SUBJECT: Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glanbrook Zoning By-law No. 464, for Lands Located on the Southwest Corner of Pinehill Drive and Fletcher Road, Former Township of Glanbrook (PED06166) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200603, by Multi-Area Developments Inc. (Aldo DeSantis), owner, to establish a draft plan of subdivision, known as “Summit Park Addition – Phase 2”, on lands located at the southwest corner of Pinehill Drive and Fletcher Road (Glanbrook), as shown on Appendix “A” to Report PED06166, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06166, and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development; and,

(ii) That payment of Cash-in Lieu of parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan of subdivision. The payment will be based on the value of the lands on the day prior to the day of the issuance of each building permit;

all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.
SUBJECT: Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glanbrook Zoning By-law No. 464, for Lands Located on the Southwest Corner of Pinehill Drive and Fletcher Road, Former Township of Glanbrook (PED06166) (Ward 11) - Page 2 of 10

(b) That approval be given to Zoning Application ZAC-06-08, by Multi-Area Developments Inc. (Aldo DeSantis), owner, for a change to Zoning By-law No. 464 from the General Agricultural “A1” Zone to the site-specific Residential “R4-173(A)” Zone for lands located at the southwest corner of Pinehill Drive and Fletcher Road (Glanbrook), as shown on Appendix “A” to Report PED06166 on the following basis:

(i) That the draft By-law, attached as Appendix “E” to Report PED06166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “J” of Zoning By-law No. 464.

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and to the Township of Glanbrook Official Plan.

(c) That approval be given to grant relief from the provisions of Region of Hamilton-Wentworth Setback By-law No. 2613 for the lands on the west side of Fletcher Road, as shown on Appendix “A” to Report PED06166, to permit building setbacks of 17.25 metres from the centreline of Fletcher Road instead of the required 21.3 metres.

(d) That the draft By-law to implement Recommendation (c), attached as Appendix “F” to Report PED06166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

______________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

Multi-Area Developments Inc. have submitted applications for a draft plan of subdivision and change in zoning to permit for the development of a sixty lot residential subdivision, referred to as “Summit Park Addition – Phase 2”, in the Rymal Road Secondary Plan Area of the former Township of Glanbrook.

Staff supports the applications as they are consistent with, and complementary to, the existing and proposed development in the immediate area, and conform to the Hamilton-Wentworth and Glanbrook Official Plans.
SUBJECT: Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glanbrook Zoning By-law No. 464, for Lands Located on the Southwest Corner of Pinehill Drive and Fletcher Road, Former Township of Glanbrook (PED06166) (Ward 11) - Page 3 of 10

BACKGROUND:

Proposal:

The development proposes the creation of sixty lots for single detached dwellings, with a minimum frontage of 10 metres (32 ft), as shown on Appendix “B”. The development of this subdivision will also result in the extension of Pinehill Drive, Bates Avenue and Edna Avenue.

Location: Southwest corner of Pinehill Drive and Fletcher Road. (See Appendix “A”)

Owner: Multi-Area Developments Inc.

Description:

<table>
<thead>
<tr>
<th>Area</th>
<th>Frontage</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.76 ha (6.82 acres)</td>
<td>126m (413.4 ft.)</td>
<td>195m (639.7 ft.)</td>
</tr>
</tbody>
</table>

Servicing: Full municipal servicing

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Land:</td>
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<td>General Agricultural “A1” Zone</td>
</tr>
<tr>
<td>Surrounding Land:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North:</td>
<td>Residential and Vacant</td>
<td>Residential “R4-173(A)” Zone</td>
</tr>
<tr>
<td>West:</td>
<td>Vacant and Residential</td>
<td>Residential “R4-173(A)” Zone</td>
</tr>
<tr>
<td>South:</td>
<td>Residential</td>
<td>Residential “R4-173(B)” Zone, and Institutional “I-173” Zones</td>
</tr>
<tr>
<td>East:</td>
<td>Vacant</td>
<td></td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement as it represents an opportunity for growth in settlement areas.

