

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

14-241-OMB-01
Attachment 2



ISSUE DATE: May 22, 2015

CASE NO(S): PL141231

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Brenda Mitchell
Subject:	By-law No. 14-240
Municipality:	City of Hamilton
OMB Case No.:	PL141231
OMB File No.:	PL141231

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Brenda Mitchell
Appellant:	Niagara Escarpment Commission
Subject:	By-law No. 14-241
Municipality:	City of Hamilton
OMB Case No.:	PL141232
OMB File No.:	PL141232

Heard: April 20, 2015 in Hamilton, Ontario

APPEARANCES:

Parties

Vetco Holdings Inc. and
City of Hamilton

Niagara Escarpment Commission

Counsel

N. Smith

J. Thompson

DECISION DELIVERED BY H. JACKSON AND ORDER OF THE BOARD

INTRODUCTION

[1] Vetco Holdings Inc. (the "Applicant") applied for two zoning by-law amendments for their property known municipally as 467 Charlton Avenue East (the "subject property") to facilitate the development of three multiple dwellings each of six storeys in height. The City of Hamilton (the "City") Council modified the application to reduce one of the buildings to five storeys and passed Zoning By-Law Nos. 14-240 and 14-241 on September 10, 2014. Zoning By-Law No. 14-240 rezones a portion of the subject property as Conservation / Hazard Land Zone and Zoning By-Law No. 14-241 rezones the development portion of the subject property from Prestige Industrial to High Density Multiple Dwellings.

[2] The Niagara Escarpment Commission (the "NEC") appealed Zoning By-Law No. 14-241 on the basis that the proposal does not conform to the Niagara Escarpment Plan (the "NEP") with respect to visual impact due to the height and size of the buildings and the layout of the buildings. Brenda Mitchell appealed the passing of both Zoning By-Law Nos. 14-240 and 14-241, on the basis of support for the NEC appeal, and that the development does not represent good planning, amongst other reasons. Ms. Mitchell resides at 38 Alanson Street which is near the subject property.

[3] The City and the Applicant were jointly represented in this matter by Nancy Smith.

[4] At the commencement of the hearing, Ms. Mitchell indicated that she no longer had legal representation and wished to downgrade her status to that of a participant in the hearing. There was no objection to this request and as such the Board granted Ms. Mitchell participant status. With the change in status of Ms. Mitchell, the appeal of Zoning By-Law No. 14-240 was withdrawn. There are no other appeals of this by-law.

Zoning By-law No. 14-240, as approved by Council, is attached to this decision as Attachment 1.

[5] Ms. Smith advised the Board that the Applicant, the City, and the NEC had resolved the NEC's issues in regard to their appeal of Zoning By-Law No. 14-241 through a further modification of the proposal and had entered into Minutes of Settlement (the "MOS") as provided in Exhibit 5. The parties agreed that Ed Fothergill, retained by the Applicant, would provide expert land use planning opinion evidence for this settlement hearing. The NEC planner and landscape experts were available to provide evidence, if required.

[6] Two other members of the public, Colleen Robertshaw and Tim Perkins, requested and were granted participant status to speak to their opposition to the proposed development.

BACKGROUND

[7] Mr. Fothergill described the site location. The subject property is located between Wentworth Street South and Victoria Street South on a long narrow plateau at the base of the Niagara Escarpment. Sherman Access leads up to the escarpment to the south. The main east – west road at the top of the escarpment is Concession Street.

[8] The subject property is designated under the Niagara Escarpment Plan (the "NEP") as Urban Area. The escarpment lands immediately to the south are designated under the NEP as Escarpment Natural Area.

[9] The proposed development will front southerly onto Charlton Avenue towards the escarpment. The rear of the site faces northerly and will be elevated above a wooded area that slopes downward. Within this wooded area is a municipally owned walking

trail and further to the north is the existing active rail line. The Stinson community, a predominately residential community comprised of low density single family homes and some multiple dwelling developments, is north of the rail line. The Stinson community is a shoulder neighbourhood of the downtown area.

