

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

16-168 - OMB



ISSUE DATE: May 20, 2016

CASE NO(S):

PL150224

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Patrick McNally
Subject: Request to amend the Official Plan - Refusal of request by the City of Hamilton
Existing Designation: Neighbourhoods
Proposed Designated: Site Specific
Purpose: To permit the redistribution of residential densities, the realignment of blocks and roads, the establishment of a storm water management facility designation, and to permit additional housing forms
Property Address/Description: 3105 Fletcher Road
Municipality: City of Hamilton
Approval Authority File No.: UHOPA-14-014
OMB Case No.: PL150224
OMB File No.: PL150224
OMB Case Name: McNally v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Patrick McNally
Subject: Application to amend Zoning By-law No. 464 - Refusal of Application by the City of Hamilton
Existing Zoning: Restricted Agricultural "A2" Zone
Proposed Zoning: Residential "R4" Zone, Modified, Residential Multiple "RM2" Zone, Modified, Residential Multiple "RM3" Zone, Modified, General Commercial "C3" Zone, Modified, Institutional "I" Zone, Modified and Public Open Space, "OS2" Zone, Modified
Purpose: To permit the development of the proposed Draft Plan of Subdivision

Property Address/Description: 3105 Fletcher Road
 Municipality: City of Hamilton
 Municipality File No.: ZAC-14-028
 OMB Case No.: PL150224
 OMB File No.: PL150225

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Patrick McNally
 Subject: Proposed Plan of Subdivision
 Property Address/Description: 3105 Fletcher Road
 Municipality: City of Hamilton
 Municipal File No.: 25T-201405
 OMB Case No.: PL150224
 OMB File No.: PL150226

Heard: May 9 to 13, 16 to 20, 24 and 25, 2016

APPEARANCES:

Parties

City of Hamilton

Patrick McNally

Counsel

Michael Kovacevic

Quinto Annibale
 Steven Ferri

MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON MAY 9, 2016 AND INTERIM ORDER OF THE BOARD

[1] Patrick McNally (“Applicant/Appellant”) proposes to develop a total of between 368 and approximately 565 residential units in a variety of tenures and types, including single-family detached homes, townhouses and stacked townhouses, on a 31 hectares (“ha”) site municipally known as 3105 Fletcher Road (“subject lands”).

[2] Also included in the Applicant/Appellant's proposal are one block (1.18 ha) of local commercial; one block (2.43 ha) of school lands; one block (1.59 ha) for a storm water management pond; and one public parkette (0.60 ha).

[3] Access to the proposed new development is to be from a new intersection constructed on Binbrook Road, as well as two new intersections constructed on Fletcher Road. A local road network within the neighbourhood is also proposed.

[4] The subject lands have a frontage on Binbrook Road of 345 metres ("m") and a depth of 767 m. They are located at the corner of Fletcher Road and Binbrook Road in the village of Binbrook. Binbrook is located in the former Township of Glanbrook, which is now part of the City of Hamilton.

LEGAL FRAMEWORK

[5] The subject lands are located within the area covered by the Urban Hamilton Official Plan ("UHOP") and the Binbrook Village Secondary Plan. Parts of the proposed development are subject to the provisions of either the new comprehensive City of Hamilton Zoning By-law No. 05-200 or the former Township of Glanbrook Zoning By-law No. 464, or both.

MATTER BEFORE THE BOARD

[6] The Applicant/Appellant has appealed to the Ontario Municipal Board ("Board") pursuant to s. 22(7) and s. 34(11) of the *Planning Act* ("Act"), the February 11, 2015 refusal of the Council of the City of Hamilton to approve its applications for amendments to the UHOP, as well as to both Zoning By-law No. 464 (Glanbrook) and Zoning By-law 05-200 (Hamilton). The Applicant/Appellant has also appealed pursuant to s. 51(39) of the Act, Council's refusal to approve the requested draft Plan of Subdivision. The three appeals were heard together.

[7] In order to implement the proposed draft Plan of Subdivision, the Applicant/Appellant has appealed to the Board to rezone parts of the subject lands currently zoned Restricted Agricultural (A2) to:

- Residential (R4) modified
- Residential Multiple (R4) modified
- Residential Multiple (R3) modified
- Public Open Space (OS2) modified
- General Commercial (C3) modified
- Institutional (I-2) modified

SETTLEMENT REACHED

[8] At the commencement of the hearing, Mr. Annibale, who is counsel for the Applicant/Appellant informed the Board that his client and the City of Hamilton had reached a settlement.

EVIDENCE AND FINDINGS

[9] The Board noted that two individuals who had previously been recognized as Participants to these proceedings did not appear at the hearing. Mr. Annibale advised that his client had satisfied the primary concern of one of the participants, Joe Sardo, who owns an approximately 1 ha parcel of land surrounding on three sides by the subject lands. Mr. Annibale further advised that a new road with direct access to Fletcher Road is proposed to abut Mr. Sardo's lands on their southern flank. Mr. Sardo's lands are shown as Block 48 (a cutout for an existing house on Fletcher Road) on the draft Plan of Subdivision entered into evidence as Exhibit 3, Tab 40, p. 862. A copy of the draft Plan of Subdivision is attached to this decision as Attachment 1.

[10] No reason was given for the non-appearance of Brad Chasson.

[11] Connie Young, who with her husband Roy, had earlier been recognized as a Participant did, however, appear. When the Board asked her if she wished to give a statement, she indicated that she was concerned primarily with the encroachment of urban densities on the scattered rural development that had for decades characterized the stretch of Fletcher Road near its intersection with Binbrook Road. When the Board asked her to be more specific, she responded that she and her husband were particularly concerned with the noise, dust and general disruption (of existing services) that seem inevitably to accompany major construction projects such as that proposed by the Applicant/Appellant.

[12] In response to Ms. Young's concerns, Mr. Kovacevic, counsel for the City of Hamilton took the Board to the Conditions of Approval (of the draft Plan of Subdivision) which were entered into evidence as Exhibit 3, Tab 41. A copy of the Conditions of Approval has been attached to this decision as Attachment 2.

[13] Paragraph 33 requires that the impact on the municipal water and private sewage systems of adjacent properties be assessed prior to servicing being commenced on the subject lands. Paragraph 36 also requires that prior to servicing the subject lands, the Applicant/Appellant must, among other things, "develop a plan or procedure for dealing with dust control and street cleaning during construction...."

[14] The Board qualified Chad B. John-Baptiste, a registered professional planner retained by the Applicant/Appellant, to provide expert opinion evidence on land use planning.

[15] Mr. John-Baptiste advised that although the range has been determined, the number and type of dwelling units to be included within the identified blocks shown on the draft Plan of Subdivision (Exhibit 2, p. 147) have not yet been finalized.

[16] On the un-contradicted and unopposed expert opinion evidence of Mr. John-Baptiste, the Board finds that the proposal satisfies the criteria listed in s. 51(24) of the *Planning Act*; that it is consistent with Provincial policy as provided in the 2014

Provincial Policy Statement; that it also conforms to Provincial policy as provided in the Growth Plan for the Greater Golden Horseshoe and conforms to the general intent and purpose of the policies provided in both the Binbrook Secondary Plan and the UHOP.

[17] After consideration of all the evidence and submissions of counsel, the Board accepted the Settlement between the Parties.

INTERIM ORDER

[18] The Board orders that the appeal is allowed and the requested amendment to the UHOP (as entered into evidence as Exhibit 3, Tab 37) is approved. A copy of the approved amendment to the UHOP is attached to this decision as Attachment 3.

[19] The Board further orders that the appeal is allowed and the requested amendments to the former Township of Glanbrook Zoning By-law No. 464 (as entered into evidence as Exhibit 3, Tab 38) and the City of Hamilton Zoning By-law No. 05-200 are approved. A copy of the amendment to Zoning By-law No. 464 is attached to this decision as Attachment 4 and a copy of the amendment to Zoning By-law No. 05-200 is attached to this decision as Attachment 5.

[20] The Board further orders that the appeal is allowed and the requested draft Plan of Subdivision prepared by WSP and dated April 29, 2016 (Attachment 1) is approved.

