project Manager

T: [REDACTED]
E: [REDACTED]

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

From: Scheerer, David [mailto:dscheerer@cosma.com]
Sent: Wednesday, June 20, 2012 1:02 PM
To: John, Edward
Cc: [mailto:alex@bielak.ca]; Dimitri Benak [mailto:dimitri.benak@gmail.com]; theallan@cogeco.ca; roberta@bielak.ca; [mailto:mary.allen@cosma.com]; [mailto:staresinic@cosma.com]; Morrison, Alison
Subject: FW: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Hello Edward,

I just want to understand the intent of your email. If I understand correctly, the reason of the zoning application letter sent to the folks on Flanders was to let them know that there is an application to change the land from agriculture to residential correct? I believe everyone is aware of the housing development just east of Flanders. The question is more the detail of the subdivision such as street locations, lot sizes, parks and trails etc. I think knowing the timeline would also be great. It would be nice to know what the timeline is for the removal of the new temporary street that runs from Rosecliffe to the new subdivision? Could you please copy me when any of this information is made available?

Dave Scheerer

From: Gmail - Alex [mailto:alex@bielak.ca]
Date: Mon, 18 Jun 2012 14:21:29 -0400
To: John, Edward [mailto:john@waterdown.ca]
Cc: Alex Bielak [mailto:alex@bielak.ca]; Dimitri Benak [mailto:dimitri.benak@gmail.com]; Mary Allen [mailto:mary.allen@cosma.com]; Dave and Julie Scheerer [mailto:dave@cosma.com]; Roberta Bielak [mailto:roberta@bielak.ca]; Rick Breznik [mailto:rick@cosma.com]; Michael Staresinic [mailto:michael@cosma.com]; Morrison, Alison [mailto:alison@cosma.com]
Subject: Re: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Thanks

My primary concern is that I was not able to find out ANYTHING from the materials sent or an Internet search. As such I have no way to ascertain what the developer wishes to change nor to comment on it. If they are seeking to further intensify with taller buildings I'd be concerned. My primary concern is not road placement.

Thanks

Alex

Dr. Alex .T Bielak

Senior Fellow & Knowledge Broker - UNU-INWEH

On 2012-06-18, at 1:26 PM, "John, Edward" [REDACTED] wrote:

Alex,

I would like to clarify that I confirmed the proposed zoning application, given the absence of a Draft Plan of Subdivision, provides difficulty in understanding the exact location of the future proposed road pattern - which was one of your primary concerns. I also confirmed that this draft plan of subdivision is expected and will be circulated once it has been formally submitted to the City. Once circulated, you will be given a further opportunity to put forward concerns regarding the road pattern and lotting of the development.

In the mean time, the opportunity to put forward any concerns or questions about the proposed landuses is available, and as such, the information submitted below will be placed on file. If you have any further questions, please do not hesitate to contact me.

Regards

Edward

Edward John, B.A. (Hons.) M.A.
Senior Project Manager

T: [REDACTED]

E: [REDACTED]

I have attached a copy of the Draft Plan of Subdivision, which should assist in interpreting the zoning by-law amendment proposed. I will be formally circulating this once I have all the revised fees/forms from the applicant, but in order to expedite matters though I would email yourself and the other interested parties.

Please note that the Draft plan covers the entire area (not just the lands subject to the current zoning by-law). If you have any questions please do not hesitate to contact me.

Regards

Edward

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Sent: Thursday, June 21, 2012 8:54 AM
To: John, Edward
Cc: Scheerer, David; [REDACTED]
[REDACTED] Morrison, Alison
Subject: Re: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

many thanks

Alex

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I can confirm that a revised zoning map and attached draft plan indicating more clearly the development will be circulated shortly. In addition, further time for comment will be made available. I hope this will assist with all the existing concerns over the current circulation.

Regards

Edward John, B.A. (Hons.) M.A.
Senior Project Manager

T: [REDACTED]
E: [REDACTED]

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

From: Scheerer, David [mailto:[REDACTED]]
Sent: Wednesday, June 20, 2012 1:02 PM
To: John, Edward

Cc: [REDACTED]; [REDACTED] Morrison, Alison
Subject: FW: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Hello Edward,

I just want to understand the intent of your email. If I understand correctly, the reason of the zoning application letter sent to the folks on Flanders was to let them know that there is an application to change the land from agriculture to residential correct? I believe everyone is aware of the housing development just east of Flanders. The question is more the detail of the subdivision such as street locations, lot sizes, parks and trails etc. I think knowing the timeline would also be great. It would be nice to know what the timeline is for the removal of the new temporary street that runs from Rosecliffe to the new subdivision? Could you please copy me when any of this information is made available?

Dave Scheerer

From: Gmail - Alex <[REDACTED]>

Date: Mon, 18 Jun 2012 14:21:29 -0400

To: John, Edward <[REDACTED]>

Cc: Alex Bielak <[REDACTED]>; Dimitri Benak <[REDACTED]>; Mary Allen <[REDACTED]>; Dave and Julie Scheerer <[REDACTED]>; Roberta Bielak <[REDACTED]>; Rick Breznik <[REDACTED]>; Michael Staresinic <[REDACTED]>; Morrison, Alison <[REDACTED]>

Subject: Re: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Thanks

My primary concern is that I was not able to find out ANYTHING from the materials sent or an Internet search. As such I have no way to ascertain what the developer wishes to change nor to comment on it. If they are seeking to further intensify with taller buildings I'd be concerned. My primary concern is not road placement.

Thanks

Alex

Dr. Alex .T Bielak

Senior Fellow & Knowledge Broker - UNU-INWEH

On 2012-06-18, at 1:26 PM, "John, Edward" [redacted] wrote:

Alex,

I would like to clarify that I confirmed the proposed zoning application, given the absence of a Draft Plan of Subdivision, provides difficulty in understanding the exact location of the future proposed road pattern - which was one of your primary concerns. I also confirmed that this draft plan of subdivision is expected and will be circulated once it has been formally submitted to the City. Once circulated, you will be given a further opportunity to put forward concerns regarding the road pattern and lotting of the development.

In the mean time, the opportunity to put forward any concerns or questions about the proposed landuses is available, and as such, the information submitted below will be placed on file. If you have any further questions, please do not hesitate to contact me.

Regards

Edward

**Edward John, B.A. (Hons.) M.A.
Senior Project Manager**

T: [redacted]
E: [redacted]

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

From: [redacted] [mailto:[redacted]] **On**
Behalf Of Alex Bielak
Sent: Monday, June 18, 2012 12:45 PM
To: John, Edward
Cc: Judi Partridge; Dimitri Benak; Mary Allen; Dave and Julie Scheerer; Roberta Bielak; Rick Breznik; Michael Staresinic
Subject: ZAC-12-013 - Zoning By law change requests re Waterdown Bay

Dear Edward:

**C. ROY JAMES
BETTY JAMES
LORY JAMES
JAROC MANAGEMENT SERVICES LTD.
56 GEORGE STREET
WATERDOWN, ONTARIO
LOR 2H0**

BY E-MAIL [REDACTED]

29 June 2012

City of Hamilton
Planning and Economic Development
71 Main Street West
5th Floor
Hamilton, Ontario
L8P 4Y5

Attention: Edward John

Dear Mr. John;

Re: File No: ZAC-12-013

We acknowledge receipt of your correspondence of the 8th referencing the above.

We own the lands adjacent to the proposed subdivision. Our lands are known for municipal purposed as 53 George Street and 56 George Street.

Any development around our lands is bound to affect our property.

By this letter, we wish to make planning submissions at any public meeting to be held in this regard. We would also wish to be provided with a copy of the staff report as well as any other relevant documents prepared by the City or others.

We look forward to hearing from you.