[10] The proposed development consists of three apartment buildings. Building A and B are both proposed to have six storeys and 54 units each. Building C was proposed to have six storeys; however, Council approved a five-storey building with 44 units. The parking is underground, but due to the slope of the land, the parking level is at grade at the rear of the property on the northern aspect. There is some surface parking between the buildings.

[11] There are to be two points of access on Charlton Avenue East. On the west side there will be a right in / out movement, and on the east side there will be a full turn movement. There are also layby areas for parking access. The left turn lane into the property was requested by the City and will be refined at the site plan stage. Mr. Fothergill testified that the Applicant has submitted a site plan application but this is being held in abeyance until the resolution of this matter.

[12] Mr. Fothergill described the consultation process that the Applicant undertook with respect to this application that included meeting with the members of the neighbourhood and the many technical studies that were required. Mr. Fothergill testified that the relevant technical reports were reviewed by the City, the NEC, and the Hamilton Conservation Authority.

[13] Mr. Fothergill explained that through the process the footprint of the buildings has been reduced resulting in more space between the buildings. This has mitigated somewhat the NEC's concerns regarding visual impact.

[14] At the time of the original application, an official plan amendment ("OPA") was required to designate the lands for residential uses; however, on August 16, 2013, the new Urban Hamilton Official Plan (the "UHOP") came into effect. The UHOP designates these lands as "neighbourhood" which this proposal conforms to. As such, there is no longer any need for an OPA.

Minutes of Settlement

[15] The originally proposed version of By-law No. 14-241 to amend parent By-law No. 6593 is provided as Exhibit 1, Tab 10. In order to satisfy the NEC's concerns regarding visual impact Council agreed to the addition of two refinements as described in Attachment 2 to the MOS. The first is a reduction of the size of the mechanical penthouse on the top floor of the three buildings, and moving of the units away from the edge of the buildings. In this instance, because of the concerns of the NEC regarding the visual impact of the development to the escarpment, the size, location and height of the penthouse structure is set in the by-law itself rather than being left to the site plan stage, which is the normal course. The second refinement relates to the side yard setback requirement of 33 metres ("m") for Buildings A and C from the property line. This is in order to fix the location of the buildings on the site as this affects the visual impact concerns of the NEC. Fixing the building locations ensures that the view sheds of the escarpment that were evaluated as part of the visual impact assessment (Exhibit 1, Tab 4) are maintained. The Board heard that there was a setback of 37 m in earlier documents; however, this was an error, and the actual setback proposed was always 33 m. Mr. Fothergill testified that these two refinements resolved the NEC's remaining issues with respect to visual impact.

[16] The proposed by-law that implements the settlement was provided in evidence as Exhibit 1, Tab 16, and is attached to this Decision as Attachment 2.

Participant's Concerns

[17] Ms. Mitchell provided a statement of her concerns regarding the proposed development. It was entered into evidence as Exhibit 6. She is concerned about development encroaching onto escarpment lands, as well as the impact that the development will have to users of the public trail system that is directly adjacent and down gradient of the development.

[18] Due to the grade difference of the land between the three buildings and the walking trail, it will be the entire length of the development parking garage that will be near the walking trail. Therefore, the total height of the underground garage and the buildings will be well over six storeys. This will result in very tall wall of structure adjacent to the public walking trail.

[19] Ms. Mitchell also expressed concerns regarding access to the trail from the development, fencing, and pedestrian and road safety. She was concerned about bird life, both in regard to prevention of bird strike to the windows of the development and providing bird perches. The area experiences noise now due in part to the existing operational rail line, and she is concerned that the heating and cooling units for the development will add to the existing noise levels, and that lighting from the development will spill into the natural areas.

