

Site Specific List of Corrections, Errors, and Omissions of the Zoning By-law During and Since the June 6, 2017 Planning Committee as a result of Administrative Changes Identified By Staff or in Consultation with Landowners

Ward 3					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	925 Barton Street East	Mixed Use Medium (C5, 300, H80)	<p>Site currently is the location of an existing Motor Vehicle Collision Repair Service establishment. Request from a landowner and agent to provide clarification on whether the existing business is considered as an industrial use, or whether it is considered as a motor vehicle related commercial use.</p> <p>Special Exception 300 on the subject lands permits existing industrial uses.</p>	<p>A Motor Vehicle Collision Repair Service Establishment is not considered an industrial use but a commercial use.</p> <p>The previous Special Exception 300 that applied to the subject lands has been removed and has been revised to apply Special Exception 304, which permits existing motor vehicle related uses.</p>

Ward 4					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	205 Melvin Avenue	Mixed Use Medium Density (C5) Zone	<p>A request from a landowner respecting the Minimum Amenity Space requirement in the Mixed Use Medium (C5) Zone. The proposed requirement is too high and cannot provide for affordable housing at the same time.</p> <p>Based on providing 20 square metres for every dwelling unit, this requirement would be difficult to achieve, especially for affordable housing projects. A request is made to revisit the regulation and perhaps have more of a performance based approach.</p>	<p>Request from a landowner to revise the minimum requirement for amenity space. The requirement as presented in the June 6, 2017 Planning Committee may be difficult to meet, and request that staff revisit the requirement and refine the regulations based on unit size, unit number, and other standards.</p> <p>Staff corresponded with the delegate who made a presentation at the June 6, 2017 Planning Committee, and also attended a site visit on July 13, 2017. After further discussions and</p>

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					additional research on the topic, the proposed regulation have been refined and applies for lots whose development contains more than 10 dwelling units, and a sliding scale of different minimum requirements based on unit size.
2	Text	Centre on Barton	Mixed Use High Density (C4) Zone	<p>A request from a landowner to add special regulations for the existing commercial development. Site Plan applications DA-07-139 and SPA-08-081 to permit additional commercial buildings. These two buildings have yet to be constructed due to recent market trends and activity.</p> <p>Two additional commercial building pads have yet to be constructed. Concerns the new zone regulations would require an increase in building height and setback requirements.</p>	<p>Staff have consulted with the agent of the commercial development and notes the location of the proposed one-storey commercial building pads that have yet to be built.</p> <p>A Special Exception to permit a lower minimum building height only for commercial buildings containing certain uses such as retail, financial establishments, and personal service. Also add a special regulation to address front yard setback requirements as final approved under Site Plan applications DA-07-139 and SPA-08-081. This ensures that no variances are required to facilitate the construction of the proposed commercial buildings.</p>
Ward 6					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	1575 Upper	Arterial	A request from a landowner to confirm	Staff corresponded with the agent of

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		Ottawa Street	Commercial (C7) Zone	Special Exception 600 regulations are consistent with a previous Official Plan Amendment application that was approved by Council on October 12, 2016 (OPA 66).	the commercial development and confirmed that revisions have been made to Special Exception 600 so the special regulations will be consistent with OPA 66, notably the permitted uses and maximum Gross Floor Area for certain uses.
2	Mapping and Text	1324 Rymal Road East and 172 Dartnall Road	Arterial Commercial (C7, 648) Zone, Modified	Administrative change by staff to carry forward special zone provisions in "M-11/S-1580" (Prestige Industrial) District, Modified, as Special Exception 648. This is a response to Site Plan application	Draft Zone Map No. 1547 revised to add the Special Exception. Special Exception 648 added to Appendix "B" to add special regulations from "M-11/S-1580" (Prestige Industrial) District, Modified such as setback requirements, planting strip, building façade requirement, and locational requirements

Ward 7					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	Various properties	Arterial Commercial (C7, 318) Zone, Modified	Mixed Use Medium Density (C5, 318) Zone, modified, permits Arterial Commercial uses in addition to the permitted uses in the parent zone. This includes Motor Vehicle related uses. In consultation with the agent of the	Text revised to add special regulations such as setback requirements. Affects various properties fronting onto Upper James Street between Stone Church Road and Rymal Road on Maps 1342, 1343, 1394, 1395.