Yours Truly,

C. Roy James

John, Edward

From: Dimitri Benak <[REDACTED]>
Sent: Tuesday, July 16, 2012 2:39 PM
To: John, Edward
Subject: Fwd: Waterdown South Secondary Plan - OMB matter: without prejudice
Attachments: Flamb ZBL.R1 Regs (Flanders).pdf; Zone Map for Flanders.pdf

----- Forwarded message -----

From: Scott Snider <[REDACTED]>
Date: Fri, Oct 21, 2011 at 7:08 PM
Subject: RE: Waterdown South Secondary Plan - OMB matter: without prejudice
To: Dimitri Benak <[REDACTED]>
Cc: Michael Telawski <[REDACTED]>, James Webb <[REDACTED]>, "Minkowski, Mike" <[REDACTED]>

Mr. Benak

Thanks for your note. I can confirm as follows:

1. Only single family, detached homes will be permitted on the lots in question. That is one of the reasons we are seeking the right to include lofts.
2. We currently estimate that there will be 12 lots adjacent to Flanders. The precise number will depend on the final pond design but will not vary significantly from that number.
3. I certainly can confirm that there will be no doors or windows in the loft portion facing the rear yards of the homes on Flanders. However, I can't confirm that the roof lines will be at exactly the same level as the homes on Flanders because I don't know what those heights are. What I can confirm is that these homes will be subject to exactly the same height restrictions as the homes on Flanders. I am attaching excerpts from the existing Zoning By-Law which shows the homes on Flanders in a R1-4 zone. You will see that the maximum permitted height is 11 m (the general R1 standards for height apply in the R1-4 zone). The same height restrictions will be applied to the homes on these new lots.

I trust this answers all of your questions. Would you please let me know if we can proceed on the basis set out in my offer?

Thanks.

Scott

Scott Snider

Turkstra Mazza Associates

15 Bold Street
Hamilton, ON, L8P 1T3

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From: Dimitri Benak [mailto: [REDACTED]]
Sent: October 12, 2011 7:42 PM
To: [REDACTED]
Subject: Re: Waterdown South Secondary Plan - OMB matter

Hi Scott,

Apologies for the delay in my response- I have been travelling across Asia on business.

Regarding the lot sizes - can you please confirm that these lots would only accommodate single family, detached homes on these 60ft lots? As well, can you confirm how many lots/homes, in total, would be built adjacent to Flanders? As for the lofts, I don't foresee this being an issue so long as there are no doors or windows facing the rear yards of the homes on Flanders and that the roof lines of these homes are at the same level of the homes on Flanders- can you confirm?

On Wed, Oct 5, 2011 at 3:51 PM, Scott Snider [REDACTED] wrote:

WITHOUT PREJUDICE

Mr. Benak

We were left with two issues to address following our meeting with you:

1. Fixing a minimum lot width for lots that are adjacent to your neighbourhood – to clarify what is meant by “similar lot width”;
2. Relocating the emergency access in the registered Phase 1A plan of subdivision to avoid healthy trees (if it cannot be eliminated, and the City insists it cannot).

I have instructions to offer the following:

1. The language in the Secondary Plan will be modified as follows: “The new lots along the western limit of the Secondary Plan Area shall serve as a transition area between the established homes and new residential development internal to the Waterdown South community. The implementing zoning by-law shall ensure that all new lots immediately opposite those on Flanders Drive and Rosecliffe Place have a similar lot width at the point where the new lots are opposite to the existing lots **and in no case shall the lot width at the point opposite to the existing lots be narrower than 18.2 metres.**” The bolding is new, proposed wording that would ensure that the lot widths at those locations would be at least 60 feet.
2. My client is prepared to relocate the temporary, emergency access as depicted on the attached plan, to avoid the trees at issue. This is a significant additional expense for my client. This is subject to confirmation that the City will not require any additional approvals/delay to accommodate the new location- I am working on that.

This offer is conditional on the following:

1. Written confirmation directed to the City that you and your neighbours would not object to the by-law permitting lofts within the roof structures of the homes on those lots so long as there are no windows within the loft portion facing the rear yard. We are making this request to make better use of the homes that will be built on these very large lots. There will be no change in the building height and the limitations of the location of windows will ensure that there are no loft windows overlooking any of your properties. We hope you will view this as a reasonable compromise.
2. You will write the Board advising that you and your neighbours are now satisfied with the Secondary Plan (with the change noted above) and you will not need to give evidence at the hearing.

Please consider this and give me a call should you wish further information or clarification. I look forward to hearing from you.

Scott

Scott Snider

Turkstra Mazza Associates
15 Bold Street
Hamilton, ON, L8P 1T3

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From: Minkowski, Mike [mailto: [REDACTED]]
Sent: September 30, 2011 10:55 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Waterdown South Secondary Plan - OMB matter

WITHOUT PREJUDICE

Mr. Benak

Further to our meeting, we have followed up on the three points which you asked us to confirm. I am pleased to respond as follows:

1. With respect to the temporary nature of the emergency access road, there is an obligation upon the developer to close up this road when it is no longer required. This is set out in the subdivision agreement that was entered into by Waterdown Bay and registered on title. The obligation is set out in paragraph 1.13 of the agreement. Please find attached below for your reference a copy of this subdivision agreement.

<<Waterdown BayPh1_SubAgreeJune2011_25T200513.pdf>>

2. As concerns the proposed trail, its intended route will be along the utility corridor running north/south from Mountainbrow Road north to the stormwater management pond. The trail will then go east to Burke Street where residents can then take the sidewalk to Dundas Street East which will then enable them to walk west along Dundas Street East to the core of Waterdown.

3. Finally, please see attached below a copy of the City's West Nile By-law.

<<03-173.pdf>>

I trust this information will be satisfactory.

Michal Minkowski, Sr. Legal Counsel
City of Hamilton

John, Edward

From: Dennis Cheung [REDACTED]
Sent: Thursday, September 06, 2012 11:18 AM
To: John, Edward
Subject: Re 518 Dundas Street W

Importance: High

Follow Up Flag: Read
Flag Status: Flagged

Hello John,

Please confirm with me that you have received the opposition from the owner 518 Dundas Street East for Waterdown Bay 's secondary plan proposal.

Would you know the contact number for the real estate department for the Fire department in Hamilton.
Your help is appreciated

Sincerely

Dennis Cheung,
Broker of Record
Winners Realty Inc., Brokerage
2379 Marisa Court, Mississauga
Ontario L5K 2P7

Cell: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

John, Edward

From: Cristeta Walsh <[REDACTED]>
Sent: Friday, September 07, 2012 11:10 PM
To: John, Edward
Subject: File no.ZAC-12-013/25T-200513

Dear Mr Edward John,

I'am sorry I missed your call last Thursday, my stepsons , David Zalepa and Dennis Cheung who are our Realtors had a meeting with regards to the REVISED application for Watedown Bay Ltd. application No.ZAC-12-013. We are all concerned for the following reasons:

1. Revising the road that is originally planed beside our property and the other vacant land near the gasolline station. According to the diaghram (pis. correct me if I'am wrong) that the road will end as a court (Blk. 930 medium density mixed use) . Therefore no entrance in the side of our property in the near future and may affect any development that may occur to our property.

2. The accessibilty of the service to our property in the near future. Where is the service coming and is the Waterdown Bay Ltd. will have a full control of the service.?

The way we interpret the revised plan is mainly beneficial for Waterdown Bay Ltd. not our property. Therefore we would like to ask your fair assistance to clear this matter and to inform us any further changes.

I'am a widow and I don't understand much about this planning but I have the realtors(Dennis and David Zalepa) and my 3 stepsons that you may consult to discuss this matter. Thank very much for your time .