[20] Ms. Robertshaw testified that she is an active user of the walking trail and her daughter owns a home on Alanson Street. She reiterated the concerns of Ms. Mitchell that this will be a very tall structure that will be imposing to users of the trail, and that both residents of Alanson Street and the users of the trail will suffer a loss of privacy due to the overlook from the residents in the new development. She expressed concern that there will be a greater impact to the neighbourhood than what is provided for in the exhibits presented at this hearing.

[21] Mr. Perkins, who lives on Alanson Street, supports the contention that this development will be quite elevated above his home and will be imposing. He also expressed concern that this will remove part of the escarpment view, and that is not appropriate. He indicated that he is a shift worker and is concerned that the additional noise and traffic will impact his enjoyment of his property and ability to sleep. He notes that the new condo owners will be required to sign a waiver with respect to the projected noise levels, but he and his neighbours have no say in whether they are willing to take on more noise.

PLANNING MERITS

[22] The Provincial Policy Statement (the "PPS") and the Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") both call for an intensification of urban areas, a mix of housing types and units, and the efficient use of services. Mr. Fothergill testified that these policies are met by this proposed development. Mr. Fothergill said that the site is designated as Neighbourhoods in the UHOP and this designation permits the proposed use. The UHOP has policies to encourage intensification and criteria that relate to compatibility to assess proposed development. He testified that it is his opinion that the proposal satisfies and conforms to these requirements of the UHOP. He stated that the proposed development is compatible with the existing neighbourhood in terms of form and function.

[23] Mr. Fothergill explained that because these lands are designated Urban Area in the NEP, the land use matters are referred back to the municipality, however, development must meet the development criteria and applicable policies of the NEP.

[24] Section 2.2.1 of the NEP notes that permitted uses may be allowed provided they meet certain conditions, including:

- (a) The long-term capacity of the site can support the use without a substantial negative impact on Escarpment environmental features such as contours,

water quality, water quantity, natural vegetation, soil, wildlife, population, visual attractiveness and cultural heritage features.

[25] Section 2.2.4 states that:

Any development permitted shall be designed and located in such a manner as to preserve the natural, visual and cultural characteristics of the area.

[26] The Applicant prepared an Environmental Impact Statement ("EIS") that was reviewed by the NEC, the Conservation Authority and the City's advisory group for EIS's. The report concluded that there was no negative impact on the natural environment from the proposed development.

[27] Mr. Fothergill described the visual impact assessment that was undertaken by EDA Collaborative Inc. ("EDA") to satisfy s. 2.2.4 of the NEP. EDA's original report of October 2012 (Exhibit 1, Tab 4) was undertaken from selected public vantage points to assess conformity with the NEP. He said that an extensive area was examined both above and below the escarpment. There are no public views of the site from above the escarpment due to the intervening vegetation. He said that the three main view sheds that were determined to be of most significance were A, B, and C. The assessment superimposed the development on the images representing these view sheds to evaluate the visual impact.

[28] An addendum of January 2015, was produced that looks at the three revisions to the original report, being, a smaller footprint of the buildings, Building C at five storeys, and the reduction in size of the mechanical penthouse. The visual impact assessment was redone for these most critical views and the images of March 2, 2015, are provided in Attachment 1 to the MOS.

[29] Mr. Fothergill testified that he is satisfied that conformity with the NEC policies with respect to visual impact is achieved by the modified proposal as presented in the MOS.

[30] Mr. Fothergill testified that many of the concerns raised by the local residents are items that are to be dealt with during the site plan stage. These include treatment of the parking wall structure that will be visible from the walking trail. He said there are some boulders that remain as part of an old retaining wall related to a mini putt operation that existed some time ago that are to remain so as not to disturb the area, but that this will also be determined at the site plan stage. He also stated that access to the trail, fencing, and wildlife issues are items to be determined at the site plan stage, as are the concerns regarding garbage, noise and lighting. He noted that the development must meet the noise criteria established by the Ministry of the Environment and Climate Change.