[21] The Board further orders that the appeal is allowed and the requested draft Conditions of Approval (Attachment 2) are approved.

[22] The Board further orders that pursuant to s. 51(56.1) of the *Planning Act*, authority for final approval of the draft Plan of Subdivision and the Conditions of Approval is given to the City of Hamilton.

[23] The Board will withhold issuing the final order until it has been notified by a qualified officer of the City of Hamilton that the required “no pre-sale agreement” has been registered on title.

“C. Hefferon”

C. HEFFERON
MEMBER

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

Ontario Municipal Board

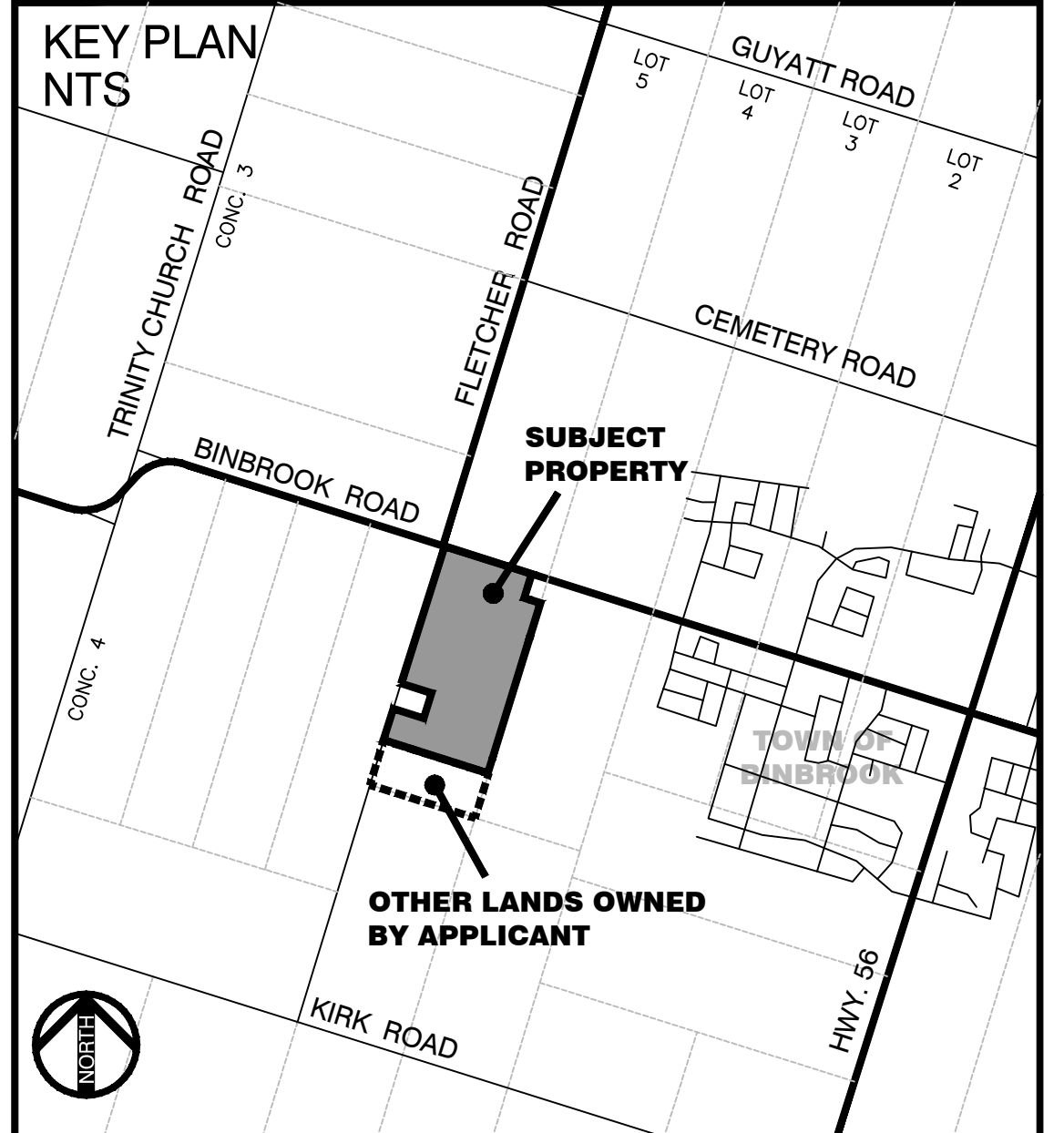
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

DRAFT PLAN OF SUBDIVISION

PART OF LOT 5, BLOCK 4, CONCESSION 4
GEOGRAPHIC TOWNSHIP OF BINBROOK
NOW IN THE CITY OF HAMILTON

25T-2014-05
ZAC-14-028
UHOPA-14-014

April 29, 2016



ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O., 1990

- (a) AS SHOWN ON DRAFT PLAN
- (b) AS SHOWN ON DRAFT AND KEY PLANS
- (c) AS SHOWN ON KEY PLAN
- (d) THE LAND IS TO BE USED ACCORDING TO THE SCHEDULE OF LAND USE
- (e) AS SHOWN ON DRAFT AND KEY PLANS
- (f) AS SHOWN ON DRAFT PLAN
- (g) AS SHOWN ON DRAFT AND KEY PLANS
- (h) MUNICIPAL WATER SUPPLY TO BE MADE AVAILABLE
- (i) SOIL IS SILTY CLAY
- (j) AS SHOWN ON DRAFT PLAN
- (k) FULL MUNICIPAL SERVICES TO BE MADE AVAILABLE
- (l) SUBJECT TO EASEMENTS AS SHOWN ON THE DRAFT PLAN

SCHEDULE OF LAND USE

LAND USE	BLOCKS	UNITS		AREA (ha)
		MIN.	MAX.	
DETACHED RESIDENTIAL	3-6, 8-10, 12-16, 18-31	214	334	10.98
FREEHOLD TOWNHOUSE RES.	1, 2, 7, 11, 17	67	96	1.88
FUTURE DEVELOPMENT	32 and 33	5	6	0.29
BLOCK TOWNHOUSE RES.	34 and 35	84	129	2.30
COMMERCIAL	36			1.16
SCHOOL	37			2.43
PARK	38			0.60
STORMWATER MANAGEMENT	39			1.62
ROAD WIDENING	40 and 41			0.39
0.3m RESERVES	42 to 48			0.02
ROADS (LINEAR: 3634m)	STREETS A to Q			8.08
TOTAL		370	565	29.75

All distance dimensions on curves are chord length unless otherwise stated.

Scale 1 : 1000

PLANNER'S CERTIFICATE

PLAN PREPARED BY MMM GROUP LIMITED.
C.B. John-Baptista
Chad B. John-Baptista, MCP, RPP, MMM Group Ltd. April 29, 2016 DATE