Sincerely,
Cristeta Walsh



RECEIVED

JUL - 9 2013

905.336.1158
Fax: 905.336.7014
2596 Britannia Road West
Burlington, Ontario L7P 0G3
conservationhalton.ca

Protecting the Natural
Environment from
Lake to Escarpment

July 5, 2013

Mr. Edward John
City of Hamilton
Planning Division, Development Planning
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Mr. John:

**Re: Waterdown Bay Ltd.
392, 488, 530 Dundas Street East
Mountainview Heights Phase 1B, 2 & 3
Functional Servicing Report, Stormwater Management, MRC Matrix Response
City of Hamilton (Waterdown)
File: 25T-200513**

The following reports/attachments have been reviewed:

- "3238210: *Mountainview Heights, Phases 1B, 2, & 3 – Functional Servicing Report and Environmental Impact Study Comments October 22, 2012 Letter*", Response Table prepared by MRC, date stamped received April 30, 2012 and associated CD containing Attachments 1 - 15
- *Waterdown Bay Ltd., Mountainview Heights, Phases 1, 2, & 3, Updated Functional Servicing and Stormwater Management Report, City of Hamilton*, Prepared by Metropolitan Consulting Inc., Dated April 2013
- *Mountainview Heights: Karst Assessment and Contingency Plan for GS-1 Branch 3 (Karst Area G), Waterdown, Ontario*", prepared by Karst Solutions and Terra-Dynamics Consulting Inc., dated May 3, 2013

Conservation Halton received an email from Mr. Janusz Czuj of McCormack Rankin, dated May 31, 2013 with an attachment titled, "*Mountainview Heights Remaining Phases: Responses to Conservation Halton's May 8, 2013 Comments Pertaining to Functional Servicing Report and Environmental Impact Study*" Response Table, prepared by McCormack Rankin. Staff have not had sufficient time to review the submission and therefore will provide a response under a separate letter.

Based on our review of the documents listed above staff offer the following comments.

Comments have been set-up in order as they appear on MRC's response table, with each of the table headings listed as underlined text at the top of each section. Comment numbers as identified by the MRC Table have been maintained where provided. A separate bullet has been provided for each comment where a numbering system was not utilized. Any new comments, or comments difficult to reference back

to the MRC table, are provided under the headings Ontario Regulation and MOU, and separated based on the document of origin.

Permits and Regulations

- Item unnumbered: Staff have concern over the proposed use of retaining walls adjacent to the buffer setback, as one of the intents of the buffer is to prevent intrusion into the protected areas, protect the integrity of the rooting systems associated with vegetation to remain, and to eliminate the risk of impactful activities (such as temporary grading, loading, or dewatering), immediately adjacent to a hazard or sensitive feature. Will the proposed retaining walls require grading within the regulated setback to install the structures/foundations? If so, please illustrate the expected limit of disturbance in plan view. How will retaining walls impact local surface and groundwater drainage patterns? All areas that will require retaining walls abutting regulated areas should be flagged for consideration at this stage, as Conservation Halton’s policies do not generally allow encroachment into the regulated setbacks. The referenced grading plans for Pond 5, which staff understand would have clarified known retaining wall positions, did not appear to be included as part of this submission package.

Street A Crossing of GS-1

1. Partially addressed. Staff note that the Tree Preservation Plan and the Restoration Plan have not been submitted. Staff recommend that Conservation Halton’s Landscaping Guidelines and Tree Preservation Plan be used to prepared these plans. Guidance for this can be found online at: <http://www.hrca.on.ca/ShowCategory.cfm?subCatID=1168>. Please note that only locally common native, non-invasive species should be used for the restoration of the project footprint.
2. The 400 mm trunk watermain to cross the GS1 tributary is proposed by open cut. Geotechnical detail for the proposed crossing will need to provide details of the bedrock elevation to indicate whether the location could allow for jack and bore installation. This will be a condition of Draft Plan approval.
7. Staff offer the following comments on the hydraulic modeling:

Hydraulic Cross Section	Manning's Roughness	
	Overbank	Channel
131-126	0.07	0.045
125	0.06	0.04
124-123.2	0.04	0.04
123-122	0.08	0.04

- a) The Manning’s ‘n’ values need to be further supported. Please detail the transition in Manning’s ‘n’ values as described in the table below.
- b) Staff noted several discrepancies between the spacing of the hydraulic cross sections shown in Figure 3.3 and the model.
 - i. The downstream channel lengths modeled for cross sections 129 and 128 appear to overestimate the floodplain area.
 - ii. The downstream reach lengths for crossing 125 appear to be under-estimated in the model.

- c) The bridge crossing is currently modeled as having a 25m width, however the FSR text appeared to indicate the bridge would be narrowed to approximately 14m. The model also did not consider potential impacts of sloping abutments. Staff request that the bridge and road be narrowed to the greatest extent possible through the regulated valley lands. Please refine the model to incorporate the abutments and a narrower bridge opening as part of the detailed design.
8. Staff wish to clarify that a compensating cut is not required for the loss of impacted floodplain storage that occurs beyond the limits of the natural riparian storage. Any fill encroachment within the limits of the natural riparian storage (i.e. within the existing conditions floodplain) must be appropriately compensated for through a corresponding cut. Fill associated with road works, however, has generally been excluded from this due to the general public benefit associated with the road, and limited potential for compensation with a linear infrastructure project. On that basis, staff do not anticipate requiring any compensating cut or the proposed open space additions and reductions shown on Figure 3.3. We apologize that this was not clearly identified during the previous submission.
12. The scoped Environmental Impact Study is to include a detailed geotechnical investigation to support the proposed crossing. A geotechnical assessment by a qualified engineer referencing the *Technical Guide – River & Stream Systems: Flooding Hazard Limit, Ministry of Natural Resources and Watershed Science Centre, 2002*, and *Understanding Natural Hazards, Ministry of Natural Resources, 2001* will be required as a condition of Draft Plan approval.
13. Please refer to comment 1 response.

Re-alignment of GS-1 Branch 3

During the June 11, 2013 meeting with City of Hamilton staff, applicant, consultants and Conservation Halton, Mr. Webb, Planning Consultant noted that the approved Waterdown South Secondary Plan, from which staff were referring to was not the most updated version. Although the City of Hamilton website notes that the Ontario Municipal Board issued a decision on August 13, 2012 deeming Official Plan Amendment No.122, as modified, to be in effect, there were no updated appendices. Appendix E identified GS-1 Branch 3 as located towards the rear of the commercial block (close to the confluence) whereas the full decision kindly provided by Mr. Webb on June 12, 2013, contains Appendix G, as amended, to show Branch 3 aligned adjacent to Dundas Street West. Conservation Halton was not represented at OPA 122 and notes there is no technical information provided as to why the realignment of Branch 3 along Dundas Street West occurred or how it ‘respects and enhances’ the natural feature.

While staff are open to realignment of the watercourse to address issues such as water quality, erosion potential, impacts to the GS-1 corridor, channel enhancements, etc., OPA 122 states in Section A.9.6.2 o) *Stormwater Management*;

“The ultimate configuration and design of the relocated Branch 3 of the Grindstone Creek Tributary 1, as illustrated on Appendix G will be based on Conservation Halton requirements. The relocated branch will be fully contained within public lands and shall be maintained by the City of Hamilton.”

Figure 6.3, GS-1 Branch 3 Creek Realignment – Conceptual Plan and Profile – Layout Option 5 – Shifted 10m Southeast, prepared by Ecoplans/McCormick Rankin (Attachment No. 6) illustrates a 10m buffer adjacent to the urban cross section of Dundas Street West, and a

creek corridor of 20m. Conservation Halton staff appreciate the shifting of the realignment corridor however the plan form provided as part of Attachment 6 for the realigned channel does not illustrate the channel with a sinuosity of 1.2. Staff request confirmation that the proposed channel block is sized sufficiently for the proposed meander plan-form such that the proposed width of the 10m buffer adjacent to Dundas will not be impacted should any channel corridor sizing modifications be required. Staff also have concerns with the realignment in that the shortening of the length of the tributary within the proposed realignment corridor may negatively impact natural channel /fluvial geomorphic stability (*see comments below in this section, response number 1*).

Staff request a full evaluation of the alignment option that will address the concerns as outlined in this section (and section, *New Comments GS-1 Branch 3 Re-Alignment*”).