[31] Mr. Fothergill testified that he evaluated the compatibility of the development with the adjacent neighbourhood, with a particular focus on the height of the development as it was evident that height is an issue. He testified that the six storeys achieve a balance that is appropriate for the site and minimizes visual impact. He used tools to look at the interface between the proposed development and the existing neighbourhood. He said that the sun / shadow study indicated no impact to the neighbours. He said a "45 degree angle" study was done that indicated that adjacent buildings would be well below this plane, and that the setback of the proposed development from buildings on Alanson Street is significant. He also noted that the existing vegetation will filter the view considerably in the summertime. These factors together inform and support his assessment that the proposed development is compatible with the neighbourhood and meets the policies of the UHOP.

[32] Mr. Fothergill testified that the proposal, as provided for in the settlement, complies with the provincial documents, including the PPS, the Growth Plan, the NEP and the UHOP, and helps achieve the intensification targets of the City. It provides a mix of housing that is attractive, utilizes existing services, and has no negative impact on the natural environment or the visual environment. He said this development represents a positive contribution to the City.

ANALYSIS AND FINDINGS

[33] The NEC submits that, by way of the changes to the proposed development that have occurred through the process, the relevant Urban Area policies of the NEP are now satisfied. The changes from the original proposal include: an overall reduction of building length (of about 100 feet) and therefore an increase in the space between the buildings – this reduces the extent of obliteration of the brow of the escarpment; a reduction from six storeys to five storeys for Building C; a reduction in size and extent of the penthouse mechanical areas; and a fixing of the setback and location of Buildings A and C. The Board accepts that the visual impact assessment as provided in Attachment 1 of the MOS provides assurance to the NEC that the Urban Area policies of the NEP are now satisfied and based on this assessment the NEC no longer objects to the proposal.

[34] The Board accepts the uncontroverted independent expert evidence provided at this hearing by Mr. Fothergill and finds that this proposal is consistent with the PPS, and conforms to the Growth Plan, the NEP and the UHOP.

[35] The Board is satisfied that the NEC's concerns have been appropriately addressed and their appeal is settled by way of the MOS. The Board is satisfied that the two changes to the by-law that establish the north and south building setbacks at 33 m and the imposition of restrictions on the penthouse structures implement the MOS. These restrictions did not exist in the original version of the proposed By-Law No. 14-241.

[36] The Board is satisfied that the proposed development as modified by the MOS meets the development criteria of the NEP and the compatibility policies of the UHOP. The Board finds this development to represent good planning.

ORDER

[37] As the appeal against By-law No. 14-240 is withdrawn by Ms. Mitchell, this By-law is full force and effect as of the date of the passing of the by-law on September 10, 2014. This by-law is provided in Exhibit 1, Tab 9 and attached herein as Attachment "1".

[38] The Board orders the appeal against By-law No. 14-241 is allowed in part. The Board authorizes By-law No. 14-241 to amend By-law No. 6593 as provided in Exhibit 1, Tab 16 and attached herein as Attachment "2".

"H. Jackson"

H. JACKSON
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

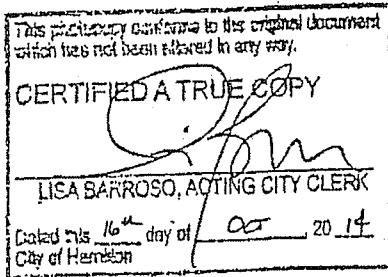
Ontario Municipal Board

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ATTACHMENT "1"

PL141231



Authority: Item 12, Planning Committee
Report: 14-012 (PED14156)
CM: August 15, 2014

Bill No. 240

CITY OF HAMILTON

BY-LAW NO. 14-240

To Amend Zoning By-law No. 05-200, as Amended,
Respecting Lands Located at 467 Charlton Avenue East, (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 Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 12 of Report 14-012 of the Planning Committee, at its meeting held on the 12th day of August, 2014, recommended that Zoning By-law 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act August 17, 2013.

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

1. That Map No. 1039 and 1040 of Schedule "A" to Zoning By-law No. 05-200, is amended, by incorporating additional Conservation/Hazard Land (P5) Zone boundaries, for the applicable lands, the lands, the extent and boundaries of which are shown on Schedule "A" as "Block 1" annexed hereto and forming part of this By-law.
2. 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.