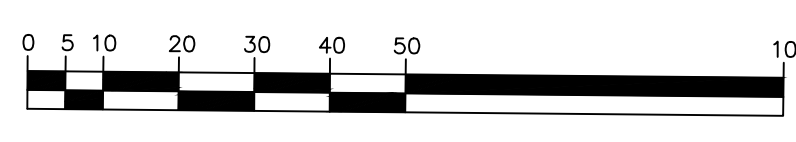
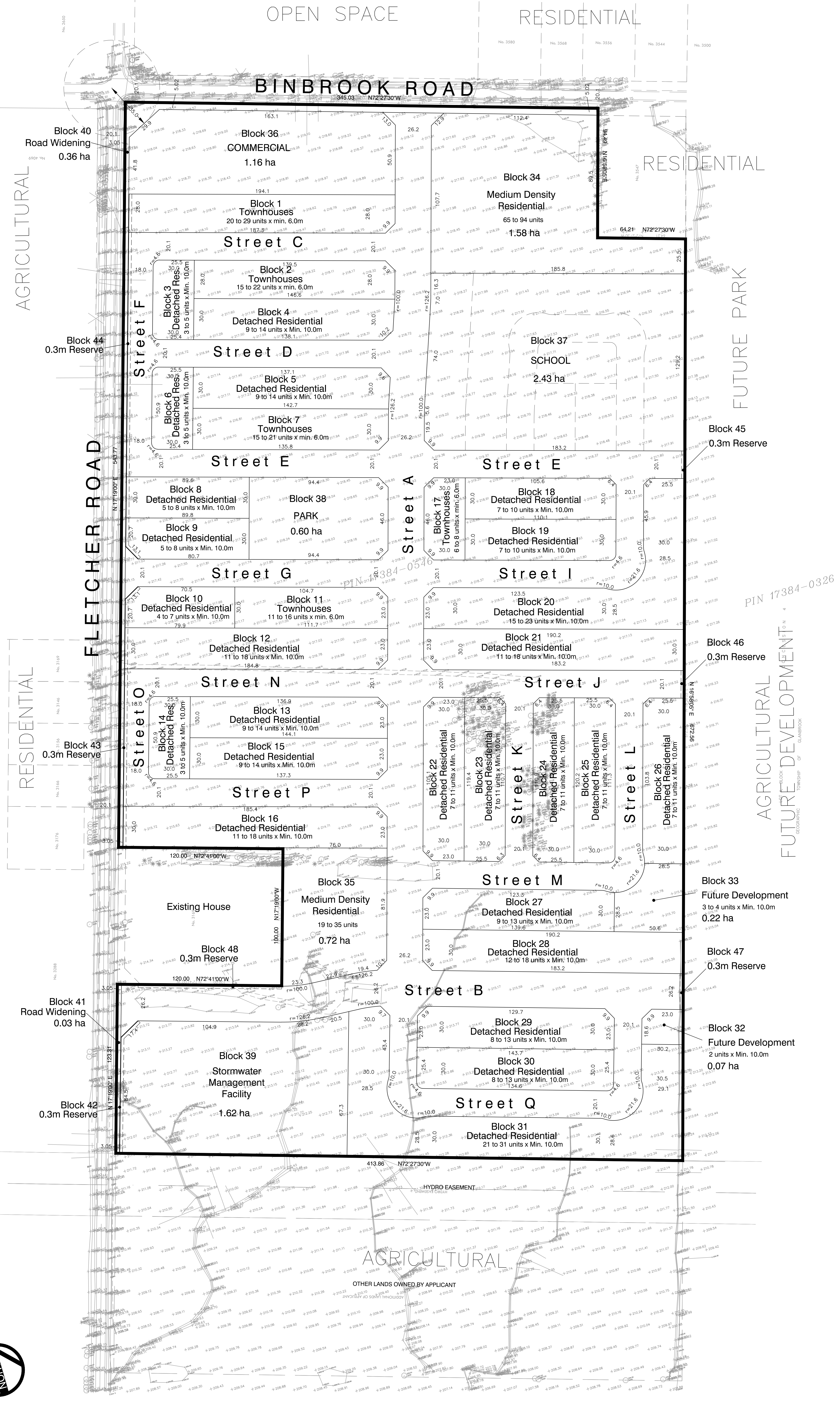
OWNER'S AUTHORIZATION

I AUTHORIZE MMM GROUP LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF HAMILTON FOR APPROVAL.
Patrick McNelly DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
Fernando De Lugo
Fernando De Lugo, OLS, MMM Group Ltd. August 28, 2014 DATE

NO.	DATE	BY	FOR
1	April 29, 2016	mm	mm
2	January 20, 2016	mm	mm
3	mm	mm	mm



ATTACHMENT 2

Conditions of Approval

That this approval apply to the red-line revised Draft Plan of Subdivision, 25T201405, prepared by WSP/MMM Group and certified by Fernando De Luca, OLS, MMM Group Ltd., dated April 25, 2016, to allow for the development of 26 blocks for single detached dwellings (Blocks 3-6, 8-10, 12-16 and 18-31), 5 blocks for street townhouses (Blocks 1, 2, 7, 11 and 17), 2 blocks for future development (Blocks 32 and 33), 2 blocks for medium density residential uses (Blocks 34 and 35), 1 block for commercial uses (Block 36), 1 block for a school (Block 37); 1 block for a park (Block 38), 1 block for stormwater management (Block 39), 2 blocks for road widenings (blocks 40 and 41), 7 blocks for 0.3 m reserves (Blocks 42-48) and the construction of 17 public streets (Streets A through Q), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by the Ontario Municipal Board, and with the following special conditions.

Planning Conditions

1. That, prior to registration, the Owner shall provide a Tree Protection Plan in accordance with the City of Hamilton's Street Tree Protection Guidelines to the satisfaction of the Director of Planning.
2. That, prior to registration, that the Owner shall provide updated Urban Design Guidelines, to the satisfaction of the Director of Planning.
3. That, prior to registration, that the Owner shall provide a streetscape plan to be implemented to the satisfaction of the Director of Planning detailing enhanced boulevard landscaping treatment, fencing and lighting for the required streets, details of the gateway features and roundabout design and that implementation of the construction of these features be included as part of the subdivision costs, to the satisfaction of the Director of Planning.
4. That, at the Owner's expense, a "Control Architect", independent of the "Design Architect" firm or individual, shall be retained to the satisfaction of the City of Hamilton, Director of Planning, 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).
5. 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 City of Hamilton, Director of Planning.
6. That, prior to registration, the Owner 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 Environment's recommended sound level limits. A revised 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 bore by the Owner and shall be submitted to the satisfaction of the City of Hamilton Director of Planning.

Corridor Management Conditions

7. That, prior to registration, the subdivision agreement will include the upgrading of Binbrook Road from Fletcher Road easterly to Royal Winter Drive to an urban standard with bike lanes, sidewalks and street lighting to be completed in conjunction with this subdivision development. Urbanization is included in the Binbrook Village Transportation Master Plan and the Binbrook Road and Regional Road 56 Class Environmental Assessment. To ensure the safety of all road users at the detail design stage the profile of Binbrook Road will be reviewed to confirm appropriate, safe sightlines are available

for motorists turning from and to the north-south collector road Street 'A'. The applicant must incorporate Transportation Association of Canada (TAC) methods in the calculations ie. driver height at collector road looking east and west to headlight of vehicle on Binbrook Road, 20 km/h over posted speed, sight lines for left and right turns to attain 85% of design speed, etc. If acceptable sightlines are not available given the existing road profile then road elevation modifications will be required at the developer's expense. The Owner's financial obligations will be limited to the New Road Servicing rate and the additional direct cost associated with the required turning lanes for all permanent works in respect of its obligations in regards to Binbrook Road as set out in this condition, exclusive of underground servicing. Cost sharing and best efforts to recover costs will be in accordance with current City financial policies.

8. That, prior to registration, the subdivision agreement will include the construction of a westbound left turn lane on Binbrook Road at Street 'A' with approximately 30 m of required storage. The westbound left turn lane provides an element of safety for road users and also improves the operating level of service at the intersection in accordance with City standards.
9. That, prior to registration, the subdivision agreement will include the construction of a single lane roundabout at the intersection of Fletcher Road at Binbrook Road as identified in the Binbrook Road and Regional Road 56 Class Environmental Assessment. The construction of the roundabout should occur concurrently with the urbanization works required on Binbrook Road and on Fletcher Road. A preliminary roundabout design must be provided by the Applicant and approved by City staff illustrating splitter islands, sidewalks, bike lane facilities, etc. on Binbrook Road. Land required for the installation of the roundabout must be identified. It is considered appropriate to provide the ultimate recommended intersection control at the time of construction. Should the construction of the single lane roundabout not be feasible at the time of construction given land requirements or other concerns then other methods of upgraded intersection traffic control may be considered, including but not limited to a temporary traffic signal. Any temporary works required to facilitate the development proceeding, will be at the cost of the applicant. This intersection is

also noted as requiring a 'Gateway Feature' in the Binbrook Village Secondary Plan.