Staff requested that the focus of the EIS be expanded to fully evaluate all of the alignment options identified in Section 6.4.2 of the EIS. The initial report appeared to focus the rationale for the changed alignment on issues related to sediment transport, which have since been re-evaluated in the JTB Environmental Systems Inc.’s Memo of April 26, 2013. As it appears the re-alignment location need not be dictated by sediment transport concerns, staff re-iterate our previous request that the benefits and concerns associated with other aspects of the re-alignment, including water quality, erosion potential, impacts to the GS-1 corridor, ideal provision of stormwater management (quantity and erosion control) servicing for development areas, etc., be incorporated into the alternative evaluation. To clarify, the alignment’s impact on stormwater management servicing should be considered with respect to how the alignment impacts the potential to provide SWM treatment for blocks of land outside of the corridor.

1. The response matrix indicates the four proposed crossings will be sized to span the bankfull channel. Please note Conservation Halton requires sizing of the culverts to be determined based on a fluvial geomorphological assessment to verify that the design has adequately allowed for natural channel migration, fish/terrestrial passage, sediment transport and minimize the risk to infrastructure. Additional guidance will be provided through the Conservation Halton permit review process.

The response matrix indicates the proposed realignment includes the two existing springs. Although the channel block appears to incorporate the location of the springs, staff request confirmation that a positive flow path to the realigned channel be incorporated at detailed design to ensure any flows coming from other sources into the springs, will be maintained to the channel.

The proposed design appears to harden the channel (through the need to introduce a D50 of 100 to 130 mm through the runs). Staff recognize that this apparent increase is impacted by the increased channel slope through some of the reaches, as well as the increased surface flow that will result from the grouting of the apparent upstream sinkhole and losing reach. Staff request that as part of the evaluation of alternatives, consideration be given to matching the existing slope in the upstream reaches, through the incorporation of a short cascade or step pool feature to transition to the GS-1 confluence, as opposed to steepening the upstream reaches to create a more uniform gradient through the re-aligned channel. Staff are concerned that the proposed channel design may not be stable over the long term as it appears to be relevant on a stone size much greater than what currently appears to be the median size of the existing alluvium.

Subsequent to the ultimate agreed to location of Branch 3 and naturalization of the feature, as approved by Conservation Halton, and the securement in ownership of the creek corridor by the

City of Hamilton, as per OPA 122, GS-1 Branch 3 will no longer be regulated, as per the agreement made in the SWSS.

- 1.1 The Karst Assessment and Contingency Plan for Karst Area G indicates both the losing reach and two springs are karst hazards as per the Provincial Policy Statement. This report identifies that the inferred sinkhole and losing stream may be mitigated through grouting or sinkhole closeout, however based on discussions with Marcus Buck at Conservation Halton's meeting with the all parties at the City of Hamilton's offices on June 11, 2013 it was stated that the sinkhole may have the ability to reform. If the sink, as defined in the karst report, and appropriate development setbacks determined by the karst experts, are kept in an open space block, staff have no further concerns. However if the open space block does not contain the sink, staff request additional discussions from the karst experts to address what setbacks, if any, should be incorporated to address this concern. Staff note however that a development setback has been recommended around Spring 1 and Spring 2. On that basis, Conservation Halton deems the 8m x 30m recommended development setback encompassing Springs 1 and 2 plus the correspondingly appropriate portion of the open space block to be a regulated feature at this time. Staff request further discussion by the karst experts as to whether or not an additional regulated setback should be incorporated around the hazard to preclude potential interference with the spring resulting from excavation or loading in the adjacent areas, and account for any uncertainty in the analysis. The discussion should recommend the appropriate size of the development setback for the spring feature. Staff acknowledge that the regulated status of this feature may change over time as a result of the potential for the springs to dry up following grouting of the sink, and are open to re-evaluating the hazard status of this feature in the future.

The Karst report also indicates the springs will be monitored for five years to ensure an additional source doesn't exist. Staff request the corridor be designed to allow for the flow of any seeps to the watercourse.

Staff note that a Draft Plan condition requiring compliance with all recommendations in the Karst Area G report be included.

- 1.2 With regards to stormwater management servicing, Conservation Halton's position on the potential to provide stormwater management treatment within the GS-1 Branch 3 corridor remains consistent with the views expressed at the time of the subwatershed study, i.e. staff are not supportive of using the open space corridor for the GS-1 Branch 3 channel to provide stormwater management for the development. Further, staff note that the JTBES memo identified concerns with the current alignment of the existing connection of the GS-1 Branch 3 tributary with GS-1. Staff request that the options consider modification of the alignment of GS-1 Branch 3 to improve channel stability.
- 1.3 Per the SWSS, staff understand that the GS-1 Branch 3 channel is to be a naturalized, non-hardened channel. Until the issue of channel hardening has been addressed, staff are unable to confirm the sizing and capacity of the channel block.
- 1.4 This item can be addressed through a Draft Plan condition whereby Conservation Halton requires 0.2m of topsoil depth.

Grading Works within the Regulated Wetland Setback Associated with Wetlands 2 and 3

- Staff await the submission of the water balance to address this concern. The Response Table indicates later that this study will be available April 30th; however as noted at the June 11, 2013

meeting, it has not been received. For this reason, staff are unable to assess if the proposed drainage changes will have a negative impact on the hydrologic function and water quality of Provincially Significant Wetlands (PSW) on the property as well as the hydrologic regime, hydro period and water quality of the Jefferson Salamander (JESA) breeding ponds. We do acknowledge that proposed mitigation measures have been provided, however in the absence of the results of the water balance, we are unable to ascertain if these measures are appropriate. Therefore, without this information, staff remain concerned that there will be negative impacts on these sensitive features from the diversion of flows. Staff require this water balance prior to Draft Plan approval.

Restoration Works – Per Section 2.2 of the SWSS Phase 2 Report

- According to Attachment 9, Section 11 Task Area I: Laneway Removal, some trimming of the tree material will be needed to accommodate the temporary use of the laneway and approximately 800 m² of successional woodland may be impacted. Prior to this submission, staff were not aware that this impact may occur, rather we were under the understanding that this area would be restored by the removal of the laneway. Figure 11-1 indicates that the limit of disturbance will be approximately 40m wide which seems excessive for trimming activities. Clarification as to what will be required to use this laneway for access is warranted in light of this new information. Staff request a Tree Preservation Plan for this area.

The response in the table addressed one item requiring restoration plans through the SWSS. As a condition of Draft Plan, Conservation Halton will require the restoration of all areas flagged within the subject lands identified within the SWSS to be completed.

Farm Lane Removal

- Staff continue to request that a figure showing all applicable setbacks (buffers from the NHS, regulated areas, etc.) overlaid on an air photo be submitted for review. We note that mapping of selected areas has been submitted however a plan that shows all of the applicable phases has not. In addition, we note that the Figure 7-1 "Falcon Creek Section Locations and Regional Floodlines" indicates that the setback to the wetland is 15m, when it should show the wetland limit plus 30m. Please revise this figure to accurately show the wetland setback.
- Staff also required that an additional task area be included to address pre to post-development water balance to the PSW. This has not been provided as part of this submission and therefore staff are unable to ascertain if there will be impacts to the hydro period, hydrologic function and water quality of the PSWs. We are also unable to determine if the proposed mitigation will be able to offset these impacts without this water balance. Staff continue to remain concerned about a change in flows to the PSWs and continue to require a water balance for this site as it pertains to the PSWs and Jefferson Salamander breeding ponds. Please refer to other comments on the water balance to ensure that all aspects of the required information for the study are provided.

Regional Storm Floodplain

1. Please specify the details of the field survey (surveyor, date, benchmark, etc.) on the full sized scaled plan showing the existing and proposed grades, hydraulic cross sections, development blocks, and existing and proposed floodplain limits.
2. Staff appreciate the inclusion of Figures 1.4, 7.1, EX-1.1 and EX-1, however we note that these figures are not signed and sealed, nor do the figures include proposed grading details. Figure 7-1 does not show the regulated setback associated with the Falcon Creek floodplain, and proposed

lot lines are not provided, nor is the location of the watercourse shown. Further the scale of the topographic information provided is not sufficiently detailed to support the alignment of the hydraulic cross sections.