   (ii) It conforms to the Hamilton-Wentworth Official Plan.
(iii) It conforms to the Official Plan for the former Township of Glanbrook.

(iv) It implements the Rymal Road Secondary Plan.

(v) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed plan of subdivision and zone changes. A number of requests to impose specific conditions of draft approval for the proposed plan of subdivision were received. Evaluation of the proposed applications is set out below.

**Proposed Draft Plan of Subdivision**

The applicant has submitted a draft plan of subdivision known as “Summit Park Addition – Phase 2” (see Appendix “B”). The proposed plan consists of sixty lots for single detached dwellings, having a minimum lot frontage of 10 metres (33 feet) (Lots 1 to 60).

The subdivision is subject to the Rymal Road Secondary Plan Streetscape Manual and Urban Design Guidelines that were approved by Council on October 23, 2002.

**Phasing of Development**

The Secondary Plan states that 550 dwelling units within the Planning Area may be constructed before the environmental studies and/or financing are in place for road improvements to Rymal Road, Trinity Church Road, Regional Road 56 and the construction of the Red Hill Creek Expressway. As the 550 dwelling units have already been allocated to other lands within the Secondary Plan Area, no dwelling units within this proposed plan of subdivision can be registered until these conditions have been met (*Included as Development Planning Condition No. 22*).

**Conditions of Draft Plan Approval**

The conditions of draft approval set out in Appendix “D” to this report include relevant standard conditions, such as the completion of an archaeological assessment, geotechnical study and servicing study.
Special conditions for this development include:

- That the Owner agrees that the 26 metre right-of-way for Pinehill Drive may be increased to accommodate traffic calming mechanisms, streetscape features and/or bicycle paths (Included as Development Engineering Condition No. 16).

- That the Owner agrees to acquire sufficient land in order to construct Pinehill Drive to a 26 metre right-of-way (Included as Development Engineering Condition No. 19).

Parkland Dedication

In accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposed draft plan of subdivision is subject to a Cash-in-Lieu of parkland dedication payment based on 5% of the land value of the subject property. As the Rymal Road Secondary Plan Area designates sufficient parkland on lands to the east and west, it is appropriate to require a Cash-in-Lieu payment versus a land dedication for the “Summit Park Addition” plan of subdivision (Included in Recommendation (a)(ii)).

In accordance with the City By-law, this cash payment will be required prior to the issuance of a building permit for the lots within the plan of subdivision. The City’s policies include a phase-in provision for Cash-in-Lieu of parkland requirements for residential plans of subdivision as follows:

- 4% of the land value applies from January 1, 2006 to December 31, 2006.
- 5% of the land value applies from January 1, 2007 onward.

Therefore, if all building permits have not been issued prior to December 31, 2006, the Cash-in-Lieu of parkland dedication payment will increase. The payment will be based on the value of the lands on the day prior to the day of the issuance of a building permit.

Sidewalks

In accordance with the City’s new Development Engineering Guidelines, sidewalks are required as follows:

- east side of Edna Avenue.
- both sides of Pinehill Drive.
- west side of Bates Avenue.

(Included as Development Engineering Condition No. 12.)
Relief from Region of Hamilton-Wentworth Setback By-law No. 2613

The applicant’s proposal for reduced front yard setbacks of 4.5 metres has necessitated relief from the Hamilton-Wentworth Setback By-law No. 2613 for the subject property where it has frontage on Fletcher Road. As Fletcher Road is designated as a Regional road, the By-law requires that all buildings be setback 21.3 metres from the centreline of Fletcher Road. The proposed building setbacks would, therefore, require a centreline setback of 17.25 metres from Fletcher Road to accommodate the desired setback of 4.5 metres. This is consistent with the exemptions given to other lands within two recently approved plans of subdivision “Summit Park West” and “Summit Park Addition”.