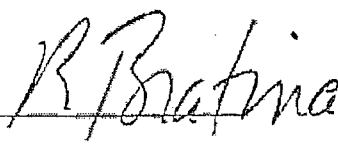
To Amend Zoning By-law No. 05-200, as Amended,
Respecting Lands Located at 467 Charlton Avenue East, (Hamilton)

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3. That this By-law No. 14-228 shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Subsection.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 10th day of September, 2014.



R. Bratina
Mayor



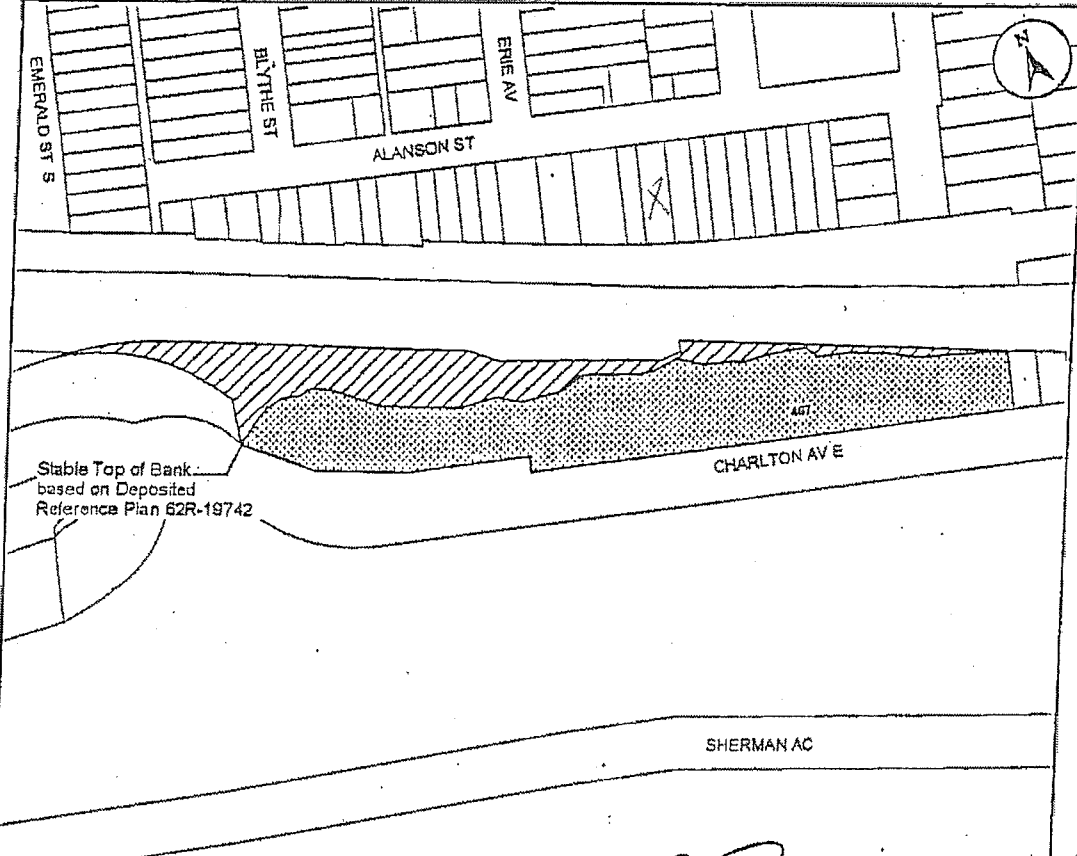
R. Caterini
City Clerk




ZAC-12-059

To Amend Zoning By-law No. 05-200, as Amended,
Respecting Lands Located at 467 Charlton Avenue East, (Hamilton)