10. That, prior to registration, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey sufficient road allowance and daylight triangle area from the subject property at Binbrook Road and Fletcher Road to accommodate the construction of a single lane roundabout as identified in the Binbrook Road and Regional Road 56 Class Environmental Assessment.
11. That, prior to registration, the subdivision agreement will include the upgrading of Fletcher Road from the southerly limits of the development to Binbrook Road to an urban standard including sidewalks and street lighting to be completed in conjunction with this subdivision development. To ensure the safety of all road users the profile of Fletcher Road will be reviewed at the detail design stage to confirm appropriate, safe sightlines are available for motorists turning from and to Street 'G' and the east-west collector road Street 'B'. The Applicant will provide a centerline profile of Fletcher Road for the two street intersections 'B' and 'G'. The limits of the centerline profile must extend 200 m south of the southerly intersection (or as required) to ensure required sightline standards have been met for drivers on Fletcher Road and drivers exiting the side streets. I note there are specific high points and also a low point south of the development limits that impact on sightlines for this property. The applicant must incorporate Transportation Association of Canada (TAC) methods in the calculations i.e. driver height at an intersecting road looking north and south to the headlight of a vehicle on Fletcher Road, 20 km/h over posted speed, sight lines for left and right turns to attain 85% of design speed, etc. If acceptable sightlines are not available given the existing road profile then road elevation modifications will be required at the developer's expense. The Owner's financial obligations will be limited to the New Road Urbanization rate and the additional direct cost associated with the required turning lanes for all permanent works in respect of its obligations in regards to Fletcher Road as set out in this condition, exclusive of underground servicing. Cost sharing and best efforts to recover costs will be in accordance with current City financial policies.

12. That, prior to registration, the subdivision agreement will include a condition that should urbanization of Binbrook Road or Fletcher Road not be feasible upon resident occupation of the development, that a municipal sidewalk with street lighting be constructed on the east side of Fletcher Road and on the south side of Binbrook Road such that safe pedestrian connections are provided from the subject lands to existing or planned pedestrian facilities on lands to the north or lands to the east.
13. That, prior to registration, the subdivision agreement will include the installation of traffic calming features on Street 'A' and Street 'B' as these are the major routes of ingress and egress to the subdivision and Street 'A' fronts a school and a park. There are numerous traffic calming options available including raised crosswalks, raised intersections, curb bumpouts, single lane neighbourhood roundabouts, etc. Further discussion with the Applicant is suggested to identify appropriate types of calming features and the locations.
14. That, prior to registration, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey maximum 12.0 m x 12.0 m daylight triangles at intersections on Street 'A' or on Street 'B' where single lane neighbourhood roundabout traffic calming features are recommended.

Growth Management Conditions

15. That, prior to the registration of the Subdivision Agreement, the Owner shall include the following warning clauses, which shall be identified in the Subdivision Agreement, and in all offers of purchase and sale agreements and/or lease agreements:
 - i. This property is eligible for weekly collection of Garbage, Recycling, Organics and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-Law No. 09-067.

16. That the Owner agrees that prior to registration of the plan of subdivision daylight triangles must be provided in accordance with City of Hamilton Guidelines as indicated in the table below.

Intersection	Triangle Requirement
Collector to Arterial	12m x 12m
Collector to Collector	9m x 9m
Local to Collector	7m x 7m
Local to Local	4.5m x 4.5m

For purposes of daylighting, Binbrook Road is an arterial road and Fletcher Road is a collector road. In the plan, Streets A and B are collector roads and all other within the plan are local.

17. That, prior to grading, the Owner shall carry out and complete an archaeological assessment over the entire lands of the draft plan to the satisfaction of the Ministry of Citizenship, Culture and Recreation and mitigate through preservation or resource removal and documentation, adverse impacts to significant archaeological resources found, all prior to demolition, grading, or soil disturbances on the land.
18. That, prior to registration of the plan of subdivision, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey an adequate Stormwater Management Facility block (Block 39, and potential additional lands being part of Block 31), subject to an approved stormwater management design, of the draft plan to the City, to the satisfaction of the Senior Director, Growth Management Division.
19. That, prior to registration of the plan of subdivision, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey a 3.05 m Road Widening along Fletcher Road.
20. That, prior to registration of the plan of subdivision, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey a 5.02 m Road Widening along Binbrook Road.

21. That, prior to registration of the plan of subdivision, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey a 0.3 m reserve along Fletcher Road, the north limit of Street B adjacent to the existing house and the easterly limit of Streets B, E and J.
22. That, prior to the registration of the plan of subdivision, the Owner shall demonstrate that there is a suitable outlet for the stormwater management pond to the satisfaction of the City of Hamilton and the Niagara Peninsula Conservation Authority.
23. That, prior to registration of the plan of subdivision, there is a suitable sanitary outlet with sufficient capacity available including, but not limited to, existing sanitary sewer trunk, upgrades to the existing Binbrook Sanitary Sewer Pumping Station and the existing sanitary forcemain to service the increased flows from the proposed development, to the satisfaction of the Senior Director, Growth Management.
24. That the Owner agrees that a holding provision be placed on the subject lands until such time that the sanitary servicing outlet is available and has sufficient capacity to the satisfaction of the Senior Director of Growth Management.
25. That the Owner acknowledges and agrees that, accept as set out in an agreement with the City and the Owner, there will be no pre-sale of lots until the sanitary servicing outlet for these lands is available and has sufficient capacity to the satisfaction of the Senior Director of Growth Management. This will be implemented by way of a restrictive covenant or agreement registered on title prior to draft plan approval to the satisfaction of the City Solicitor and the terms of that agreement shall govern the implementation of this condition.
26. That, prior to registration of the plan of subdivision, the proposed 400 mm diameter watermain on Binbrook Road and Fletcher Road N. be constructed and operational.

27. That, prior to servicing, there is sufficient sanitary capacity at the Sewage Treatment Plant to facilitate the development, to the satisfaction of the Senior Director, Growth Management.
28. That, prior to servicing, the Owner shall have prepared detailed engineering drawings for all public services within the subdivision in accordance with current City Engineering Standards and best management practices to the satisfaction of the Senior Director, Growth Management.
29. That, prior to servicing, the Owner include in the engineering design and cost estimates provision for the installation and removal of a temporary turnaround, minimum asphalt radius $R=13.0$, minimum outside radius $R=18.0m$, on Streets B, E and J at the easterly limits of the subdivision, to the satisfaction of the Senior Director, Growth Management Division.
30. That, prior to servicing, the Owner shall include in the engineering design and cost estimates provision for the construction of a 1.5m high black vinyl coated heavy duty chain-link fence along the boundary of Block 39.
31. That, prior to servicing, the Owner shall include in the engineering design and cost estimates provision for the construction of a decorative fence between Street O and F adjacent to Fletcher Road.
32. That, prior to servicing, the Owner shall indicate all driveway locations on the engineering drawings for all lots and further that the driveways be established outside of the daylight triangles, to the satisfaction of the Senior Director, Growth Management Division.
33. That, prior to servicing, the Owner prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the Owner shall propose appropriate mitigative measures to address the concerns and provide municipal water and sewer services, as required at the developer's expense, to any property that may be negatively impacted, to the satisfaction of the Senior Director, Growth Management Division.

34. That, prior to servicing, the Owner include in the engineering design and cost estimates provision for construction of municipal sidewalks as per current City of Hamilton policy in force at the time of the engineering plan submission, to the satisfaction of the Senior Director, Growth Management Division.

35. That, prior to servicing, the Owner prepares and submits a driveway location/on street parking plan showing:

- i. the location of driveways based on achieving on-street parking for 40% of the total dwelling units;
- ii. the driveways ramps and curb openings for all lots;
- iii. the pairing of driveways;
- iv. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
- v. 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.

36. That, prior to servicing, the Owner provides 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, to the satisfaction of the Senior Director, Growth Management Division.

37. That, prior to servicing, the Owner completes a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development. The report shall also focus on the following issues:

- i. Tabularize the expected occupancy;

- ii. Generate residential and institutional water demand and fire flow calculation for this development;
- iii. Demonstrate how the proposal fits with Growth Related Integrated Development Strategy (GRIDS) numbers;
- iv. Confirm the water servicing layout based on field information and hydraulic models; a looped network is strongly required for stormwater quality and conveyance purposes; and,
- v. Provide the new hydrant locations on the Water Distribution Plan,

to the satisfaction of the Senior Director, Growth Management Division.