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				landowner, concerns were raised where Arterial Commercial related uses would have to meet the zoning regulations of the Mixed Use Medium Density (C5) Zone. Based on the building typology of Arterial Commercial related uses, some of the zone regulations such as yard setback abutting the street would not be able to be met. Therefore, the agent requested to add additional special regulations for permitted Arterial Commercial uses that are also permitted in the Mixed Use Medium Density (C5) Zone under SE 318.	
2	Text and Mapping	651 – 679 Upper James Street	District Commercial (C6, SE 308) Zone, Modified	A request from a landowner seeking clarification on the Special Exception label on Maps 1083, 1084, 1132, and 1133, as it was omitted.	The Special Exception label on Maps 1083, 1084, 1132, and 1133 have been added.
			Section 5.2b)	A request from a landowner seeking clarification respecting the proposed parking stall size increase to 3.0m in width and 5.8m in length. The increase in size will affect sites that are going through a multi-phased development.	Minor Variance Application HM.A.08.102 was approved by the Committee of Adjustment to modify the parking stall size from the Hamilton Zoning By-law No. 6593 dimension of 2.8m by 5.7m to 2.6m by 5.5m to address the redevelopment of the shopping center.

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					A Special Exception (SE308) has been revised to include this reduction in parking stall size.
			Section 3 – Definition	A request from a landowner seeking clarification on the definition of <i>Shopping Centre</i> needs to include the words “broader shopping customer” as identified in the June 6, 2017 staff report.	The definition has been revised. This revision will provide clearer distinction from a Planned Business Centre, as a Shopping Centre is geared towards the broader consumer shopper.
3	Text	1405 & 1441 Upper James Street	Mixed Use Medium Density (C5, 318) Zone, Modified	A request from a landowner seeking clarification on updating mapping to show properties that have merged on title.	Land parcels as shown in the Zone Maps are based on the most up to date information available. The zone boundary reflects both properties, whether merged or not.

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				<p>Mixed Use Medium Density (C5, 318) Zone, modified, permits Arterial Commercial uses in addition to the permitted uses in the parent zone. This includes Motor Vehicle related uses.</p> <p>In consultation with the agent of the landowner, concerns were raised where Arterial Commercial related uses would have to meet the zoning regulations of the Mixed Use Medium Density (C5) Zone. Based on the building typology of Arterial Commercial related uses, some of the zone regulations such as yard setback abutting the street would not be able to be met. Therefore, the agent requested to add additional special regulations for permitted Arterial Commercial uses that are also permitted in the Mixed Use Medium Density (C5) Zone under SE 318.</p>	<p>This has been revised in Special Exception 318 to include special regulations for Arterial Commercial uses such as setback requirements.</p>

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4	Text	777 Upper James Street	District Commercial (C6) Zone	<p>A request from a landowner to add more flexibility to the Built Form for New Development regulations, more specifically requiring minimum required ground floor façade lengths. The flexibility is to potentially add new building pads that are smaller in size.</p> <p>The main concern is the ability to redevelop the site or to add Gross Floor Area either to the existing building or to add new commercial building pads.</p>	<p>A proposed regulation is added to the C43, C5, and C6 Zones where the minimum building façade length requirement shall not apply for small commercial buildings of up to 650 square metres. Multiple buildings can be constructed and not be subject to the requirements. However, they will still be required to meet setback and building height requirements. Overall, the intent of requiring development to be built close to the street to provide a comfortable pedestrian environment can be achieved over time as more building pads are built.</p> <p>A revision to calculating the minimum building façade requirement excludes access driveways and required yards as buildings cannot be built in these areas. This will assist in meeting the minimum building façade requirements.</p>

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5	Text and Mapping	675 – 695 Rymal road West and 1615 Upper Sherman Avenue	Community Commercial (C3) Zone	A request from a landowner to remove the subject lands from the CMU project due to impending final approval of the Site Plan application.	<p>Staff have corresponded with the landowner and an existing Site Plan application (SPA-14-118) is in process. The Site Plan has been conditionally approved and conditions are being cleared. It is anticipated the Site Plan application will be given final approval in the 4th quarter 2017.</p> <p>This site has been removed from the CMU project as the Site Plan application is in process but final approval is imminent.</p>
6	Text	65 Mall Road	Mixed Use High Density (C4) Zone	A request from a landowner to add a Special Exception to be subject to Section 4.12ii) to permit up to 10% additions and expansions to existing commercial buildings.	<p>A revision to Section 4.12ii) with respect to including lands zoned Mixed Use High Density (C4) Zone to permit additions and alterations of up to 10% of the Gross Floor Area of the existing building.</p> <p>This allows the ability for the commercial development to expand and add Gross Floor Area to the existing building, subject to meeting parking requirements.</p>