6. As the watercourse layer has been eliminated from Figure 4-9, staff cannot confirm whether or not this comment has been satisfactorily addressed. We note however that the confluence is still modeled upstream of hydraulic cross section 4090, which was of concern at the time of the previous submission
7. Staff re-iterate the need for complete full sized, scaled, signed and sealed plans overlaying topographic information, hydraulic cross sections, watercourse location, draft plan, proposed grades, existing and proposed floodplain, etc.

Erosion Hazard

- The Meander Belt Assessment provided (reference 2005 memo from JTBES) does not include the full supporting documentation, and is contrary to staff's understanding that meanders tend to move both down valley and laterally across the meander belt. Staff require further justification/discussion with respect to the selected delineation of reach breaks, as well as a summary analysis of the historic photo interpretation. As part of further supporting documentation, please overlay the reach breaks, meander belt axis, meander belt, and air photo details on a scaled topographic plan. Please note that when staff completed a quick comparison of the meander belt width summarized in the 2005 memo to a suite of common equations (including Williams, Ward, Dunne, and TRCA) based on an upstream drainage area of approximately 700 ha, an assumed bankfull width of approximately 5m, and an assumed bankfull depth of 0.5m; staff generally found the calculated 18.7m meander belt width to be narrow for the system. While staff acknowledge that standard error and the limitations of nomographic measures are far less ideal than a measured approach, these measures do imply that further analysis may be required. Staff are unable to support the proposed meander belt location shown in Figure 1.4 of MRC's Attachment 10 without further justification and documentation. If the document and associated Figures are not revised to address Conservation Halton's concerns, the document will need to be peer-reviewed by a licensed P.Geo. Staff re-iterate our previous comment:

"The submission did not include any sufficient analysis or documentation of the erosion hazard limit associated with the systems to remain on the landscape. For confined reaches, the existing top of bank must be staked in the field by Conservation Halton staff, and (where deemed necessary by Conservation Halton staff), a geotechnical assessment to identify the long term stable top of bank must be completed in accordance with current MNR technical guidelines. For unconfined reaches, a meander belt study is required. The evaluation of the meander belt must also be completed in accordance with current MNR technical guidelines. While it is recognized that previous work may have been completed to establish the erosion hazard limit, this work must be updated to support of the current draft plan of subdivision. Additional detail or analysis may be required. ... Once the long term stable top of bank, physical top of bank as staked by Conservation Halton, and meander belt have been identified to define the erosion hazard and regulated setback, the regulated limit should be overlain on the draft plan of subdivision to confirm that all proposed lot lines are maintained out of the area regulated by Conservation Halton."

Phase 1A Existing Conditions Report

- Staff note that the breeding bird work is being performed by Aquafor Beech and that this information will be provided once complete. We look forward to receiving the results of this study.
- The final comment of this section requested that the EIS address the proposed trail locations and their impacts on the cultural vegetation units and regulated areas, however no response to this comment was provided. This comment remains outstanding. Please include a typical cross section of the trails with the information requested.

General Policy Comments

The provided response does not appear to respond to previous comments associated with works south of Mountainbrow Road identified in the matrix. The following was identified;

"Staff note that page 35, paragraph 2 of the EIS states, 'If the result of the monitoring program indicate some residual concerns about overland flow appropriate mitigation measures will be implemented (i.e. improve GS-3 East Tributary flow capacity)'. Conservation Halton would not support any remedial works south of Mountain Brow Road. All works must take place on the South Waterdown lands."

CA/Hamilton MOU – Hazardous Geology

- Staff appreciate receipt of the reports for Karst Areas D and G. Staff request that with respect to Karst Area C, either;
 - A copy of the referenced Karst Area C report be provided, complete with a covering letter prepared by the report's authors confirming the acceptability of extending the validity of the report across the current phase of works. This covering letter should specifically reference Pond 1 and the appropriateness of transferring the recommendations made for Pond 2 to Pond 1; or
 - An updated Karst Area C report should be provided

CA/Hamilton MOU – Wildlife Habitat Impacts/Mitigation

- The response states that "roads will continue to separate potential green spaces". We question if consideration for wildlife movement within areas can be included which may then allow for some connectivity between the two Environmentally Significant Areas (ESAs) in absence of being able to fully retain the hedgerows, as set out in Condition 7 of the *Minutes of Settlement, Waterdown Bay Ltd., dated September 22, 2010*. For example, could new tree lines be installed at the rear of Blocks 907 and 894?
- We also note that the response regarding retaining the hedgerows on the City land should be directed to Engineering and Parks, which staff support. It is recommended that this be added to the EIS.

Endangered Species

- Staff continue to recommend that the Guelph and Aurora District Ministry of Natural Resources (MNR) office be contacted to ascertain if there are any Endangered Species Act requirements for the observed species. Staff note that additional monitoring work is currently being conducted and

once the survey data is submitted additional comments may be warranted. Staff request that we be included in the correspondence with the MNR.

- Staff are supportive of the recommendation that barn swallow habitat could be designed in the bridge crossing of GS1 and we suggest that this be discussed with the MNR as well.

Storm Water Management

2. Staff appreciate that the FSR evaluated the net increase in total impervious coverage relative to the assumptions made as part of the Subwatershed Study, and has sized the proposed Stormwater Management Ponds in accordance with the recommendations of the SWSS (for the portion of the development draining to each pond facility). As summarized in Table 4.3, however, the proposed development results in a net 25.36 ha increase in impervious area across the site. This increase is not distributed proportionally through each of the watersheds, as shown in the table on the following page. Substantial increases in total impervious areas have been identified throughout the site, including in the more erosion sensitive watersheds of GS-3 and Falcon Creek. Staff are particularly concerned over whether the stormwater management targets established through the subwatershed study will be sufficient to protect downstream properties from the increased risk of flooding and erosion. Staff require that the modeling completed for the subwatershed study be re-run based on the proposed level of impervious coverage and stormwater controls to confirm the existing management targets are sufficiently robust to control the increased impervious areas without causing an increase to downstream flooding or erosion. Should the initial targets prove insufficient to demonstrate no negative impact on downstream flooding or erosion, the targets must be further refined, and the proposed stormwater management plan altered in accordance with any revised targets. Per our previous comment, staff continue to request detailed calculations demonstrating how impervious coverage was generated for each catchment (i.e. what assumptions were used for rooftop coverage, sidewalks, driveways, decks/sheds, patios, etc.), as well as analysis demonstrating that the hydrologic and hydraulic impacts of this increased development density will not negatively impact the flooding or erosion within the each of the watercourse systems draining the development area. As resolution of this issue may impact the sizing of the stormwater management facilities, staff have discussed the following option with the City in order to address this concern as a condition of Draft Plan:

Staff understand that in the absence of additional information to confirm the appropriate sizing of the SWM pond blocks, the City wishes to put a hold on lots surrounding the stormwater management ponds to provide for expansion room should the outstanding SWM information and newly provided water balance data determine the SWM ponds are required to increase in size. However, in the absence of the required information, staff are not convinced the lots immediately surrounding the existing SWM blocks will be sufficient for all SWM ponds.

Conservation Halton will agree to condition the sizing of the SWM pond blocks by holding lots as undevelopable, but staff's preference would be to receive the outstanding information required to confirm the SWM block sizing. It was staff's understanding at the June 11, 2012 meeting this was also the applicant's preference.