38. That, prior to preliminary grading, the Owner shall prepare a plan showing the design and location of siltation and erosion control measures including a ESC pond in accordance with the "Erosion and Sediment Control Guidelines for Urban Construction December 2006" manual, to the satisfaction of the Senior Director, Growth Management.

39. That, prior to servicing, 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, addressing 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.

40. That, prior to preliminary grading, the Owner shall update the Binbrook Master Drainage Plan to cover the following items:
- i. Verify pre and post development drainage boundary
 - ii. Develop a baseline condition for the existing creek systems from Binbrook Road to Kirk Road West to establish the riparian rights.
 - iii. Develop Calibrated Hydraulic and Hydrologic model in consideration with the Meteorologic and Fluvial Geomorphologic data downstream
 - iv. Demonstrate erosion flow exceedance and pre-development peak flow targets for the Caterini lands, McNally lands and Pond 1B (West of Summerlea phase 4 pond), based on a geomorphologic and hydraulic assessment of downstream creeks from Binbrook Road to Kirk Road West.
 - v. Confirm negative impacts and its mitigation measures to accommodate drainage diversion from northern tributary on Politi lands to southern tributary on Hydro-easement.
 - vi. Confirm the controlled and uncontrolled flow targets at each node for the interim and full build- out condition
41. That, prior to preliminary grading, the Owner agrees to monitor drainage across the lands from Binbrook Road to Kirk Road West to ensure that the existing lands are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after blocks: 1 to 31, and 35, or any lots created thereon are all fully developed. In the event, that a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at their cost. The engineering design and cost schedule for the outlet works shall include a minimum of \$100,000 security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of the proposed development, to the satisfaction of the Senior Director, Growth Management.

42. That, prior to preliminary grading, the Owner acknowledges that the preliminary grading for the northern lands (commercial and mixed use blocks # 34 & 36) along Binbrook Road shall not commence until the downstream channel located south of Binbrook Road is constructed and operational as per a design approved by the City of Hamilton and the Niagara Peninsula Conservation Authority (NPCA) as required. The proposed storm sewer design on Binbrook Road shall be coordinated with Caterini development and in accordance with the downstream channel inverts, to the satisfaction of the Senior Director, Growth Management.

43. That, prior to preliminary grading, the Owner agrees to the satisfaction of the City of Hamilton and the Niagara Peninsula Conservation Authority:
 - i. To demonstrate how quantity control criteria will be handled in accordance with the City of Hamilton drainage policies, City of Hamilton Criteria Guidelines for Stormwater Infrastructure Design and Ministry of Environment Storm Water Management Design Guidelines. The Stormwater Management Facility shall be designed and constructed within the McNally development to control post development flow rate up to and including a 100 year design storm for the subject property to meet required targets per the Updated Binbrook Master Plan;
 - ii. To verify that the proposed Stormwater Management Facility block 39 shall be of sufficient size and shape to adequately accommodate the ultimate Stormwater Management Facility. The Stormwater Management Facility design shall not create any standing water within upstream storm sewers during minor and major system events;
 - iii. To include within the engineering design drawings and cost estimate schedules, a landscape design of the Stormwater Management Facility as per City of Hamilton Landscape Design Guidelines for stormwater management facilities (May 2009). The pond design geometry shall be as per City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design 2007; and,
 - iv. To submit a drainage area plan and a functional grading plan, indicating any external drainage will be accommodated.

44. That prior to assumption, the Owner agrees to the satisfaction of the Senior Director, Growth Management:
- i. 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;
 - ii. 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 Ministry of Environment'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,
 - iii. To remove sediment from the stormwater management facility attributed to development, carry out a 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.
45. That prior to servicing, the Owner prepares a geotechnical report and implements the report's recommendations, to the satisfaction of the Senior Director, Growth Management.
46. That, prior to servicing, 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.
47. That, prior to servicing, 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 accommodate the requirement of an overland flow route to the municipal road allowance with a maximum water surface depth of 0.30m on the rear

lot catch basin, to the satisfaction of the Senior Director, Growth Management.

48. That, prior to servicing, the Owner shall include in the engineering design all road geometric to City of Hamilton standards. The minimum urban residential horizontal centreline road radius excluding 90 degree curves shall be; 90 m. for local roads, 95 m. for minor collectors and 160 m. for major collectors, to the satisfaction of the Senior Director, Growth Management.
49. That, prior to preliminary grading, the Owner agrees that Block 31 which is abutting the stormwater management block is undevelopable until the size and shape of the abutting stormwater management block is confirmed to be sufficient to accommodate the final design of the quality/quantity stormwater management facility, to the satisfaction of the Senior Director, Growth Management.
50. That, prior to the registration of the Subdivision Agreement, the Owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/Owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
51. That the Owner/developer shall work with Canada Post and the Senior Director of Growth Management to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.
52. That the Owner/developer shall determine the location of all centralized mail receiving facilities in cooperation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to

be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

53. That the Owner covenants and agrees 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 in locations satisfactory to the City of Hamilton.
54. That Prior to the signing of the final plan, the Director of Growth Planning must be satisfied that conditions inclusive, have been carried out to his satisfaction with a brief but complete statement indicating how each condition has been satisfied.
55. Unless stated otherwise, conditions 7 to 54 shall all be:
 - a. to the satisfaction of the Senior Director, Growth Management, and
 - b. in accordance with the City's approved Financial Policies as applicable.

Note to Draft Plan Conditions

The City of Hamilton's responsibility for cost-sharing with respect to this development will be in accordance with the City's Financial Policies, as approved by Council;

Pursuant to Section 51 of the Planning Act, 0.60ha, being 2% of the subject lands and known as "Park Block" on the attached Draft Plan shall be dedicated to the City for Park land purposes:

That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse Blocks 34 and 35, 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.

With regard to Blocks 34 and 35 (Block Townhouse), a parkland dedication, at a ratio of 1 ha per 300 dwelling units, will be required.

Furthermore, regarding Blocks 1, 2, 7, 11, 17 (Street Townhouse), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

Additionally, Blocks 3 – 6, 8 – 10, 12 – 16 and 18 - 31 (Detached Residential) will require a parkland dedication ratio of 5% in addition to blocks 32 and 33 (Future Development) when utilized for Detached Residential.

ATTENTION 3

Schedule "1"

Urban Hamilton Official Plan Amendment No. █

The following text constitutes Official Plan Amendment No. __ to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is for the following changes to the Binbrook Village Secondary Plan:

- A realignment of blocks and roads within the Secondary Plan to provide for a compact development pattern;
- A redistribution of land use designations;
- A shift in the location of the Institutional (Elementary School) block to allow for the block to be located entirely on the subject lands;
- Addition of a storm water management block;
- Addition of special policy areas to allow additional density within the Low Density Residential 2h designation and to permit additional housing types within the Low Density Residential 3e designation; and,
- Removal of the maximum floor area restriction as related to retail uses in the Local Commercial designation.

The effect of this amendment is to permit the development of a Draft Plan of Subdivision containing residential, commercial, institutional, parkland and storm water management uses.

2.0 Location:

The lands affected by this Amendment are located at the Southeast corner of Binbrook Road and Fletcher Road, and are known municipally as 3105 Fletcher Road, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed amendment will permit a development which is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, containing residential, commercial and institutional land uses.
- The proposed amendment will provide flexibility in design of the

proposed multiple residential and local commercial blocks, while still maintaining the intent of the Binbrook Village Secondary Plan.

- The proposed amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, as it represents an opportunity for growth in the Settlement Area, in a compact form providing for a range of density and housing forms.

4.0 **Actual Changes:**

4.1 **Text Changes:**

Volume 2: Secondary Plans – Chapter B – Binbrook Village Secondary Plan

4.1.1 Volume 2, Chapter B – Binbrook Village Secondary is amended by adding a new site specific policy, as follows:

“Site Specific Policy – Area X1

5.1.13.6 For new local commercial development on the lands located at the southeast corner of Binbrook Road and Fletcher Road, designated Local Commercial and identified as Site Specific Policy – Area X1 on Map B.5.1-1 Binbrook Village Secondary Plan, Section B.5.1.5.3.a shall not apply.”