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7	Text	883 and 889 Upper Wentworth Street, and 508 and 520-524 Limeridge Road East (Limeridge Mall)	Mixed Use High Density (C4) Zone	<p>A landowner request to revisit the requirements respecting the Minimum Amenity Space in the Mixed Use High Density (C4) Zone. The proposed requirement is too high and cannot provide for affordable housing at the same time.</p> <p>Based on providing 20 square metres for every dwelling unit, this requirement would be difficult to achieve, especially for affordable housing projects. A request is made to revisit the regulation and perhaps have more of a performance based approach.</p>	<p>Staff corresponded with the agent of the landowner and acknowledges the requirement may be difficult to achieve without modifications to the requirements through Minor Variance. Additional research was subsequently conducted to document similar regulations in other municipalities.</p> <p>Revisions have been made to the Minimum Amenity Space requirement. Buildings fewer than 10 units are not subject to this requirement, and there are different minimum requirements based on size of unit.</p> <p>This is to address the different demands of amenity space based on the number of residents in each unit. For example, unit sizes smaller than 50 square metres would typically have fewer units than ones that have a greater floor area.</p>

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			Section 5.2b)	A request by the landowner to recognize the existing parking stall size of 2.6 metres by 5.5 metres as found in Hamilton Zoning By-law 05-200.	A regulation is added in the Special Exception to permit a current parking stall size dimension of 2.6 metres by 5.5 metres.
			Section 4.12f)	A request by the landowner to include lands with the Mixed Use High Density (C4) Zone to permit an addition or expansion of the existing building of up to 10% of the Gross Floor Area without being subject to the setback requirements.	<p>Under Subsection 4.12f)ii) – Vacuum Clause has been revised to include the High Density Mixed Use (C4) Zone whereby an addition or alteration to an existing building to a maximum of 10% of the existing Gross Floor Area (GFA) is permitted.</p> <p>This will also allow commercial development on lands zoned C4 to permit additions and alterations to existing commercial buildings of up to 10% of the existing GFA and certain zone regulations such as setback requirements would be deemed to comply.</p>

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Ward 9					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	1775-1807 Stone Church Road	Mixed Use Medium Density (C5, 319) Zone, Modified	A request by the landowner to suggest revising the existing Special Exception 319 based on By-law 06-164. Items in the Special Exception need to be corrected, including definitions, permitted uses, building height.	In consultation with the agent of the landowner, Special Exception 319 has been revised to reflect the modifications to the zone regulations with By-law 06-164.
2	Text and Mapping	512 Highland Road	Mixed Use Medium Density (C5, 349, H101, H102, H103, H104) Zone, Modified, with Holding Provisions	Requests by the landowner to revise the Special Exception to recognize parking stall sizes and other permissions from DA-15-053. Also request to add the maximum Gross Floor Area of a food store based on Minor Variance application SC/A 15:257.	In consultation with the agent of the landowner, Special Exception 349 has been revised to reflect the zone regulations as reviewed through DA-15-053. Revised regulation based on the Minor Variance application.
				The Holding Provisions were removed for the norther half of the subject lands from By-law 16-181. A request by the landowner is made to reflect the changes.	In consultation with the agent of the landowner, the Zone Map has been revised to remove the Holding Provision for the top half, but the Holding Provision remains in the bottom half.
					As a result, the northern half of the

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					property is not subject to the Holding Provision and development can proceed. The Holding Provision for the bottom half of the property remains and development cannot proceed until the Holding Provision has been lifted by satisfying the conditions.
3	Text and Mapping	20 ArtFrank Drive (Heritage Green)	Mixed Use Medium Density (C5, 319) Zone, Modified	A request by the landowner to revise the Special Exception to reflect By-law 16-037, which supersedes By-law 06-164. The Special Exception as written is based on By-law 06-164.	<p>In consultation with the agent of the landowner, Figure 8 has been revised to create Sub-Blocks within Block "D". This is to reflect the unique modifications to the zoning regulations for each of the Sub-blocks. The rest of the Blocks (Blocks "A" to "C", and "E") remains unchanged.</p> <p>Special Exception 319 has also been modified to reflect By-law 16-037 with respect to permitted uses and various modified zoning standards.</p>