Approved vs. Proposed Impervious Coverage

Watershed	Outlet	Imp. Area (ha) as Approved Per the SWSS	Imp. Area (ha) as Proposed Per FSR (Includes CSRs)	% Increase in Impervious Coverage
GS-1	Pond 1	11.1	12.74	15%
	Pond 2	17.75	21.11	19%
	On-Site	3.72	5.74	54%
	Total to GS-1	32.57	39.59	22%
GS-2	Pond 3	3.92	7.15	82%
GS-3	Pond 4	20.52	30.8	50%
Falcon	Pond 5	9.33	11.55	24%
All	Total	66.34	89.09	34%

- As indicated above, staff maintain our previous request for a detailed description of how the assumed impervious coverage percentages were calculated for each of the CSR areas (as well as the other catchments). We also await submission of a revised hydrologic model that includes all drainage areas (pond catchment areas – including the ponds, and CSRs) that outlet to each separate system (i.e. GS-1, GS-2, GS-3, and Falcon Creek) to demonstrate whether or not over-control may be required within the ponds to control for runoff discharged from the CSR’s. As per our previous comments:

“For staff to support the proposed grading and stormwater management plan, the Functional Servicing and Stormwater Management Report must demonstrate that the quantity control targets established in the subwatershed study have been achieved relative to each drainage basin. While the current report demonstrates achievement of quantity control objectives for areas draining to stormwater management ponds based on a comparison to the allowable unitary flow rates, a substantial portion of the development drains directly to the watercourse (from areas identified as CSR blocks). In the SWSS, runoff from the entire development area, including the CSR blocks, were assumed to be controlled by the ponds. The FSR appears to ignore any flow contribution from these areas. The SWSS made it clear, through the selection of Stormwater Management Treatment Option 2b, that infiltration measures and filtration strips could be relied upon to provide water quality and water balance improvements only, and were not to be relied upon to provide quantity control. For the proposed grading and stormwater management scheme to be maintained, the proposed ponds [may need to] provide over-control relative to the unitary flow targets, in order to provide quantity control for the clean surface runoff catchments and achieve overall watershed targets. Please revise the modeling to demonstrate that flow targets will not be exceeded when compared to the total anticipated SWSS target flows for each catchment, i.e. GS-1, GS-3, and Flacon Creek.”

A resolution of this issue may impact the sizing of the stormwater management facilities. Please see staff’s comments above in this section with regards to our acceptance of holding lots as ‘undevelopable’.

- Please see staff’s comments under the heading CA/Hamilton MOU – Hazardous Geology.

Pond 1 and 3

1. Staff agree the design of the SWM Pond 1 outlet can be addressed at detailed design and be a condition of Draft Plan approval.
2. Staff agree that the details regarding landscaping of SWM ponds can be addressed at detailed design and be a condition of Draft Plan approval.
10. The response indicates that the water balance will be available, April 30, however this has not been submitted. Staff requires that this water balance be submitted for review. Please refer to other comments on the water balance for further considerations.

Pond 4

1. Staff note that this concern has been addressed for Ponds 4 and 5, however not for GS-3 East Tributary. Tributary GS-3 concerns are identified earlier in this letter.
2. Staff's previously raised concern regarding whether tailwater conditions may impact pond outflows has not been addressed, and is re-iterated below:

Please provide calculations confirming that Pond 4 has an unrestricted free outfall to the GS-3 tributary under all controlled storm events, i.e. provide capacity calculations for the 1800mm x 900 mm concrete box culvert outfall. Please be sure to flag all tailwater assumptions used in the analysis.
3. The response provided does not address the comment. While we agree that salt is the primary factor, water quality and quantity as well as timing issues remain relevant and must be addressed. Please refer to the original comment.
4. Staff defer comment on this response until the submission and subsequent review of the water balance has occurred.
6. Staff understand that additional monitoring of the seasonal and occasional flow patterns adjacent to Pond 1 is currently underway. Once this monitoring has been completed, we recommend that all interested parties meet to discuss this issue and methods to rectify it, be discussed.
7. There appears to be an inconsistency between MRC's response and MCI's FSR. Section 4.10, of MCI's FSR indicates that "run-off from the hydro corridor, south of Street C and the rear yards, south of Street C is "clean" and can discharge without treatment to the watercourse. ...along the south side of Mountainbrow Road, in a new ditch, to the east GS-3 Branch." Staff believe the Street to have been improperly referenced and anticipate the reference intended is actually relative to Streets G and P. With the revised road profile plans for Mountainbrow Road, however, the new south ditch will direct all flows to the GS-3 West Branch. Based on the contour data available to Conservation Halton on our GIS system, staff also believe that King Road forms a local high point, and that therefore runoff from CSR2 will drain into the Falcon Creek catchment as opposed to the GS-3 East branch. Based on this, we believe the proposed revisions will eliminate any flows to the GS-3 East Branch from the proposed development area, including from catchments CSR-1 and CSR-2. Please update the report, to clarify any drainage changes.

Staff will be able to conduct a more detailed review once we are in receipt of the water balance report.

Pond 5

2. Staff's previously raised concern regarding whether tailwater conditions may impact pond outflows has not been addressed, and is reiterated below.

"Please provide calculations confirming that Pond 5 has an unrestricted free outfall to the wetland 2 under all controlled storm events, i.e. provide capacity calculations for the culvert outfall. Please be sure to flag all tailwater assumptions used in the analysis."
3. In addition to the below comments, staff recommend that the MNR be contacted to determine if there are additional requirements under the *Endangered Species Act* that should be considered as it pertains to Jefferson Salamander. We note that this response was difficult to follow when compared to the original text of the October 22, 2012 letter, though we have attempted to provide comments as presented in the response table.
 - A. Staff appreciate the provided salt calculations. The comment however also questioned what the values represent, are they averages, maximums etc.? From the submitted raw data, it does not appear that this has been addressed. In addition, we questioned if these values were consistent with standard practices or using a salt management strategy. We understand that the City has a salt management plan and question if the calculations were based on what will actually be applied in this area or if they are based on different values. Please clarify.
 - B. The response indicates that a Salt Management Plan for the City of Hamilton exists and will be utilized for the study area. Will modifications to the general City plan be presented to the City as part of this process given the Subwatershed Study recommendations and the sensitive nature of the surrounding natural area? Please also see Comment D below.
 - C. It appears that this comment and corresponding response do not match up with what was provided in the original letter. Justification to support the assumption that the City View Park would not be a major salt contributor was a comment on its own for this section and was not the action required as it pertains to Comment C. While we agree with the results that City View Park is a major contributor to salt loading into the headwaters of Falcon Creek and we support the additional monitoring that Marcus Buck has completed, this does not correspond to the request for the application rates, which are provided for in Comment B.
 - D. Staff do not feel that this comment has been addressed. Given that the Subwatershed Study specifically recommended that the City should complete a Salt Management Strategy for this area, staff would expect that the City either create a new plan or modify the existing generic plan to be compatible with the sensitive surrounding natural environment. At this time Conservation Halton staff have not yet met with the City to discuss this need as was requested nor have we received this plan. We continue to recommend that a meeting occur to discuss the creation of a site specific salt plan.
- Staff wish to commend Marcus Buck for the additional investigations undertaken too, as it related to the source of the salt for the pond and the follow up completed with the City of Burlington.
7. As raised earlier, given that the water balance has not been submitted for review, staff are unable to determine if there will be an impact on the PSW as currently proposed. We defer comment on this issue until such time that the water balance has been submitted and then reviewed by staff.
8. Please refer to comment 7 above regarding the water balance.
9. Comment addressed, provided the EIS is updated.
11. This comment remains outstanding until the submission of the water balance. It should be noted that it is not just the impacts to the JESA ponds that are of concern but also impacts on the PSW that should be evaluated and addressed accordingly.
- In recent meetings with City of Hamilton Staff and Conservation Halton, the concept of treating storm flows from Dundas St in SWM Pond 5 has been discussed. We have not received any detailed information on this concept and are therefore unable to provide comments at this time. We do note however, that we have concerns with this approach from an ecological and

engineering perspective. Ecological concerns include impacts to PSW 2 and 3 as well as the Jefferson Salamander ponds which will ultimately receive flows from this SWM pond. Engineering concerns relate to SWM pond block sizing as the block has not been sized to receive these flows. Staff recommend that an alternative approach be developed to treat excessively salted storm flows from Dundas St, rather than using SWM pond 5.

Pond 6

1. The response to Conservation Halton's previous comment did not address the original intent of the question, and while the original comment referenced Pond 6, it was intended to confirm the best alternative to provide Stormwater Management for the Drainage Area to Pond 6 and Pond 7 (the private on-site SWM facility). The drainage area to SWMF 7 has expanded due to the proposed re-direction of runoff from Falcon Creek into the GS-1 tributary to avoid salt contamination to Jefferson Salamander Breeding Ponds. Are additional diversions to the GS-1 catchment anticipated from the adjacent Salem lands? Staff's previous request is re-iterated below.

"Section 5.6 of the EIS indicates that drainage areas to the private commercial pond facility have been increased to reduce the risk of salt contamination impacting the endangered Jefferson Salamander population. Given the increase in size of this block, the likely need to adopt a similar strategy with respect to drainage to Pond 6 on the Salem lands, and the SWSS's apparent intent for this pond to treat a portion of the new impervious area associated with the widening of Dundas Street, staff recommend that the stormwater management strategy for this area be re-evaluated holistically to confirm that the current strategy (inclusion of private on-site SWM controls) is still the most appropriate plan for this area."

Staff continue to request that the stormwater management strategy for this area be re-evaluated holistically (including the On-Site Pond 7 drainage area catchment, portion of Dundas Street and portion of Salem Lands) to confirm:

- Any proposed diversion from Falcon Creek will not result in flooding and erosion downstream within the GS-1 branch,
- Any proposed diversion from Falcon Creek will not negatively impact the downstream ecosystem,
- GS-1 Branch 3 and/or the storm sewer network through the Mountainview Site is sized and designed appropriately to accommodate all future flows, with GS-1 Branch 3 able to be maintained, as an open, natural channel feature; and
- The proposed Stormwater Management Strategy, including on-site controls, remains the preferred stormwater management strategy for the area.

These issues extend beyond the discussion of salt contamination wash-off and dilution provided in the discussion.

3. Comment remains outstanding as the water balance has not been submitted. Once this has been received, then proposed mitigation can be assessed and discussed. Please refer to the above comments regarding this issue.

Pond 7

- Based on the modeling provided in the current FSR, Pond 7 is no longer intended to treat runoff from Dundas Street or a portion of the Salem Lands. This appears to be contrary to the SWSS. Please identify how stormwater management from Dundas Street and the appropriate portion of the adjacent Salem lands will be treated. Please detail how quality, quantity, and erosion control

will be provided for these lands. It is recommended that the City of Hamilton consider opportunities to drain Dundas Street to proposed stormwater management facilities or require provision of over-control within proposed facilities, due to the impact both the proposed Dundas Street widening and the transition from a rural to urban road cross section will have on stormwater quantity and quality due to the loss of infiltration, filtration, and biologic uptake.

General SWM Comments

1. Landscaping details can be included as a condition of Draft Plan approval.
2. Staff had requested confirmation on whether there was a potential to further maximize length to width ratio of Ponds 4 and 5. The response states that the ponds are designed to meet MOE design criteria. Staff note the minimum design criteria for length to width ratio is 3:1, with a preferred criteria of 4:1 or 5:1. Staff believe Ponds 4 and 5 do not meet the 3:1 criteria, and request additional discussion regarding the potential to adjust the length to width ratios of these ponds.
3. A condition of Draft Plan approval will be that all infiltration measures described in the SWSS include the provision of 200mm of topsoil depth throughout the subdivision, or the potential to mix more permeable soils into the subsoils for grading.
4. A condition of Draft Plan approval will be that the proponent incorporate proposed imperviousness and pond rating curves into the overall larger scale GAWSER model.

Mountainbrow Road Grading

- Staff appreciate the provision of profile and cross sectional views along Burke Street and Mountainbrow Road (to Pond 4). Please expand the provided information to include the stretch of Mountainbrow Road to be closed – showing how works for Burke Street and Mountainbrow Road will transition through the pathway section. Further, as per staff’s original request, the profile and cross-sectional drawings were to be submitted in support of the storage analysis, not in lieu of the analysis. As the drawings appear to indicate elimination of a considerable storage volume within the ditch system, additional work is required to confirm how storage within the roadside ditch would have impacted downstream flows, and to demonstrate that the proposed stormwater management scheme adequately mitigates for any downstream flooding impact that may have resulted from the loss of ditch storage. Staff re-iterate our previous comment:

“The grading plan for Pond 4, as well as the trail system and new portion of Mountainbrow Road, appear to indicate substantial changes to storage along the existing ditch network. As the storage of the existing ditch system may be a mitigating factor in the flooding of downstream properties, a detailed assessment of the proposed grading changes and the impact on storage must be provided. In support of the analysis to be provided, please provide a full sized, scaled, detailed grading plan for the entire impacted length of Mountainbrow Road (i.e. from Flanders Drive to King Road), indicating existing topographic information, grading details for the proposed changes to the road network and associated drainage systems, and chainage for the various roads/trails, overlain on an aerial photograph.”

Subwatershed Planning

- Staff note that a Tree Preservation Plan for the property will be submitted and will discuss the potential to retain portions of the hedgerow where and if possible. In order to maintain a

connection between the north and south ESAs, staff recommend that the City consider retaining as many of the trees in the hedgerow as possible given the constraints of the area and development of the site. For example, retention in the park blocks, water tower block, etc.

- The response indicates the working easement will be restored when the works associated with the road are completed. A restoration plan for this area will be required as a condition of Draft Plan approval. Proposed plantings to be used must consist of common, locally native, non-invasive species. Please refer to the Conservation Halton Landscaping and Tree Preservation Guidelines for further landscaping procedures.

The following comments are new comments generated by the review of the submitted documents.

Conservation Halton’s Ontario Regulation 162/06

Functional Servicing Report

- Figure 4-7B shows a turn-around circle for the maintenance access road associated with Pond 5 extending through the regulated buffer, terminating within the adjacent open space block (associated with wetland 2). Staff are not supportive of this location, please revise such that it is outside Conservation Halton’s’ regulated area.
- Section 4.14 – Staff are not supportive of the installation of proposed infiltration galleries in the regulated area. The proposed galleries would result in excavation or grading within the regulated setback which is contrary to Policy.
- Section 4.15 of the FSR should be revised to include Karst Area G.
- Staff are supportive of the realignment of GS-1, Branch 3 to the southern 20m of the 30m realignment corridor, however require additional information to confirm that the corridor can be shortened and remain non-hardened as well as contain the hazard constraints. Please see staff’s comments under the Section titled ‘Realignment of GS-1 Branch 3’ and ‘GS-1 Branch 3 Re-Alignment’. The Bousefield Inc. plan must also be revised to illustrate the appropriate setbacks around Springs SP1 and SP2.
- Figure 2.7B indicates that all external flows collected within the south roadside ditch associated with Mountainbrow Road will be conveyed to the west branch of GS-3, completely cutting off flows to the GS-3 east branch. Will this proposed drainage modification impact flow capture to the karst springs? Staff are concerned that modification to the karst capture could increase the frequency or severity of flooding experienced below the brow of the escarpment when the GS-3 tributary flows overland over the escarpment brow. Please provide analysis/discussion clarifying the impacts of the flow diversion with respect to downstream flooding.

All Documents – GS-1 Branch 3 Re-Alignment

Staff would ask that the new comments generated below be read in conjunction with staff’s comments “Re-alignment of GS-1 Branch 3” on Page 3.

- Staff note that the provided MRC plans are based on a sinuosity of approximately 1.02, as opposed to the recommended alternate sinuosity of 1.2 identified in the JTBE memo. Will a proposed channel corridor be wide enough to allow for a sinuosity of 1.2 along the valley floor? Will the proposed sinuous channel be subject to excessive lateral migration or widening? The provided geomorphic analysis for the GS-1 Branch 3 re-alignment demonstrated that the existing substrate was not stable enough to withstand forces along the bed, however no analysis of bank stability was provided. Staff are not supportive of a design that would require armouring the toe of the valley walls.

- Will provision of positive grading from the springs to the channel impact freeboard or the containment of the 1:100 year flows within the GS-1 Branch 3 Tributary?
- Following identification of the preferred planform associated with the low flow channel, the karst expert must confirm that the proposed plans are acceptable with respect to limiting flows across the existing GS-1 Branch 3 floodplain. This may be dealt with as a condition of draft plan approval provided there are no significant changes to the proposed channel corridor.
- MRC Figure 6.4 in Attachment 6 indicates that the proposed GS-1 Branch 3 valley will have a flat bottom floodplain. Staff recommend that a slight gradient to the creek be incorporated into the plans during detailed design to promote drainage.