PL141231

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<p>This is Schedule "A" to By-Law No. 14-240</p> <p>Passed the <u>10th</u> day of <u>September</u>, 2014</p>		<p><i>R. Bratina</i> Mayor</p> <p><i>[Signature]</i> Clerk</p>
<p>Schedule "A"</p> <p>Map Forming Part of By-Law No. 14-240</p> <p>to Amend By-law No. 05-200 Map 1039 & 1040</p>		<p>Subject Property 467 Charlton Avenue East</p> <p> Block 1 - Lands to be zoned Conservation/Hazard Land (PS) Zone</p> <p> Block 2 - Refer to By-law 5593</p>
<p>Scale: N.T.S.</p> <p>Date: June 18, 2014</p>	<p>File Name/Number: ZAC-12-059</p> <p>Planner/Technician: CTIAL</p>	 Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

592

ATTACHMENT "2"

ONTARIO MUNICIPAL BOARD

**To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 467 Charlton Avenue
East, 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 City of Hamilton" and is the successor of the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item 12 of Report 14-012 of the Planning Committee, at its meeting held on the 12th day of August, 2014, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act August 17, 2013.

NOW THEREFORE the Ontario Municipal Board enacts as follows:

1. That Sheet No. W16 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "M-13" Prestige Industrial District to the "E/S-1710"-H' (Multiple Dwellings, Lodges, .

To Amend Zoning By-law No. 6598 (Hamilton Zoning By-law), respecting lands located at
467 Charlton Avenue East, in the City of Hamilton

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

2. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.-- Holding) District, Modified, as contained in Section 11 of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 11(1) (Permitted Uses) of Zoning By-law No. 6593, the following use shall be permitted:
 - (i) A maximum of 162 dwelling units in three multiple dwellings.
 - (b) For the purposes of this By-law, the Block lines identified as 1a, 1b, 1c on Schedule "A" shall be used to identify the locations of the buildings shown as "A", "B" and "C", and shall not be treated as lot lines.
 - (c) That notwithstanding Section 11(2)(ii) and (iii), and the definition of "Height" provided in Section 2(2)(j)(ix), no building or structure within Blocks 1a and 1b shall exceed 6 storeys above grade or 21.0 metres in height, excluding the mechanical penthouse, and no building or structure within Block 1c shall exceed 5 storeys above grade or 18.0 metres in height, excluding the mechanical penthouse. In addition, the mechanical penthouse for each building (Buildings "A", "B" and "C") shall be no greater than 3.5 metres in height and shall be located no closer than 16 metres from the east or west side of each building and no closer than 4 metres to the north edge of each building.
 - (d) That notwithstanding Section 11(3)(i)(b), the minimum front yard shall be:
 - (i) 0.5 metres to the facade and 0m to a canopy for a building entrance for Building "A";
 - (ii) 5.2 metres to the facade and 1.4m to a canopy for a building entrance for Building "B";
 - (iii) 3.0 metres to the facade and 0m to a canopy for a building entrance for Building "C".
 - (e) That notwithstanding Section 11(3)(ii)(b), the minimum side yard shall be 33 metres for Buildings "A"; and "C"

- (f) That Section 1 I(3)(iii)(b), the minimum rear yard shall be:
 - (i) 0.0 m for Building "A" from the Top of Stable Slope;
 - (ii) 0.0 m for Building "B" from the Top of Stable Slope; and,
 - (iii) 0.0 m for Building "C" from the Top of Stable Slope.
- (g) That Section 11 (4), the minimum width provision shall not apply.
- (h) That notwithstanding Section 11 (5) shall not apply.
- (i) That notwithstanding Section 11 (6), the minimum landscaped area of 25% shall not apply, however a minimum landscaped amenity area in the form of two outdoor terraces having an overall area of 325 square metres shall be provided.
- (j) That notwithstanding Section 18(16), a balcony shall not project into a required front yard and may project:
 - (i) 1.0m beyond the Top of Stable Slope; and,
 - (ii) 1.0m into a required front yard.
- (k) That notwithstanding Section 18 (4)(iv), private waste management containers (i.e. Molok system) may be installed into a required side yard.
- (l) That notwithstanding Section 18A(1)(a), the minimum number of parking spaces shall be based on 1.2 spaces for dwelling units greater than 50 square metres in gross floor area and 0.5 spaces for dwelling units which are 50 square metres in gross floor area or less.
- (m) That notwithstanding Section 18A(1)(b), the minimum number of parking spaces for visitors shall be based on 0.20 spaces for dwelling units greater than 50 square metres in gross floor area.
- (n) That notwithstanding Section 18A(7), minimum dimensions for parking spaces of 2.6 metres by 5.5 metres, excluding parallel parking spaces shall be provided and maintained.
- (o) That notwithstanding Sections 18A(1)(c), 18A(11) and 18A(12), designated loading spaces shall not be required.

To Amend Zoning By-law No. 6598 (Hamilton Zoning By-law), respecting lands located at
467 Charlton Avenue East, in the City of Hamilton

- (p) That notwithstanding Section 18A(11), the boundary of every parking area on a lot containing five or more parking spaces shall be located on the surface of a lot adjoining a residential district shall be fixed:
 - (a) Not less than 1.5 metres from the adjoining residential district; and
 - (b) The permitted distance from the street line shall be 0.0 metres.
- (q) That notwithstanding Section 18A(12), a planting strip and visual barrier shall be required only between the parking area and the residential district along the easterly boundary of the property.
- (r) That notwithstanding Section 18A(14g), a parking area may be permitted to encroach into the required front yard.
- (s) That the following spatial separation distances shall apply to the proposed buildings:

Between buildings "A", "B" and "C", the spatial separation shall be a minimum of 35m from the base of the building to the top of the 3rd floor and a minimum of 39m between the 4th floor and the top of the 6th floor.

- 3. That the amending Zoning By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990 to the subject lands identified in Section 1 of this By-law by introducing the Holding symbol 'H' as a suffix to the proposed "E/S-1710"-H' (High Density Multiple Dwellings- Holding) District, with Specific Exceptions:

The Holding provision "E/S-1710"-H' (High Density Multiple Dwellings- Holding) District, with Specific Exceptions shall apply until such time that the owner has:

- (1) Undertaken provisions for adequate water services to the site, are secured and has entered into an External Works Agreement for required servicing of the site (water, sewer and road upgrades) and Registered on Title to the satisfaction of the Senior Director of Growth Management; and,
- (2) Received approval from the Ministry of Environment for a Record of Site Condition for the lands to be developed to the satisfaction of the Director of Planning and the Senior Director of Growth Management;

To Amend Zoning By-law No. 6598 (Hamilton Zoning By-law), respecting lands located at
467 Charlton Avenue East, in the City of Hamilton

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<p>This is Schedule "A" to By-Law No. 14-241</p> <p>Passed the 10th day of September, 2014</p>	<p><i>[Signature]</i> Mayor</p> <p><i>[Signature]</i> Client</p>				
<p>Schedule "A"</p> <p>Map Forming Part of By-Law No. 14-241</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 467 Charlton Avenue East</p> <p> Block 1 - Change from "M-13" (Prestige Industrial) District to "E/S-1710-H" (High Density Multiple Dwellings - Holding) District, Modified</p> <p>Consisting of Block 1a, 1b and 1c</p> <p> Block 2 - Refer to By-law 05-200</p> <p>Note - for the Purpose of this By-law, Block 1a, 1b and 1c shall be used to identify the approximate locations of Buildings "A", "B" and "C" and shall not be construed as lot boundaries</p>				
<table border="1"> <tr> <td>Scale: N.T.S.</td> <td>File Name/Number: ZAC-12-059</td> </tr> <tr> <td>Date: June 18, 2014</td> <td>Planner/Technician: CT/AL</td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAC-12-059	Date: June 18, 2014	Planner/Technician: CT/AL	<p>Hamilton</p>
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<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>					