Area Specific Policy – Area X2

5.1.13.7 Notwithstanding Policy B.5.1.4.5c)ii), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2h and identified as Area Specific Policy – Area X2 on Map B.5.1-1 Binbrook Village Secondary Plan, the density shall be 26 to 50 units per net hectare.

Site Specific Policy – Area X3

5.1.13.8 In addition to Section B.5.1.4.5d)i), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 3e and identified as Site Specific Policy – Area X3 on Map B.5.1-1 Binbrook Village Secondary Plan, townhouses shall also be permitted, which may be developed as a standard block townhouse development or as freehold townhouse

units on a private road.”

Area Specific Policy – Area X4

5.1.13.9 In addition to Policy B.1.8 (Volume 2), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2e and identified as Area Specific Policy – Area X4 on Map B.5.1-1 Binbrook Village Secondary Plan, the deletion of a local road from the road pattern shown on Map B.5.1-1 shall be permitted if it is determined that such a road is not needed to connect to lands immediately to the east without a further amendment to the Binbrook Village Land Use Plan.

4.2 Mapping Changes:

Urban Hamilton Official Plan Volume 2 – Chapter B.5.1 – Binbrook Village Secondary Plan

4.2.1 Urban Hamilton Official Plan Volume 2: Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan, be amended by deleting and replacing the proposed land use designations and road network with those shown in “Inset 1”, as shown on Appendix “A” attached to this amendment.

4.2.2 Urban Hamilton Official Plan Volume 2: Map B.5.1-2 - Binbrook Village Secondary Plan - Open Space Linkages, be amended by deleting and replacing the proposed road network, with those shown in “Inset 1”, as shown on Appendix “B” attached to this amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Draft Plan of Subdivision will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. [REDACTED] passed on the day of [REDACTED], 2016.

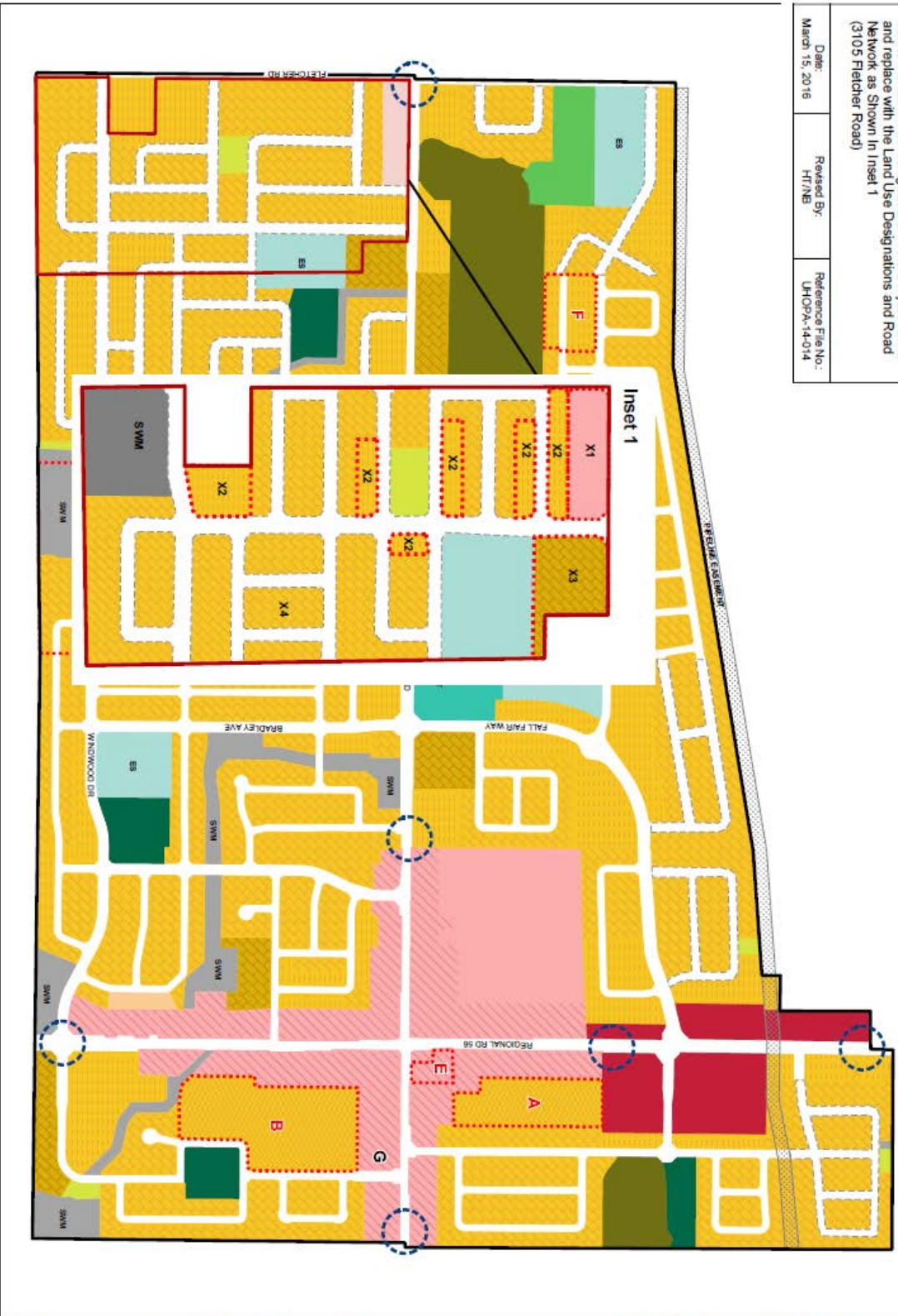
The
City of Hamilton

Fred Eisenberger
MAYOR

R. Caterini
CITY CLERK

Appendix A
 DRAFT Amendment No. 1
 to the Urban Hamilton Official Plan
 Delete the Land Use Designations of the Subject Lands
 and replace with the Land Use Designations and Road
 Network as Shown in Inset 1
 (3105 Fletcher Road)

Date: March 15, 2016
 Revised By: HT/NB
 Reference File No.: LHOPA-14-014



Legend

Residential Designations

- Low Density Residential 2b
- Low Density Residential 2c
- Low Density Residential 2i
- Low Density Residential 2j

Commercial and Mixed Use Designations

- Local Commercial
- Direct Commercial
- Medium Use - Medium Density
- Medium Use - Medium Density - Neighbourhood

Parks and Open Space Designations

- Neighbourhood Park
- General Open Space
- Community Park
- Neural Open Space
- Other Designations
- Recreation
- ES
- Utility
- SWM

Other Features

- Area of the Official Plan
- Water Tower
- Proposed Streets
- Secondary Plan

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
 Binbrook Village
 Secondary Plan
 Map 18.5.1.1

Hamilton
 Planning and Economic Development Department
 1200 King Street West
 Hamilton, Ontario L8S 4L9
 © 2013

ATTENTION 4

Authority: Item [REDACTED]
Planning Committee
Report 16-[REDACTED] (PED16____)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 3105 Fletcher Road

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the Township of Glanbrook” 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 and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS this by-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. .

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

1. That Schedule “H”, appended to and forming part of by-law No. 464 (Glanbrook), is amended by changing from the:
 - (a) Restricted Agricultural “A2” Zone to the Holding - Residential “H-R4-295” Zone, Modified, the lands identified as Block “1”;
 - (b) Restricted Agricultural “A2” Zone to the Holding - Residential Multiple “H-RM2-296” Zone, Modified, the lands identified as Block “2”;

- (c) Restricted Agricultural “A2” Zone to the Holding - Residential Multiple “H-RM3-297” Zone, Modified, the lands identified as Block “3”;
- (d) Restricted Agricultural “A2” Zone to the Holding-Residential Multiple “H-RM3-298” Zone, Modified, the lands identified as Block “4”; and,
- (e) Restricted Agricultural “A2” Zone to the Holding - General Commercial “H-C3-299” Zone, Modified, the lands identified as Block “5”.