CA/Hamilton MOU

Functional Servicing Report

- Figure 2-4b: Is there any potential to maintain a narrower cross-section for Street A through the width of the regulated corridor? Is a full 6m separation required between the edge of pavement and sidewalk through the creek corridor and associated buffer areas? Through detailed design, please minimize the limit of disturbance associated with Street A to the greatest extent possible through the GS-1 Creek corridor.
- There is a discrepancy between the existing conditions drainage areas, as the text of section 4.1 indicates the site has a total drainage area of 162 ha, while the total drainage area shown in Figure 4.1 is 154.4ha. Please review and revise the report, figures and calculations as required.
- There is a discrepancy between the catchment areas shown in Figure 4-2 and listed in Table 4.2 for CSR7 and DS-1. Please confirm which value is accurate and revise the report and models as required.
- Staff are unclear with respect to the direction of flow at the intersection of Skinner Road and Burke Street. Is a total capture catchbasin required at this intersection? Staff defer resolution of this grading issue to the City of Hamilton.
- Ponds 1 and 3 – Staff were of the understanding that the City of Hamilton’s Stormwater Management Design Guidelines require 0.1 m of freeboard between the controlled water level (i.e. in this case the greater of the 1:100 year design storm or regional storm event level) and the invert of the emergency spillway. Adoption of this practice is encouraged by Conservation Halton staff as it provides multiple benefits including: partial control under a major event should an outlet become blocked, the potential for greater flexibility in adapting to climate change, and may account for minor modifications of the design, within construction tolerances. This freeboard, between the controlled water level and invert of the emergency spillway, has not been provided for Ponds 1 and 3. While we would encourage that the freeboard be provided, we defer resolution of this issue to the City of Hamilton.
- Please clarify the rationale between the elevation and old elevation columns in the stage-storage-discharge calculation spreadsheet included in the appendix for Pond 1.
- For Pond 1, staff are concerned that the overland flow connection between the sediment forebay and main cell, may erode and potentially by-pass flows directly to GS-1 via the hydro corridor. Please ensure a greater separation between the top of bank and overland flow path.
- The Pond 2 design appears to rely on an 18mm diameter quality orifice, which has a high potential for clogging. This should be sized to the satisfaction of the City of Hamilton.
- As the sizing of Pond 3 is largely the result of the limited pipe capacity of the downstream storm sewer system, staff have deferred review of the adequacy of the Pond 3 sizing to the City of Hamilton.
- Table 4.7B calculated the proposed ditch capacity of the Mountainbrow Road South ditch based on a Manning’s n value of 0.035. This does not appear to be consistent with an unmaintained

ditch or grassed swale feature. Please adjust the roughness in the sizing calculation, or provide further details supporting the proposed roughness.

- The extended detention water level in Pond 4 (as shown in Figure 4.6b and on the stage-storage-discharge curve) is not consistent with the provided hydrologic modeling. Please revise the model or elevations shown in the stage-storage-discharge curve and drawings.
- The total depth of active storage required for quantity control in Ponds 3 and 4 exceeds the MOE recommendation to maintain a maximum active storage ponding depth of 2.0m. Staff defer resolution of this issue to the City of Hamilton.
- Pond 4 currently exceeds the allowable unitary outflow rate under the Regional Storm. It is requested that the rating curve and control structure be further refined through detailed design or future submissions to meet the target threshold.
- Please discuss the rationale behind providing an additional 300m³ of permanent pool storage within Pond 4 to account for the loss of the north ditch storage.
- The provided hydrologic modeling included a calculation of flows from CSR-1 to CSR-4, however CSR-5 to CSR-8 were not modeled. Further, CSR-1 and CSR-2 both contained a storage component which was not discussed as part of the model. What type of storage is intended to be provided, and where will the storage unit be located within the catchment areas? As discussed above, staff require an integrated model of the development area, where the runoff from each of the clean surface runoff areas is added to that from the SWM ponds to confirm that stormwater management targets are met at each stormwater outlet.
- Section 4.16 – The proposed sediment and erosion control plan appears to focus entirely on sediment control. The plan should be expanded to consider erosion prevention, in conjunction with sediment control. It is requested that the sediment and erosion control plan be prepared by a qualified practitioner, preferably one certified by CISEC, CPESC or other similarly recognized organization.
- Section 4.17 – Staff request construction monitoring of the sediment and erosion control measures be completed by a qualified practitioner, preferably one who is certified by CISEC, CPESC, or other similarly recognized organization. Staff may provide further comment on the proposed monitoring plans at the time of detailed design.
- Section 8.3: Staff appreciate that the Conservation Authority would be consulted should the Pond 3 drainage area be temporarily diverted to the Pond 4 lands until such time as the outlet to the Flanders Road sewer system has been re-constructed. We note however that as the area in question appears to be beyond the limits regulated by Conservation Halton, comment on the application would come through the site alteration or pre-grading application as opposed to a permit under O.Reg. 162/06.
- All of the stormwater management ponds have been sized relative to the 4 hour Chicago Storm, which is consistent with the approach taken by the Subwatershed Study. Given the increase in the anticipated impervious levels associated with the development, however, any sensitivity analysis that may have been completed as part of the SSWS would be of limited validity. Therefore, please complete additional hydrologic modeling to demonstrate the effectiveness of the proposed stormwater management design under a variety of design storms conditions, including a 24 hour Chicago Distribution.

New Comments Associated with the EIS Addendums

- To simplify and clarify review of the remaining development as the process continues, staff require submission of an updated EIS report, incorporating the changes made in the various attachments, and further refined to address the above comment.

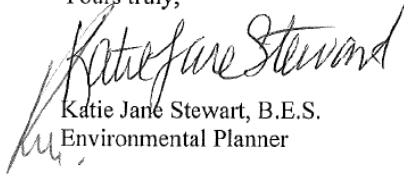
In summary, through staff's review, we have determined that many of our outstanding concerns can be conditions of Draft Plan approval, and were prepared to progress forward with the City of Hamilton's proposal of placing a hold on lots surrounding all the SWM blocks, and freezing them as 'undevelopable', until such time as the outstanding concerns regarding pond sizing (as outlined above in this letter) are resolved. However, Mr. Karl Gonnens advised at the June 11, 2013 meeting that it is the applicant's preference to address Conservation Halton's concerns in advance of issuing Draft Plan approval such that the City's 'lot freezing' condition not be used.

The remaining items that Conservation Halton requires additional information on, and as a result, cannot make a condition of Draft Plan approval are;

1. Water Balance – Conservation Halton requires the submission of the water balance to address numerous outstanding concerns as outlined above;
2. Stormwater Management Block sizing – as outlined in staff's comments above;
3. Usage of Retaining Walls – retaining walls are proposed immediately adjacent to regulated areas and we have insufficient information for all locations to confirm that there will be no impacts to local surface and groundwater drainage patterns and if the walls necessitate grading in the regulated setback;
4. Channel Block Sizing (Floodplain, Meander Belt) – Additional information is required in order to confirm the hazards associated with the regulated tributaries before staff can confirm the appropriate block sizing; and
5. Karst - Further discussion by the karst experts as to whether or not any additional regulated setback (beyond the 8 x 30 metre) should be incorporated around the hazard to preclude potential interference with the spring is required. The discussion should recommend the appropriate size of the development setback for the spring feature. Additionally, staff are concerned that modification to the karst capture could increase the frequency or severity of flooding experienced below the brow of the escarpment when the GS-3 tributary flows overland over the escarpment brow. Additional analysis/discussion clarifying the impacts of the flow diversion with respect to downstream flooding is required.

We trust the above is of assistance. If you require additional information, please contact the undersigned at extension 231.

Yours truly,



Katie Jane Stewart, B.E.S.
Environmental Planner

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