Zone Change

The subject lands are to be rezoned to the Residential “R4-173(A)” Zone. This zone permits single and semi-detached dwellings. A lot for single detached dwellings must have a minimum frontage of 10 metres, and minimum lot area of 295 square metres, except a corner lot must have a minimum 12 metre frontage and minimum lot area of 340 square metres. This zone is the same as the abutting lands to the north, Summit Park Addition – Phase 1.

ALTERNATIVES FOR CONSIDERATION:

If the applications are not approved, the lands could only be used for the range of uses permitted under the current General Agricultural “A1” Zone.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for approval of a draft plan of Subdivision and for a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas 1.1.3.1.
However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted (Included as Development Planning Standard Condition No. 10).

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Therefore, as the nature of the applications is for the development of a residential plan of subdivision where full municipal services are available, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan policies.

**Rymal Road Secondary Plan/ Glanbrook Official Plan**

The Rymal Road Secondary Plan was approved as Amendment No. 36 to the Township of Glanbrook Official Plan. The Secondary Plan Land Use map is attached to this report as Appendix “C”. The subject lands are designated as “Low to Medium Density Residential” in the Rymal Road Secondary Plan Land Use Plan. This designation permits a residential density of 24 to 50 units per net residential hectare. The proposed plan of subdivision has a density of 30 units per net residential hectare. The proposal conforms with and implements the Rymal Road Secondary Plan.

The Secondary Plan directs that the goals and policies of the Plan be implemented on the following basis:

- Phasing of the Planning Area shall be according to the capacity of the infrastructure serving the area. Development may also be phased to avoid potential land use conflicts.

- Full development of the Planning Area depends on the completion of Environmental Assessment, financing methods for the required road improvements to be included in the Development Charges By-law, and the required road improvements being included in the Capital Budget and/or Forecast for one or more of the following road improvements:
SUBJECT: Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glanbrook Zoning By-law No. 464, for Lands Located on the Southwest Corner of Pinehill Drive and Fletcher Road, Former Township of Glanbrook (PED06166) (Ward 11) - Page 8 of 10

a) the construction of the Red Hill Creek Expressway;
b) the widening of Rymal Road;
c) the extension of Trinity Church Road; and,
d) improvements to Regional Road 56;

or a traffic impact study has been submitted and approved that addresses the need for and timing of any other road improvements to enhance the transportation capacity south of and/or crossing the escarpment to accommodate more than 550 dwelling units. Since the 550 developable dwelling units have already been allocated, no additional dwelling units may be constructed at this time until further Traffic Impact studies have been completed and conclude additional development beyond the 550 cap can proceed and under what conditions. In this regard, Development Planning Condition No. 22 (A) and (B) have been included in the Conditions of Draft Approval.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

• Corporate Services Department (Budgets Section).
• Hamilton-Wentworth District School Board.

Public Works Department, Operations and Maintenance Division, Traffic Engineering and Operations Section

Staff has reviewed the submitted rezoning application and has no comments. Regarding the proposed draft plan of subdivision, staff request two conditions of approval. That the applicant undertake intersection improvement on Rymal Road at Fletcher Road to construct a westbound turn lane. The left turn lane must provide 25 m of storage plus required taper as per engineering standards. Plus, access to corner lots must be located outside of the daylight triangle dedications (Included as Public Works Condition No.’s 23 and 24).

Public Works Department, Operations and Maintenance Division, Forestry Section

An assessment of the applications shows that there are municipal forestry conflicts. There are numerous trees located on or adjacent to the road allowance of Fletcher Road. With the current information supplied and the scope of this development, it appears that all trees located on municipal property must be removed.

The Forestry and Horticulture Section does not oppose the applications for rezoning and draft plan of subdivision. The department requests that all trees be identified as municipal or private, and that the submission and approval of a Tree Management Plan and a Landscape Plan (as per the New Development Tree Planting Policy) be
conditions of approval (Included as Development Planning Standard Condition No.’s 12 and 17).

Public Works Department, Capital Planning and Implementation Division, Open Space Development and Park Planning Section

The applications have been reviewed and staff request a condition of the draft plan of subdivision approval for the submission and approval of a streetscape plan (Included as Development Planning Standard Condition No. 13).