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Ward 11					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text and Map	2400 Regional Road 56, Binbrook	District Commercial (C6) Zone	<p>The Binbrook Secondary Plan and Schedule E-1 – Urban Land Use Designations in UHOP shows the rear portion of land as designated for residential uses. Landowner request the rear portion of lands to be incorporated into the District Commercial (C6) Zone with the front portion of the property.</p>	<p>Official Plan Amendment 77 was approved by Council on July 14, 2017 for the rear half of the property to change the designation to District Commercial in both the Binbrook Secondary Plan and Schedule E-1 – Urban Land Use Designations in UHOP.</p> <p>As a result of the change in designation, the District Commercial (C6) Zone has been extended to the rear portions of the property to take up the entire lot, and fully implements the UHOP and the Binbrook Secondary Plan.</p>
				<p>Request by the landowner to increase the Yard Abutting the street and to permit parking between the building and street.</p>	<p>A Special Exception has been added to allow for a Maximum Setback Fronting onto a Street of 28 metres and to allow for parking between the building and the street.</p> <p>The zone modifications are to facilitate the future expansion of the existing one-storey commercial building which currently houses a feed store. The expansion would result in additional parking in the side yard and front yard.</p>

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No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
2	Text	2000 Garth Street, Glanbrook	Community Commercial (C3) Zone	Request by the landowner to incorporate modifications approved through Minor Variance Application GL/A-16-218 into a Special Exception, which was approved on June 15, 2017.	<p>A Special Exception has been added to modify Maximum Building Setback from a Street Line, reduction in parking space and barrier-free parking space dimension and Building Façade requirement.</p> <p>The zone modifications are to facilitate the construction of a new commercial building located on the southeast corner of the property. The subject lands includes an existing commercial building located on the rear portion of land. A Site Plan application is currently in process to facilitate this development (SPA-16-119).</p>
3	Text	2160 Rymal Road East (Canadian Tire)	Mixed Use Medium (C5, 338) Zone, Modified	Request by the landowner to add more flexibility to the Built Form for New Development regulations, more specifically requiring minimum required ground floor façade lengths. The flexibility is to potentially add new building pads that are smaller in size.	<p>A proposed regulation is added to the C3, C5, and C6 Zones where the minimum building façade length requirement shall not apply for small commercial buildings of up to 650 square metres. Multiple buildings can be constructed and not be subject to the requirements. Setback and building height requirements must still be met.</p> <p>This administrative change is a response to concerned landowners</p>

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					<p>who may wish to add small commercial building pads closer to the street. This will over time allow landowners to build multiple building pads close to the street line, effectively meeting the Official Plan requirements building a street edge that improves the pedestrian environment.</p> <p>The second administrative change is also a response to concerned landowners to exclude certain impediments to calculating the minimum building façade. Ground floor façade cannot be provided where there is an access driveway and lands within a required yard, and therefore is excluded in the measurements.</p>

Ward 12					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	1000 Golf Links Road	Mixed Use Medium (C5, 578) Zone, Modified	Request by the landowner to seek clarification on a particular policy in the Meadowlands Mixed Use Secondary Plan policies for the	Special Exception 578 has been amended to indicate a maximum 950 square metres of GFA for individual establishments.

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Ward 12					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
				subject lands include drive through prohibition and size restrictions of a food store and department store. This clarification is also implemented in the Special Exception.	This is to provide further clarification as the intent is to limit the size of the individual establishment and not limit by use.
2.	Mapping and Text	128 and 134 Wilson Street East	Mixed Use Medium Density (C5, 650) Zone, Modified	Administrative change by staff to add two properties into the CMU Zone after a recent amendment to the Wilson Street Secondary Plan to the change the designation from Medium Density Residential to the Mixed Use Medium Density. Site Specific Policy "1" permitted uses shall be limited to single detached dwellings and business and professional offices and which shall be permitted within the existing buildings.	Draft Zone Map 1280 has been revised to include the subject lands to the CMU, and a Special Exception has been added. Special Exception 650 added to Appendix "B" where permitted uses are limited to Single Detached Dwelling and Office located within the building existing at the time of the passing of the By-law.

Ward 13					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	50 Cootes Drive	Mixed Use Medium Density (C5, 582) Zone, Modified	Request to add more flexibility to the Built Form for New Development regulations, more specifically requiring minimum required ground floor façade lengths. The flexibility is	A proposed regulation is added to the C3, C5, and C6 Zones where the minimum building façade length requirement shall not apply for small commercial buildings of up to 650

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				to potentially add new building pads that are smaller in size.	square metres. Multiple buildings can be constructed and not be subject to the requirements. However, they will still be required to meet setback and building height requirements.
				Request made to add a Special Exception for the subject lands only to recognize existing regulations found under the General Commercial (C3) Zone of Dundas Zoning By-law 1964.	