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464 (Glanbrook), be amended by adding Special Exception “R4-295”, as follows:

“H-R4-295” – 3105 Fletcher Road, Schedule “H”

Notwithstanding the regulations of **SECTION 16: RESIDENTIAL “R4” ZONE, Subsection 16.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1**, Clauses (a), (b), (c), (d), (e), and (g), the following regulations shall apply to the lands zoned “R4-295”:

- (a) Minimum Lot Frontage.....10 m (13 m for a corner lot)
- (b) Minimum Lot Area.....300 sq m
- (c) Maximum Lot Coverage..... n/a
- (d) Minimum Front Yard.....4.5 m to the dwelling, except 6.0 m to the attached garage.
- (e) Minimum Side Yard
 - (i) 1.2 m on the garage side and 0.6 m on non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 m into the side yard with a side yard setback less than 1.2 m. A 0.6 m side yard setback shall not be permitted adjacent to any side lot line less than 1.2 m.
 - (ii) On a lot where an emergency/overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0 m side yard separation between buildings shall be provided and maintained along one common lot line.

- (iii) On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 m, except that an attached garage or attached carport which fronts on the flankage street shall not be located within 6 m of the flanking street line.

(g) Minimum Floor Area Per Dwelling.....n/a

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26, **ENCROACHMENT INTO YARDS**, on those lands zoned “R4-295”, the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3 m;
- (ii) Bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9 m;
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 m;
- (iv) A cantilver and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6 m; and,
- (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 m.

The “H” Holding symbol may be removed by a further amendment to this By-law at such time that the sanitary servicing outlet is available and has sufficient capacity, there is a suitable outlet for stormwater runoff and the external 400 mm watermain on Binbrook and Fletcher Road has been constructed, all to the satisfaction of the Senior Director of Growth Management.

- 3. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464 (Glanbrook), be amended by adding Special Exception “RM2-296”, as follows:

“H-RM2-296” – 3105 Fletcher Road, Schedule “H”

Notwithstanding the regulations of **SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE, Subsection 18.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1**, Clauses (a), (b), (c), (d), (e), (f), and (i), the following regulations shall apply to the lands zoned “RM2-296”:

- (a) Minimum Lot Frontage.....6 m except 9 m for a corner lot
- (b) Minimum Lot Area.....168 sq m

- (c) Maximum Lot Coverage..... n/a
- (d) Minimum Front Yard.....4.5 m to the dwelling, except 6.0 m to the attached garage.
- (e) Minimum Side Yard
 - (i) 1.2 m on an end unit not abutting a flanking street; and,
 - (ii) 3.0 m on an end unit on a corner lot abutting a flanking street.
- (f) Minimum Rear Yard.....7 m
- (i) Minimum Landscaped Area.....n/a

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26, **ENCROACHMENT INTO YARDS**, on those lands zoned “RM2-296”, the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3 m;
- (ii) Bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9 m;
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 m;
- (iv) A cantiliver and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6 m; and,
- (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 m.

The “H” Holding symbol may be removed by a further amendment to this By-law at such time that the sanitary servicing outlet is available and has sufficient capacity, there is a suitable outlet for stormwater runoff and the external 400 mm watermain on Binbrook and Fletcher Road has been constructed, all to the satisfaction of the Senior Director of Growth Management.

- 4. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464 (Glanbrook), be amended by adding Special Exception “H-RM3-297”, as follows:

“H-RM3-297” – 3105 Fletcher Road, Schedule “H”

Notwithstanding **SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE**, Subsection 19.1, **PERMITTED USES**, the uses permitted on lands zoned “RM3-297” shall be limited to:

- (a) Block townhouse dwellings (which includes but not limited to individual townhouse lots have frontage on or otherwise tied to a condominium road);
- (b) Apartment buildings;
- (c) Stacked townhouses;
- (d) Back-to-back townhouses (Maisonettes)
- (e) Uses, buildings and structures accessory to the uses described in Paragraphs (a), (b), (c) and (d) of this Subsection.

That for the purposes of this By-law, the following definitions shall apply:

- (i) Stacked townhouses – shall mean a townhouse that is divided vertically and horizontally into a minimum of three and a maximum of 16 dwelling units and with each dwelling unit having one or more private entrances at grade.
- (ii) Back-to-back townhouses (Maisonettes) – Shall mean a building containing a minimum of six and no more than 16 dwelling units that is divided vertically and where each unit is divided by common walls, including a common rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front yard or exterior side yard.
- (iii) Instead of as required by the definition of a “lot” pursuant to Glanbrook Zoning By-law No. 464, individual dwelling unit lots may be created by registration of condominium plan or created by Part Lot Control and shall be permitted to front on a private condominium road than a street.

Notwithstanding the regulations of **SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, Subsection 19.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a), (b), (c) and (d) OF SUBSECTION 19.1**, Clauses (c), (d), (e), (f), (g), (h), (i), (j) and (l), the following regulations shall apply to the lands zoned “RM3-297”:

- (c) Maximum Lot Coverage.....n/a
- (d) Minimum and Maximum Density..... 41 - 60 dwelling units per ha
- (e) Minimum Front Yard and Exterior Side Yards.....4.5 m
- (f) Minimum Rear and Side Yards.....6 m

- (g) Minimum Separation Distance
 - (ii) Between two exterior walls, one of which contains windows to a habitable room, a minimum of 7.5 m; and,
 - (iii) Between two exterior walls, both of which contain windows to a habitable room, a minimum of 12 m.
- (h) Minimum Floor Area Per Dwelling Unit.....n/a
- (i) Maximum Height.....12.6 m and 3-storeys
- (j) Minimum Landscaped Area.....30%
- (l) Minimum Privacy Area.....n/a for apartment buildings, stacked townhouses and back-to-back townhouses (maisonettes). For block townhouses a minimum area of 35 sq m per dwelling unit shall be provided adjacent to the unit and screened on at least two sides by means of a privacy screen. However, for rear laneway block townhouses whereby parking is located at the rear of the dwelling unit accessed by a private condominium roadway, the required minimum privacy area is not required.

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26, **ENCROACHMENT INTO YARDS**, on those lands zoned “RM3-297”, the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3 m;
- (ii) Bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9 m;
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 m;
- (iv) A cantilver and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6 m; and,
- (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 m.

For the purpose of regulations contained in Sections 7, 11, 19 and 44 of Glanbrook Zoning By-law 464, the boundary of lands zoned “RM3-297” shall be deemed to be the lot lines for this purpose and the regulations of the “RM3-297” zone, including but not limited to lot area, lot frontage, lot coverage,

density, building setbacks, separation distances, landscaped areas, parking requirements and accessory buildings, shall be from the boundaries of the land zoned “RM3-297” and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

The “H” Holding symbol may be removed by a further amendment to this By-law at such time that the sanitary servicing outlet is available and has sufficient capacity, there is a suitable outlet for stormwater runoff and the external 400 mm watermain on Binbrook and Fletcher Road has been constructed, all to the satisfaction of the Senior Director of Growth Management.

5. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464 (Glanbrook), be amended by adding Special Exception “RM3-298”, as follows:

“H-RM3-298” – 3105 Fletcher Road, Schedule “H”

Notwithstanding **SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE**, Subsection 19.1, **PERMITTED USES**, the uses permitted on lands zoned “RM3-298” shall be limited to:

- (a) Block townhouse dwellings (which includes but not limited to individual townhouse lots have frontage on or otherwise tied to a condominium road);
- (b) Uses, buildings and structures accessory to the uses described in Paragraphs (a).

That for the purposes of this By-law, the following definitions shall apply:

- (i) Instead of as required by the definition of a “lot” pursuant to Glanbrook Zoning By-law No. 464, individual dwelling unit lots may be created by registration of condominium plan or created by Part Lot Control and shall be permitted to front on a private condominium road than a street.