As no parkland has been dedicated in the draft plan of subdivision, consistent with the Rymal Road Secondary Plan, staff request 5% of the total land area, or 1ha/300 units, whichever is greater, for parkland dedication, with payment in the form of cash-in-lieu, to be calculated and accepted by the City (Included in Recommendation (a) (ii)).

Public Health Services Department, Health Protection Branch

Public Health Services has no objection to this application, provided:

1. all septic tanks on the subject property, are emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil; and,

2. all wells on the subject property must be abandoned according to Regulation 903 under the Ontario Water Resources Act.

(Included as Social and Public Health Services Standard Condition No.’s 2 and 3.)

Hamilton Conservation Authority

The applicant is proposing to subdivide a 2.82 ha vacant parcel of land into sixty lots for single detached, involving a change in zoning from the General Agricultural “A” Zone to the site-specific Residential “R4-173 (A)” Zone.

The subject property is located on the west side of Fletcher Road, south of Rymal East and the Summit Park Addition, Phase 3 subdivision, File 25T200412, and within Hannon Creek subwatershed area. Authority staff notes that stormwater management for the proposed development has previously been addressed in the report by A.J. Clarke for Summit Park Phase 1 and we understand that the approved stormwater management facility located to the north of this site has been constructed. On this basis no further stormwater management report is required by the Authority. HCA will require however, the implementation of erosion and siltation control measures (Included as Hamilton Conservation Authority Standard Condition No. 1).
The Hamilton Street Railway

Hamilton Street Railway does not provide service to this area with no current plans to do so. If in the future, Council decides to include this portion of Glanbrook in the Urban Transit Area and tax property owners for transit service, the inclusion of sidewalks to Rymal Road from Fletcher Road would serve to improve access to transit for future residents.

PUBLIC CONSULTATION

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, these applications were circulated to all property owners within 120 metres of the subject property. A total of seventeen notices were circulated. No comments were received. In addition, a Public Meeting Notice Sign was erected on the Fletcher Road frontage, and notice of the public meeting was given in accordance with requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Consumption of all natural resources is reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:KW
Attachs. (6)
Change in zoning from the General Agricultural "A1" Zone to the Site-Specific Residential "R4-173 (A)" Zone
“Summit Park Addition - Phase 2” 25T-200608 – Conditions of Draft Approval

(1) That this approval apply to “Summit Park Addition – Phase 2”, dated October 26, 2005, prepared by A.J. Clarke and Associates Ltd., as certified by O.L.S., as shown on Appendix “B” to Report PED06166, showing sixty (60) lots (Lots 1 to 60) for single detached dwellings. The three proposed street extensions (Pinehill Drive, Bates Avenue, and Edna Avenue) will be dedicated to the City as public highways.

(2) That the following standard conditions from Appendix “A” to report PD01184-Sreamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process apply:

(a) Development Engineering Condition No.’s 1, 2, 6, 14-26, 28, and 32;
(b) Development Planning Condition No.’s 3-5, 10, 12, 13, 16, 17, 20, and 21;
(c) Social and Public Health Services Department Condition No.’s 2 and 3;
(d) Bell Canada Condition No. 1; and,
(e) Hamilton Conservation Authority Condition No. 1.

Development Engineering

(3) That the Owner enter into a subdivision agreement with the City of Hamilton prior to registration of any portion of the draft approved plan.

(4) That the Owner satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the approved plan.

(5) That the Owner make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

(6) That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots within the subdivision.

(7) That the Owner provides a geotechnical report prepared by a qualified professional Engineer prior to final engineering design.

(8) That the Owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the “Keeping Soils on Construction Sites” manual. The owner shall demonstrate how he will implement and monitor the plan to the satisfaction of the Manager of Development Engineering.
(9) That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate roads, water supply, storm and sanitary sewer outlets have been provided to the limit of each phase proposed for registration, to the satisfaction of the Manager of Development Engineering.

(10) That storm drainage, lot grading, siltation, noise control and erosion control plans be implemented to the satisfaction of the City of Hamilton.

(11) That the owner, through a qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within the wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. If any problems arise, they must be appropriately addressed by the owner to the satisfaction of the Manager of Development Engineering.

(12) That the owner agrees to locate and construct sidewalks within the development in accordance with City policy on, including but not limited to, the west side of Bates Avenue, the east side Edna Avenue, and both sides of Pinehill Drive. On those lots where a sidewalk is to be constructed, the Owner shall include a notice describing such in the Purchase and Sale Agreements.

(13) That phasing of the draft approved plan and the number of units proposed within each phase of "Summit Park Addition – Phase 2 Subdivision" shall be to the satisfaction of the Director of Development and Real Estate, Planning and Development Department.

(14) That the Owner agrees to establish 5 metre by 5 metre daylight triangles at all internal intersections.

(15) That a 10 metre by 10 metre daylight triangle be taken from the widened limits of Fletcher Road at the intersection of Pinehill Drive.

(16) That the Owner agrees that the twenty-six (26) metre right-of-way for Pinehill Drive may be increased to accommodate traffic calming mechanisms, streetscape features and/or bicycle paths.

(17) That the Owner agrees, in writing, to engage a qualified professional to investigate and determine whether Karst features exist in relation to the subject lands to the satisfaction of the Manager of Development Engineering, Planning and Development and the Hamilton Conservation Authority. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize the area to avoid negative impacts shall be undertaken, to the satisfaction of the Manager of Development Engineering and the Hamilton Conservation Authority.
(18) That the Owner agrees to complete and pay for all costs associated with any temporary works required on Fletcher Road to facilitate this development.

(19) That the Owner agrees to acquire sufficient land in order to construct Pinehill Drive to a twenty-six (26) metre right-of-way.

(20) That the Owner agrees in writing that no clearing or grubbing of the subject lands commence until such time as a tree preservation plan and all grading plans and siltation and erosion control plans, as part of the engineering submission, have been approved to the satisfaction of the Manager of Development Engineering.

(21) The owner agrees to operate and maintain, in an acceptable manner, stormwater management facilities through construction of the subdivision or until a time to be established by the Manager of Development Engineering at the point of assumption by the City, the timing of which is to be established by the Manager of Development Engineering. This manual should provide guidance for future inspection, monitoring and maintenance of the pond.

Development Planning

(22) (A) That the owner agrees and acknowledges that no dwelling units may be registered in accordance with Section B.3.7.2.1. of the Rymal Road Secondary Plan, until such time as all of the following matters have been completed to the satisfaction of the City’s Director of Operations and Maintenance (Public Works).

(1.1) Environmental Assessment studies have been completed and approved;

(1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,

(1.3) The required road improvements have been included in the Capital Budget and/or Forecast, where applicable, or financed through other mechanisms;

for each of the following road improvements:

(2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;

(2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;
(2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,

(2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection.

(B) That the owner agrees and acknowledges that registration of any dwelling units, in accordance with Section B.3.7.2.1 of the Rymal Road Secondary Plan, shall require either:

(1) The matters outlined in (A)(1.1 to 1.3) to have been addressed for one or more of the required road improvements in (A)(2.1 to 2.4) to the satisfaction of the Director of Roads and Traffic; or,

(2) The submission and approval of a traffic impact study to address the need for and timing of any other road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional dwelling units, and compliance with the matters set out in (A)(1.1 to 1.3) in respect of such improvements, to the satisfaction of the Director of Operations and Maintenance (Public Works).

Public Works

(23) That access to corner lots must be located outside of the daylight triangle land dedications.

(24) That the owner undertakes intersection improvements on Rymal Road at Fletcher Road to construct a westbound left turn lane. The left turn lane must provide 25 metres of storage plus required taper as per engineering standards.

Hamilton Conservation Authority

(25) That the applicant prepare and implement a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at the southwest corner of Pinehill Drive and Fletcher Road.

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the 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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 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 the Council of the City of Hamilton, in adopting Section _______ of Report 06-____ of the Planning and Economic Development Committee at its meeting held on the _______ day of ________, 2006, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. Schedule “J”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the General Agricultural “A1” Zone to the site-specific Residential “R4-173 (A)” Zone, applicable to the lands, the extent and boundaries of which are shown on the plan hereto annexed as Schedule "A".
2. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this ___ day of ___, 2006.

______________________________  ________________________________
MAYOR  CLERK

ZAC-06-08
Change in zoning from the General Agricultural "A1" Zone to the Site-Specific Residential "R4-173 (A)" Zone

Subject Property
SW Corner of Pinehill Dr. and Fletcher Rd
Change in zoning from the General Agricultural "A1" Zone to the Site-Specific Residential "R4-173 (A)" Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Exempt Certain Lands from the
Setback Provisions of By-law 2613
of the Former County of Wentworth

WHEREAS the Council of the County of Wentworth did pass on the 20th day of March, 1973, By-law No. 2613, pursuant to the provisions of Section 99(4) of the Public Transportation and Highway Improvement Act, R.S.O., 1970, Chapter 201, as amended, to fix and determine the distance from the centerline of all County Roads within which the owner of any adjacent land is not to construct any building or structure;

AND WHEREAS pursuant to Section 31 of The Regional Municipality of Hamilton Act, R.S.O., 1980, Chapter 437, as amended, the Regional Corporation has in respect of the lands included within the regional road system, all the rights, powers and benefits and advantages conferred upon the Corporation of the County of Wentworth;

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, Ch. 14, Schedule “C”, every by-law or resolution of the Regional Municipality of Hamilton-Wentworth that is in force on December 31, 2000 shall be deemed to be a by-law or resolution of the new City of Hamilton City Council on January 1, 2001, and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended or amended to provide otherwise;

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, Ch. 14, Schedule “C”, the City has every power and duty of The Regional Municipality of Hamilton-Wentworth under any general or special Act, in respect of the part of the municipal area to which the power or duty applied on December 31, 2000;

AND WHEREAS the Council of the City of Hamilton considers it desirable and expedient to exempt certain lands located on the west side of Fletcher Road in the former Township of Glanbrook from the provisions of the aforesaid By-law 2613 requiring a setback of 21.3 metres from the centreline of construction of Fletcher Road to allow for development in accordance with Subdivision Application 25T-200603 located between Rymal Road and the Ontario Hydro Corridor.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Notwithstanding the provisions of By-law No. 2613 of the former County of Wentworth, all structures to be constructed as part of the proposed draft plan of subdivision 25T-200603 described in Column 1 of Schedule “A” hereto attached, and shown on the Location Map on Schedule “B” hereto attached, having a minimum setback indicated in Column 2, from the centreline of construction of Fletcher Road for the highway indicated in Column 3, shall be deemed to be not in contravention of the provisions of Section 3(1) of the aforesaid By-law.

2. Schedules “A” and “B” to this By-law form part of this By-law.

3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2006.

_________________________________________  _______________________________________
MAYOR                                                                                         CLERK

ZAC-06-08
# SCHEDULE “A” TO BY-LAW NO. _____

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
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<tbody>
<tr>
<td><strong>Description of Lands</strong></td>
<td></td>
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<tr>
<td>Part of Lot 7, Block 5, Concession 1, in the Township of Glanbrook, and more particularly described on Appendix “B” to this By-law</td>
<td>17.5 metres</td>
<td>Fletcher Road</td>
</tr>
</tbody>
</table>
Appendix “F” to Report PED06166 (Page 4 of 4)

This is Schedule “A” to By-Law No. 08—

Passed the __________ day of __________, 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “B”

Map Forming Part of By-law No. 06—__

to Amend By-law No. 464

Subject Property
Summit Park Addition
Setback By-Law No. 2613 Exemption: west sides of Fletcher’s Road, between Rymal Road East and the Ontario Hydro Corridor for land within Subdivision Applications 25T-200603

Frontage to which setback exemption applies