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Ward 15					
No.	Map or Text Change	Municipal Address	Zone / Regulation	Nature of Correction, Error, or Omission	Actual Changes to the Zoning By-law
1	Text	Clappison's Corner (NE corner of Highway 6 and Highway 5)	District Commercial (C6, 326) Zone, Modified	Request by the landowner to add additional permitted uses as per the OMB decision (PL140892).	The uses have been added to provide consistency with the By-law 16-073 as approved by the OMB. This was requested by the landowner. Added commercial uses include: Dry Cleaning Distribution Station; Dry Cleaning Establishment; and, Mini Storage uses within a wholly enclosed building(s) with no associated outdoor storage.
				Request by the landowner to increase the building height from 14.0 metres to 15.0 metres as per the OMB decision and consistent with the existing zoning regulations.	In consultation with the agent of the landowner, under the existing Flamborough Zoning By-law No. 90-145-Z, the maximum height is 15.0 metres, which was approved by the OMB. The increase in height by 1.0 metre still maintains the intent of the maximum height provision of the District Commercial (C6) Zone.
				Request by the landowner to modify the minimum setback requirements of a Motor Vehicle Gas Bar canopy from the 4.5 metres requirement in the District Commercial (C6) Zone to 3.5 metres.	Within Subsection 2.(a) of By-law 16-073, uses permitted include a "Gas Bar subject to Section 21.2" of Flamborough Zoning By-law 90-145-Z. Based on the requirements above, additional regulations will have to be added for Gas Bar under Section 21.2 of Flamborough Zoning By-law

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					90-145-Z. Section 21.2 of Flamborough Zoning By-law 90-145-Z refers to the minimum setback for canopies located in a gas bar of 3.5 metres. This special regulation has been added under Special Exception 326. A reduction is supportable as the general intent of providing a separation between the gas bar canopy from the lot line is still maintained. A minimum yard for gas pump islands remains at 4.5 metres from the lot line.
2	Text	619 Centre Road	District Commercial (C6, 583) Zone, Modified	Request by the landowner to revise the proposed Special Exception are required to ensure the regulations reflect the Waterdown North Secondary Plan policies which speak to Maximum Building Height, Prohibited Uses, and Permitted uses.	Special Exception 583 revised to include Maximum Building Height of 14 metres, Prohibited Uses, and additional Permitted Uses.
3	Text	Clappison's Corner (Canadian Tire)	District Commercial (C6, 326) Zone, Modified	Request by the landowner to add more flexibility to the Built Form for New Development regulations, more specifically requiring minimum required ground floor façade lengths. The flexibility is to potentially add new building pads	A proposed regulation is added to the C43, C5, and C6 Zones where the minimum building façade length requirement shall not apply for small commercial buildings of up to 650 square metres. Multiple buildings can be constructed and not be subject to

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				that are smaller in size.	<p>the requirements. However, they will still be required to meet setback and building height requirements.</p> <p>A further revision to exclude requirements at access driveways and required yards as buildings cannot be built in these areas.</p> <p>The subject lands is further discussed under Bullet "1" of this table (see above).</p>
				A request by the landowner to eliminate the cap of Gross Floor Area of each commercial use of 10,000 square metres as required under Section 10.6.3f).	This Gross Floor Area cap has been removed. An OMB decision released on February 3, 2016 (PL140892) modified an existing policy under Volume 3: Area Specific Policy where Policy E.4.7.3 has been replaced with site specific policies.
4	Text	526 Dundas Street East	District Commercial (C6, 566, H96) Zone, Modified, Holding Provision	Request by the landowner for a modification to exempt a sales trailer from maximum setback requirements and to permit parking between the street and the sales trailer.	<p>Minor Site Plan application MDA-17-046 has been final approved, and Building Permits have been submitted to facilitate the construction of the temporary sales trailer.</p> <p>Special Exception 566 has been modified to permit maximum setback requirements and to permit parking between the street and the sales trailer.</p>

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5	Mapping and Text	460 Dundas Street East (southeasterly portion only)	Mixed Use Medium (C5, 651) Zone, Modified	An administrative change by staff to add a Special Exception for the southeasterly portion of the subject lands only to permit Street Townhouse Dwellings, as permitted in the Waterdown South Secondary Plan Policy 4.3.4.3c).	Draft Zone Map No. 414 and 415 revised to add the Special Exception. Special Exception 651 added to Appendix "B" where in addition to Section 10.5.1, Street Townhouse Dwelling is also permitted.
6	Text	493 Dundas Street East	Mixed Use Medium Density (C5, 585) Zone, Modified	A request by a representative of the landowner to modify the Special Exception to reflect a recent approval of a Minor Variance FL/A-17:229. The Minor Variance application is required to facilitate Site Plan Application DA-17-108.	The changes to the Special Exception is to permit certain commercial uses to the existing heritage building, and additions to the heritage building, parking space requirements for barrier free parking, parking lot aisle widths, yard setbacks, and allowing the principal entrance of the building on the west building façade.