Notwithstanding the regulations of **SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, Subsection 19.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1**, Clauses (c), (d), (e), (f), (g), (h), (j) and (l), the following regulations shall apply to the lands zoned “RM3-298”:

- (c) Maximum Lot Coverage..... n/a
- (d) Minimum and Maximum Density..... 26 - 50 dwelling units per ha
- (e) Minimum Front Yard and Exterior Side Yards.....4.5 m
- (f) Minimum Rear and Side Yards.....6 m
- (g) Minimum Separation Distance

- (ii) Between two exterior walls, one of which contains windows to a habitable room, a minimum of 7.5 m; and,
 - (iii) Between two exterior walls, both of which contain windows to a habitable room, a minimum of 12 m.
- (h) Minimum Floor Area Per Dwelling Unit.....n/a
- (j) Minimum Landscaped Area.....30%
- (l) Minimum Privacy Area.....A minimum area of 35 sq m per dwelling unit shall be provided adjacent to the unit and screened on at least two sides by means of a privacy screen. However, for rear laneway block townhouses whereby parking is located at the rear of the dwelling unit accessed by a private condominium roadway, the required minimum privacy area is not required.

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26, **ENCROACHMENT INTO YARDS**, on those lands zoned “RM3-298”, the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3 m;
- (ii) Bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9 m;
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 m;
- (iv) A cantilver and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6 m; and,
- (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8m.

For the purpose of regulations contained in Sections 7, 11, 19 and 44 of Glanbrook Zoning By-law 464, the boundary of lands zoned “RM3-298” shall be deemed to be the lot lines for this purpose and the regulations of the “RM3-298” zone, including but not limited to lot area, lot frontage, lot coverage, density, building setbacks, separation distances, landscaped areas, parking requirements and accessory buildings, shall be from the boundaries of the land zoned “RM3-298” and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

The “H” Holding symbol may be removed by a further amendment to this By-law at such time that the sanitary servicing outlet is available and has sufficient

capacity, there is a suitable outlet for stormwater runoff and the external 400 mm watermain on Binbrook and Fletcher Road has been constructed, all to the satisfaction of the Senior Director of Growth Management.

6. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464 (Glanbrook), be amended by adding Special Exception "H-C3-299", as follows:

"H-C3-299" – 3105 Fletcher Road, Schedule "H"

Notwithstanding **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.1, **PERMITTED USES**, the uses permitted on lands zoned "C3-299" shall be limited to:

- (a) Banks and financial institutions, Brewers Retail stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, laundries, Liquor License Board of Ontario stores, medical centres, offices, personal services shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, private or commercial clubs, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, and veterinary service establishments with no outside runs; and uses, buildings and structures accessory to the above permitted uses.
- (b) Dwelling units are permitted above any use permitted on the ground floor.

Notwithstanding the regulations of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE, Subsection 25.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 25.1**, Clauses (d), (e), (f), (g), (j) and (l), the following regulations shall apply to the lands zoned "C3-299":

- (d) Maximum Lot Coverage.....n/a
- (e) Maximum Gross Floor Area.....Any individual office shall not exceed 500 sq m (remaining maximum gross floor area provisions shall not apply)
- (f) Minimum Front Yard.....3 m
- (g) Minimum Side Yard.....3 m
- (j) Minimum Parking Requirements
 - (iv) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 3.0 m of any street line or the boundary of any Residential or Institutional Zone.

- (v) No parking space or part thereof shall be located between the building and the street line.
- (l) Minimum Landscaping Requirements
 - (ii) A landscaped area having a minimum width of 3.0 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the required driveways and where a building is located.

The “H” Holding symbol may be removed by a further amendment to this By-law at such time that the sanitary servicing outlet is available and has sufficient capacity, there is a suitable outlet for stormwater runoff and the external 400 mm watermain on Binbrook and Fletcher Road has been constructed, all to the satisfaction of the Senior Director of Growth Management.

- 7. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential “R4” Zone provisions, subject to the special requirements referred to in Section 2, the Residential Multiple “RM2” Zone provisions, subject to the special requirements referred to in Section 3, the Residential Multiple “RM3” Zone, provisions, subject to the special requirements referred to in Sections 4 and 5 and the General Commercial “C3” Zone provisions, subject to the special requirements referred to in Section 6.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2016.

F. Eisenberger
Mayor

R. Caterini
Clerk

ZAC-14-028
UHOPA-14-014
25T-201405



This is Schedule "A" to By-law No. 16-
 Passed the day of, 2016







 Mayor

 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 16-_____

to Amend By-law No. 464

- Subject Property**
 3015 Fletcher Road
-  **Block 1** - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential "H-R4-295" Zone, Modified
 -  **Block 2** - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM2-296" Zone, Modified
 -  **Block 3** - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-297" Zone, Modified
 -  **Block 4** - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-298" Zone, Modified
 -  **Block 5** - Change in Zoning from Restricted Agricultural "A2" Zone to the Holding - General Commercial "H-C3-299" Zone, Modified
 -  Refer to By-law 05-200

Scale:
 N.T.S.

File Name/Number:
 ZAC-14-028/UHOPA-14-014/25T-201405

Date:
 April 27, 2016

Planner/Technician:
 GM/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

ATTACHMENT 5

Authority: Item [REDACTED]
Planning Committee
Report 16-[REDACTED] (PED16____)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 05-200 (City of Hamilton) Respecting Lands located at 3105 Fletcher Road

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 No. 05-200;

AND WHEREAS Zoning By-law, being By-law No. 05-200, was enacted on the 25th day of May, 2005;

AND WHEREAS this by-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. .

NOW THEREFORE the City of Hamilton enacts as follows:

1. That Map Nos. 1909, 1910, 1932 and 1933 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 are amended by incorporating additional Conservation/Hazard Land (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Block 1 on a plan hereto annexed as Schedule "A".
2. That Map Nos. 1909, 1910, 1932 and 1933 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 are amended by incorporating additional Neighbourhood Park (P1) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Block 2 on a plan hereto annexed as Schedule "A".
3. That Map Nos. 1909, 1910, 1932 and 1933 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 are amended by incorporating additional Community Institutional (I2) Zone boundaries for the applicable lands, the extent and

boundaries of which are shown as Block 3 on a plan hereto annexed as Schedule "A".

4. That Schedule "C" - Special Exceptions, of By-law No. 05-200, is hereby amended by adding the following Sub-section:

"477 In addition to Section 8.2.3.3 of this By-law, within the lands zoned Community Institutional (I2, 477) Zone, as identified on Map Nos. 1909, 1910, 1932 and 1933 of Schedule "A" - Zoning Maps, and described as part of 3105 Fletcher Road (Glanbrook), the following special provisions shall apply:

- | | | | |
|-----|-------------------|-----|---|
| (a) | Minimum Lot Area | i) | 300 square metres (interior or corner lots) |
| (b) | Minimum Lot Width | i) | 10 metres; |
| | | ii) | Notwithstanding i) above, 13.0 metres shall be required for a corner lot. |

5. That Schedule "D" – Holding Provisions, of By-law No. 05-200 be amended by adding an additional Holding Provision as follows:

"H16. That notwithstanding Section 8.2 of this By-law, on those lands zoned Community Institutional (I2, 477) Zone, as identified on Map Nos. 1909, 1910, 1932 and 1933 of Schedule "A" - Zoning Maps, and described as part of 3105 Fletcher Road (Glanbrook), no development shall be permitted until such time as:

- (i) the sanitary servicing outlet is available and has sufficient capacity, there is a suitable outlet for stormwater runoff and the external 400 mm watermain on Binbrook and Fletcher Road has been constructed, all to the satisfaction of the Senior Director of Growth Management."

6. That this By-law No. ____ shall come into force and be deemed to 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 otherwise provided by the said subsection.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2016.

F. Eisenberger
Mayor

R. Caterini
Clerk

ZAC-14-028
UHOPA-14-014
25T-201405



This is Schedule "A" to By-law No. 16-

Passed the day of, 2016

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 16-_____

to Amend By-law No. 05-200
Map 1909, 1910, 1932 & 1933

Subject Property

3015 Fletcher Road



Block 1 - Lands to be zoned
Conservation/Hazard Land (P5) Zone



Block 2 - Lands to be zoned Neighbourhood
Park (P1) Zone



Block 3 - Lands to be zoned Community
Institutional (I2, 477, H16) Zone



Refer to By-law No. 464

Scale:
N.T.S.

File Name/Number:

ZAC-14-028/UHOPA-14-014/25T-201405

Date:

April 27, 2016

Planner/Technician:

GM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT