CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members
   Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 9

COMMITTEE DATE: September 7, 2010

SUBJECT/REPORT NO:
Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196) (Ward 9)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Chris Bell
(905) 546-2424, Ext. 1262

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-08-012, by Ontario Realty Corporation, Owners, for Official Plan Amendment No. to amend Schedule “A3-2”, Nash Neighbourhood Secondary Plan to “Medium Density”, “Medium-High Density”, “Environmentally Significant Area”, “Open Space”, and “Stormwater Pond” of the Official Plan for the City of Stoney Creek, for the lands located within Part of Lot 29, Concession 6 (Saltfleet), as shown on Appendix “A” to Report PED10196, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED10196, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
b) That approval be given to Official Plan Modification No. [redacted] to the Urban Hamilton Official Plan to redesignate portions of the subject lands to “Low Density Residential 2”, “Low Density Residential 2h”, “Medium Density 3”, “Natural Open Space” and “Utility”, and should Council's decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the amendment to the City of Stoney Creek Official Plan is final and binding.

c) That approval be given to Zoning Application ZAC-08-062, by Ontario Realty Corporation, Owners, for changes in zoning to the Multiple Residential “RM5-10” Zone, with a Special Exception (Blocks 1 and 2 on Appendix “F”), the Multiple Residential “RM3-42” Zone, with a Special Exception (Blocks 3 and 4 on Appendix “F”), the Single Residential “R4-29” Zone, with a Special Exception (Blocks 5 and 9 on Appendix “F”), the Single Residential “R4-30” Zone, with a Special Exception (Block 6 on Appendix “F”), the Multiple Residential “RM3-43” Zone, with a Special Exception (Block 7 on Appendix “F”), the Multiple Residential “RM2-25” Zone, with a Special Exception (Blocks 8 and 10 on Appendix “F”), the Conservation/Hazard Land (P5) Zone (Block 1 on Appendix “G”), and the Conservation/Hazard Land (P5, 29) Zone, with a Special Exception (Blocks 2 and 3 on Appendix “G”), as shown on Appendices “F” and “G” to Report PED10196, on the following basis:

(i) That the draft By-laws, attached as Appendices “F” and “G” to Report PED10196, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment No. [redacted].

d) That approval be given to Draft Plan of Subdivision Application 25T-200806, by the Ontario Realty Corporation, Owners, to establish a draft plan of subdivision on lands located within Part of Lot 29, Concession 6 (Saltfleet), in the former City of Stoney Creek, as shown on Appendix “A” to Report PED10196, subject to the following conditions:

(i) That this approval apply to the draft plan of subdivision, 25T-200806, prepared by IBI Group, and certified by J.D. Barnes Limited, O.L.S., dated July, 2010, as revised by Revision 5, dated July, 2010, showing 84 lots (Lots 1-84) for single-detached dwellings, 9 street townhouse blocks
(Blocks F and Q to X, inclusive), 2 stacked townhouse blocks (Blocks G and I), 1 apartment block (Block J), 3 land conservation blocks (Blocks A, B, and H), 4 open space/buffer blocks (Blocks D, E, P, and K), Stormwater Management block (Block C), pedestrian walkway blocks (Blocks L, M, N, and O), and the creation of 5 public roads (Streets A-E), attached as Appendix “C” to Report PED10196, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED10196;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

(1) Any oversizing of the watermain and sanitary sewer within Street “A”; and,

(2) The stormwater management facility, from an approved Capital Budget Source, in accordance with applicable Council policies.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based on 5% of the value of the lands on the day prior to the day of issuance of each building permit for single-detached dwelling lots. Payment of Cash-in-Lieu of Parkland for Blocks F, G, I, J, and P to X, will be calculated at a rate of 1 hectare for each 300 dwelling units proposed if the final density is between 20 to 75 units per hectare, or 0.6 for each 300 units if the final density is over 75 units per hectare, and shall be based on the value of the lands on the day prior to the issuance of the first building permit on a block-by-block basis;

all in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**EXECUTIVE SUMMARY**

The purpose and effect of the proposed applications is to create land use planning designations, policies, and regulations to permit future development on the subject lands consisting of single-detached dwelling lots, various medium and high density residential uses, passive recreational uses, conservation uses, and stormwater management control facilities.
SUBJECT: Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196) (Ward 9) - Page 4 of 41

Development is to occur in accordance with the attached draft plan (see Appendix “C”), which includes:

- 84 single-detached dwelling lots;
- One apartment block for a 6-storey building with approximately 53 apartment units;
- Two blocks for 4-storey stacked townhouse buildings containing up to 446 units;
- 132 street-oriented townhouse units; and,
- One block for 9 condominium townhouse units.

In addition, various blocks are proposed to be created for passive recreational, conservation, and stormwater management purposes.

Alternatives for Consideration - See Page 40.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The City’s financial share of this development is identified in Recommendation (d) (ii).

Staffing: N/A.

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

HISTORICAL BACKGROUND (Chronology of events)

History

This 22.40 hectare property was originally the subject of a development proposal known as “Heritage Green - Albion Stage 2”, which was considered by the former City of Stoney Creek in 1989. The development proposal resulted in draft plan approval of a subdivision and amendments to the Zoning By-law that preceded the current City of Stoney Creek Zoning By-law No. 3692-92.
At that time, the proposal called for the development of 262 single-detached dwelling lots and a number of medium-high density residential blocks over the entire site, together with small open space blocks to connect to Felkers Creek and the woodlot to the north. The 1989 zoning regulations were carried forward into the current Zoning By-law No. 3692-92, and continue to allow residential development over almost the entire property.

More recently, contemporary land use and growth-related policies were developed by the City for the subject lands and the remainder of the lands between Felkers Creek, Upper Centennial Parkway, Mud Street West, and the Niagara Escarpment as part of the Nash Neighbourhood Secondary Plan, that was adopted by Council on September 27, 2006, and later approved by the Ontario Municipal Board on January 21, 2008. Through the secondary plan review exercise, policies were adopted that identified a substantial portion of the subject lands as an Environmentally Significant Area. The remainder of the lands were designated for medium to medium-high density residential development. As such, the zoning regulations that apply to the property, as originally approved in 1989, no longer reflect the direction of secondary plan policy, both in terms of protection of significant environmental features and residential density targets.

**Current Proposal**

The Ontario Realty Corporation is requesting approval of a draft plan of subdivision application to create 84 single-detached dwelling lots and various blocks to be used for medium and high density residential. In addition, approximately 33% of the site is proposed to be protected for environmental or conservation/open space purposes, and 4% for stormwater management facilities. Isaac Brock Drive is proposed to be extended, and five new internal roads are to be constructed. Associated applications have been submitted to amend the Official Plan and Zoning By-law to provide a policy basis and applicable development regulations to implement the new subdivision. The intent of the combined applications is to create a development consisting of (refer to Appendix “C” for more detail):

- 84 single-detached dwelling lots with lot frontages of 10 metres or larger (Lots 1-84);
- Approximately 132 street townhouse lots (Blocks Q-X);
- One group townhouse block for approximately 9 units (Block F);
- 2 stacked townhouse blocks for approximately 456 units (Blocks G and I);
- One apartment block for approximately 53 units (Block J);
- Conservation and Open Space Blocks (Blocks A, B, D, E, H, and P);
- A stormwater management block (Block C);
- Pedestrian walkway blocks (Blocks L-O); and,
- 5 internal public roads (Streets A-E).
The following reports and studies were submitted with the original applications, and subsequently reviewed by City and agency staff to assist in assessing the merits of the development proposal:

- **Planning Justification Report**, dated November 7, 2008, prepared by IBI Group;
- **Transportation Report**, dated November 7, 2008, prepared by IBI Group;
- **Environmental Impact Study - Nash Neighbourhood - Albion Stage 2 Site**, dated September, 2008, prepared by LGL Limited;
- **Stage 4 Excavation of the Pottruff Site**, Heritage Green Albion Property, dated November, 2005, prepared by Archaeological Assessments Ltd.; and,
- **Preliminary Geotechnical Investigation**, Nash Neighbourhood, dated August 14, 2008, prepared by Terraprobe Inc.

As a result of the review of these documents and the particulars of the development proposal, the following additional reports and studies were prepared to address outstanding questions and concerns from City and agency staff:

- **Environmental Impact Study - Nash Neighbourhood - Albion Stage 2 Site, Addendums 1 and 2**, dated April, 2009, and May, 2010, respectively, prepared by LGL Limited;
- **Visual Impact Assessment**, dated June 22, 2010, prepared by IBI Group; and,

### Details of Submitted Applications

**Location:** Part of Lot 29, Concession 6, Geographic Township of Saltfleet  
**Owners:** Ontario Realty Corporation  
**Agent:** IBI Group (John Lohmus)

**Property Size:**  
- **Area:** 22.4 hectares  
- **Frontage:** 306 metres (Mud Street West)  
- **Depth:** ± 1350 metres

**Servicing:** Full Municipal Servicing
**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td><strong>Subject Lands:</strong></td>
<td>Vacant with Woodlot and Other Environmental Features</td>
<td>Multiple Residential (Holding) “RM5-3(H)” Zone, Multiple Residential (Holding) “RM3-2(H)” Zone, Single Residential “R3-3” Zone, Single Residential “R2”, “R2-14” and “R2-15” Zones, Open Space “OS” and “OS-3” Zones</td>
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<td><strong>Surrounding Lands:</strong></td>
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<tr>
<td>North</td>
<td>Woodlot and Escarpment</td>
<td>Open Space “OS-3” Zone</td>
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<tr>
<td>West</td>
<td>Single-Detached Dwelling Lots, Townhouses, Open Space, and Escarpment</td>
<td>Multiple Residential “RM5” Zone, Multiple Residential “RM3-3” Zone, Single Residential “R3” Zone, Multiple Residential “RM2” Zone, Single Residential “R2” Zone and Open Space “OS” and “OS-3” Zones</td>
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<tr>
<td>South</td>
<td>Valley Park and Nursing Home</td>
<td>City Wide (P3) Zone and Major Institutional (I3) Zone</td>
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<td>East</td>
<td>Vacant, Heritage Green Sports Park</td>
<td>City Wide (P3) Zone and Intensive Recreation “IR-2” Zone</td>
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POLICY IMPLICATIONS

Provincial Policy Statement:

These applications have been reviewed to confirm compliance with the Provincial Policy Statement (PPS). Staff has determined that the application is consistent with the policies found in Subsection 1.1.3.1. of the PPS respecting growth in Settlement Areas.

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 resource must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted. The applicant has provided a Stage 1 and 2 Archaeological Assessment for the entire property, which determined that no further archaeological work is required. The Ministry of Culture (MoC) has issued its clearance advising that there are no further concerns with respect to archaeological resources.

Policy 1.7.1 (e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports and transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Mud Street, a Noise Assessment is required to address this concern. The applicant has submitted a Noise Study with their application demonstrating that the proposed development is feasible. However, a condition of draft plan approval will be included to ensure that any control measures to be dealt with at a stage closer to development are properly implemented (see Special Condition 2 in Appendix “D”).

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The application is consistent with these principles as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site.
**Hamilton-Wentworth Official Plan:**

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-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.

Policy B-9.2 requires that the City consider protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes are to be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

The subject property falls within ESA #53 (Felkers Falls Escarpment). Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

(i) Will not adversely affect, degrade, or destroy any of the qualities which are the basis for the area’s designation;

(ii) Will not cause any significant impacts upon water quantity and quality; and,

(iii) Will not adversely affect the implementation of any resource protection policies or plans.

Any proposed changes within or adjacent to an Environmentally Significant Area require the submission of an Environmental Impact Statement (EIS), and be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review.

The proponents have completed an EIS, which has been reviewed by the ESAIEG. The recommendations of the EIS have been included in the Conditions of Draft Plan Approval in Appendix “D” of this Report (Condition 4).

Therefore, as the nature of the applications is for amendments to the Official Plan and Zoning By-law to permit the development of a draft plan of subdivision with various urban uses, the proposal conforms to the general intent of the Hamilton-Wentworth Official Plan. Further, the proponent has received clearance from the Ministry of Culture (MoC) that all archaeological resource concerns have been addressed, and environmental matters related to the ESA have been addressed, to the satisfaction of ESAIEG.
City of Stoney Creek Official Plan:

The subject lands fall within the Nash Neighbourhood Secondary Plan Area of the City of Stoney Creek Official Plan. The lands are designated “Medium Density 1”, “Medium-High Density”, “Environmentally Significant Area”, and “Open Space” and are, therefore, subject to the following land use related policies:

“13.3.18.4 b) For lands designated “Medium Density Residential 1” on Schedule “A3-2”, the following policies apply:

i) Multiple dwellings such as street and block townhouses, duplexes, triplexes, and quadraplexes are permitted.

ii) The density of development shall be in the range of 30-49 units per net residential hectare.

iii) The maximum height of dwelling units shall be 3 storeys.

iv) Detached and semi-detached dwellings shall be permitted within this designation, provided the density falls within the density specified for Medium Density Residential 1.

v) The location of Medium Density Residential 1 shall generally be at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.

vi) Policy 1.2.15 of this Plan shall not apply to the development of lands designated Medium Density Residential 1 on Schedule “A3-2”.

d) On lands designated “Medium-High Density Residential” on Schedule “A3-2”, the following policies apply:

i) Apartment buildings and street and block townhouses are permitted providing that heights do not exceed 8 storeys.

ii) The density of development shall be in the range of 50-99 units per Net Residential Hectare.

iii) The location of “Medium-High Density Residential” is to be adjacent to or in close proximity to collector roads, community park facilities, and open space areas.
iv) Policy 1.2.15 of this Plan shall not apply to the development of lands designated Medium-High Density Residential on Schedule “A3-2”.

e) Net residential densities shall be calculated according to Policy A.1.2.13 in the Official Plan. Densities for street townhouses shall be calculated in the same manner as for single, duplex, and semi-detached dwellings.

13.3.18.7 Parks and Open Space

a) The open space system for the Nash Neighbourhood includes the following components shown on Schedule “A3-2”:
   i) Open Space.
   ii) Neighbourhood Parks.
   iii) The Niagara Escarpment.
   iv) Environmentally Significant Areas.
   v) Hedgerow Features.
   vi) Trails.

b) The primary uses permitted shall be in accordance with Subsection A.7, “Open Space” of this Plan.

c) Notwithstanding Policy A.7.2.4 of the Official Plan, Neighbourhood Parks shall serve the local neighbourhood needs of 0.7 hectares per 1,000 population; however, any one site shall have a minimum area of approximately 2.0 hectares.

d) Multi-purpose trails shall be established in the linked open space system pursuant to the approved Hamilton Trails Master Plan and identified in Schedule “A3-2”. Every effort shall be made to connect new trails to existing and planned trails within and around the neighbourhood. The trails shall be established through plans of subdivision and development agreements.

e) The former Taro Quarry West lands, designated Open Space and located west of First Road West, between Mud Street West and the Heritage Green Community Park and east of the unopened road allowance, are ultimately intended for open space and/or recreational use and may include a golf course.

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13.3.18.12 Environment

a) Notwithstanding the policies of Subsection B.1.2 of the Official Plan, the following policies shall apply:
   
i) No development, except infrastructure works, utilities, and a low impact trail network (subject to confirmation that the works are suitable by an Environment Impact Statement) shall be permitted on lands designated Environmentally Significant Areas.

ii) Prior to any lands being considered for development within 100 metres of lands designated Environmentally Significant Area, an Environmental Impact Statement is to be undertaken by the proponent and approved by the City and the Hamilton Conservation Authority to determine the appropriate setbacks from the Environmentally Significant Area.

b) Any development must address the retention of Environmentally Significant Areas and other wooded areas identified on Schedule “A3-2” and Schedule “B” as follows:
   
i) Wooded areas, including existing “hedgerows”, should be maintained, enhanced, and incorporated into the overall design of the neighbourhood, where possible. The delineation of the hedgerows shall be identified as part of a development application. Hedgerows are not intended to only be identified by existing mature tree species but shall also include other vegetation which establishes this area as a hedge row. (A hedgerow can be defined as a narrow linear strip of trees that defines a laneway or a boundary between fields).

ii) A minimum 10 metre wide planted buffer from identified Environmentally Significant Areas shall be included as part of these natural areas and included as part of the open space system.

iii) A 30 metre wide open space area adjacent to the brow of the Niagara Escarpment Natural Area shall be established. Included in this open space shall be a public trail and may include a portion of a single loaded scenic road to promote public access, views, and an open space link. The scenic road shall be located no closer than 15 metres to the brow of the Escarpment. The final location of this road shall be established as part of the processing of a plan of
subject, to the satisfaction of the City and the Niagara Escarpment Commission.

c) Design and construction of new development and re-development shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste, and improve air quality.

d) Any plans of subdivision or other development applications in the Nash Neighbourhood shall be accompanied by a Noise and Vibration Report identifying possible effects of the quarrying operation and mitigating measures, if any, which are necessary until the on-going quarrying operation located west of Upper Centennial Parkway and south of Green Mountain Road ceases.

e) Development proposals for residential or institutional uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site may be required to submit studies demonstrating that there are no adverse effects on the development, or that the effects can be mitigated. Said studies may include but not be limited to hydrogeology, traffic, air quality, noise, etc., subject to the requirements of the City of Hamilton and the Ministry of Environment.

f) Development proposals for land within 150 metres of the Niagara Escarpment shall have a maximum height of no more than 2 storeys. Prior to the approval of a draft plan of Subdivision and/or Zoning By-law, a visual analysis shall be required to determine the maximum building height and minimum setbacks to ensure that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge). The visual analysis must be to the satisfaction of the City and the Niagara Escarpment Commission. (Note: the skyline includes the escarpment brow - the uppermost point of the escarpment slope or face, and the tree line. Buildings should not be visible through trees above the brow, the most obvious break in slope associated with underlying bedrock).

g) Felkers Creek is identified in the Davis Creek Subwatershed Study as a watercourse in need of rehabilitation using natural channel design. The lands east of the Felkers Channel, north of Mud Street, is also identified as having medium and low constraint with regards to terrestrial constraints, and is a Tertiary Linkage for terrestrial resources. A minimum 35 metre open space buffer adjacent to Felkers Creek, as identified on
Schedule “A3-2”, is required to facilitate creek restoration works and terrestrial rehabilitation.”

In addition to the policies relating to specific land use designations, the Secondary Plan also contains policies intended to deal with implementation, considering such items as urban design and phasing. These relevant policies include:

“13.3.18.1 Planning and Development Principles:

Development of the Nash Neighbourhood shall be based on the following principles:

(a) Provision of safe, continuous public access throughout the neighbourhood and between adjacent neighbourhoods;

(b) Creation of a more balanced multi-modal transportation system which facilitates public transit, cycling, and walking modes in addition to automobiles;

(c) Development of community structure based on a modified grid pattern of streets to maximize connectivity and permeability, while respecting the natural topography of the land;

(e) Integration of new parks and open spaces with existing natural open spaces to provide new passive recreation resources and destinations, and to establish linkages creating an interconnected system of parks and open space;

(f) Identification, protection, conservation, and wise management of the tangible and intangible cultural heritage resources of the City of Hamilton for present and future generations. Where feasible, natural heritage elements that remain on site shall be considered for integration into the Nash Neighbourhood community;

(g) Enhancement of the physical and visual connections to the Niagara Escarpment and Environmentally Significant Areas through the layout and design of the community including placement of parks/open space areas and the creation of streetscapes that create and protect views;

(i) Provision of a mixture of land uses, including a full range and mix of housing types. All built forms shall be designed at a human scale and the neighbourhood shall include a variety.
13.3.18.10 Urban Design

This Secondary Plan incorporates a number of design considerations to take advantage of the unique natural setting and features of the area, to encourage the creation of a distinct community identity, and to promote walking, transit use, and connectivity through the development of a safe and attractive pedestrian realm throughout the neighbourhood.

13.3.18.10.1 Streetscape and Built Form

a) All properties abutting a public street shall have the principal façades of buildings facing the street. Back lotting shall not be permitted.

b) Wherever possible, the presence of garages on the public street shall be minimized by:

i) Setting them back from the front façade or locating them flush with the front façade of the building;

ii) Locating them at the rear or side of the building by a private lane or driveway;

iii) Minimizing the width of the garage by creating deeper garages to accommodate storage; and,

iv) Incorporating varied roof lines, architectural details, and porches to emphasize the pedestrian entrance to the building, while minimizing the presence of the garage.

c) Architectural variation shall be encouraged through the incorporation of varied roof lines, materials, and colours in each building, and from building-to-building.

d) Variation in the number of storeys, porch designs, architecture style, and building type from building-to-building shall be encouraged.

e) Continuous rows of building facades shall be discouraged.

f) Long straight streets shall incorporate appropriate methods that may include landscaped traffic circles and/or medians in order to provide pleasant vistas and traffic calming along the length of the street.
g) Buildings on corner sites shall be encouraged to have façades with architectural details and windows facing both streets.

h) The layout of streets, configuration of lots, and the sighting of buildings shall ensure that:

i) There is no reverse lotting adjacent to streets unless otherwise approved by the City;

ii) There is generally unobstructed road frontage adjacent to public open spaces;

iii) Streets and open spaces have an appropriate degree of continuity and enclosure, and opportunities are provided for the creation of views both within the community and to adjacent natural heritage and rural areas;

iv) Service and parking facilities are integrated into the design of buildings to minimize disruption to the safety and attractiveness of the adjacent public realm;

v) Pedestrian ease of access and enjoyment of public streets and other outdoor spaces is encouraged; and,

vi) The safety and security for all persons in public places including streets, parks, and amenity areas are promoted through the design and sighting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance.

i) The design, location and orientation of public and institutional buildings shall be developed in a way that will enhance and promote their landmark status and physical contribution to the neighbourhood.

13.3.18.10.3 Pedestrian Environment:

In order to encourage connectivity and a safe pedestrian friendly environment, the following policies will apply:

a) Continuous public pedestrian access to the edge of the escarpment shall be provided.
c) Open space connections shall be provided for pedestrian access from public streets to trails within other Environmentally Significant Areas and other open spaces.

13.3.18.10.5 Views and Vistas

a) Where possible, views from the escarpment edge shall be maintained, enhanced, and be accessible to the public.

b) Where appropriate, north/south streets shall be oriented and terminated in such a way as to provide visual connections to the escarpment lands.

13.3.18.15 Implementation

In addition to the policies identified in Section F, “Implementation” of the Official Plan, the following policies shall apply:

a) Prior to any development occurring within the Nash Neighbourhood, a Traffic Study shall be required, to the satisfaction of the General Manager of Public Works, to determine the adequacy of the following intersections and roads:

i) The intersection of Mud Street West and First Road West;

ii) The intersection of Upper Centennial Parkway and Green Mountain Road;

iii) First Road West; and,

iv) Green Mountain Road to accommodate the ultimate development proposed within the Nash Neighbourhood and assess the potential roundabouts and other traffic calming measures within the Nash Neighbourhood.

b) The recommendations of the Traffic Study noted in Policy 13.3.18.15 a) above shall be implemented in accordance with City policies.”
The proposed revisions to the Official Plan, rezoning, and draft plan of subdivision comply with the intent of the policies of the Nash Neighbourhood Secondary Plan. The designation changes sought by the Official Plan Amendment continue to implement the policies of the respective designations. The conditions of draft plan approval will assist in ensuring the environmental, urban design, and land use policies of the Secondary Plan will be properly implemented. Further analysis of compliance with the intent of the Secondary Plan can be found in the ANALYSIS/RATIONALE FOR RECOMMENDATION section of this Report.

**New Urban Hamilton Official Plan (Council Adopted):**

The current Nash Neighbourhood Secondary Plan policies, found in the City of Stoney Creek Official Plan, that apply to this property have been carried forward into the new Urban Hamilton Official Plan. Therefore, an amendment to the New Urban Hamilton Official Plan will also be undertaken to change the boundaries of the various designations to more appropriately coincide with the land uses and road pattern shown on the proposed draft plan. As noted in the discussion about the Stoney Creek Official Plan, staff is satisfied the re-designations implement the principles, objectives, and policies of the Plan.

The Urban Hamilton Official Plan has been sent to the Ministry of Municipal Affairs and Housing for approval. Once a final decision is given by the Province, the Official Plan can no longer be modified. The timing of the final decision is unknown and, therefore, it affects how and when changes to the Urban Hamilton Official Plan can be made.

If Council makes a decision before the final decision by the Province, staff, through the Council decision, can request the Province to incorporate the changes but defer the changes until such time as the changes to the existing Official Plan are final and binding. Since the modification process is not a public process and appeals are limited to persons who requested notification of the final decision, it is preferable to ensure the OPA to the existing plan has completed the appeals process. In addition, should there be any appeals to the Ontario Municipal Board (OMB), and changes made to the Official Plan policies or designations, then such changes should be incorporated into the new Plan.

If Council approves the Official Plan Amendment after the final decision is made, then staff would hold these changes in abeyance until such time as we could request the OMB to amend the Official Plan based on prior Council approval, or incorporate them through a future house-keeping amendment if the Urban Hamilton Official Plan is not appealed to the OMB.
It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice, in the staff report, and notice of adoption.

**Nash Neighbourhood Plan:**

The Nash Neighbourhood Plan contains the same designations as the Nash Neighbourhood Secondary Plan contained in the Stoney Creek Official Plan. For consistency, the Nash Neighbourhood Plan should be revised to reflect the new designations of the Secondary Plan.

**Stoney Creek Zoning By-law No. 3692-92:**

The subject lands are currently zoned Multiple Residential (Holding) “RM5-3(H)” Zone, Multiple Residential (Holding) “RM3-2(H)” Zone, Single Residential “R3-3” Zone, Single Residential “R2”, “R2-14”, and “R2-15” Zones, and Open Space “OS” and “OS-3” Zones. These zoning categories were intended to provide land use regulations to facilitate the development of the previously approved “Heritage Green - Albion Stage 2” Draft Plan of Subdivision.

In order to implement the proposed Draft Plan of Subdivision being sought through these most recent applications, a Zoning By-law Amendment is required. No Holding provisions have been included in the new zoning as all issues may be appropriately addressed either through zoning regulations, conditions of draft plan approval, or site plan control.

**City of Hamilton Staging of Development:**

The proposed draft plan of subdivision application is in the current staging plan, with a 2010 draft approval date.

**RELEVANT CONSULTATION**

**Bell Canada** has advised that they have no objection to the proposed development provided conditions of draft plan approval are included to address their area of interest. Their conditions are included as Special Condition Nos. 56 to 58 in Appendix “D”.

The **Hamilton-Wentworth District School Board** has advised that they have no objection to the proposed development provided conditions of draft plan approval are included to address their area of interest. Their conditions are included as Special Condition Nos. 59 to 61 in Appendix “D”.

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The Niagara Escarpment Commission has had an opportunity to review the Draft Plan of Subdivision, Environmental Impact Statement (EIS), and the Visual Impact Assessment. Upon review, NEC staff has advised that they have no objections to the proposed Official Plan Amendment, and that the supporting documentation has demonstrated that the Plan of Subdivision and Zoning By-law are in compliance with the Urban Area development objectives of the Niagara Escarpment Plan, subject to certain conditions and regulations.

The NEC has recommended the preparation of Architectural Guidelines as a condition of draft plan approval that include consideration of design elements that will reduce the visual presence of the future built form by considering sympathetic roof heights, pitches, profiles, and surface materials, as well as building materials that are based on earth tones and reduce reflectivity in areas within the view lines of roads and the nearby Bruce Trail. This requirement has been included as Item 5 of the conditions of draft plan approval found in Appendix “D”.

The Visual Impact Assessment (VIA) has demonstrated that the height of buildings on the site above ground level grades will not intrude into the viewshed from vantage points below the escarpment. As the foundation for the effectiveness of the VIA is based on a definable consistent measurement of elevation - metres above sea level (masl) - the NEC has requested that there be control over both finished grades of the land within the subdivision and the height of buildings that may be constructed on the subject lands once finished grades have been established. Therefore, in order to ensure that actual development occurs in a manner that is consistent with the results of the (VIA), the NEC has requested to have an opportunity to review the grading plan for the site. The preparation of a grading plan is a standard condition of draft plan approval. As a result, the NEC has been included as a clearance agency for the final approval of the grading plan (Condition 11 of Appendix “D”). In addition, the implementing Zoning By-law Amendment will include height restrictions based on both the height of the building from the finished grade and the peak height of the building above sea level.

Finally, the NEC has advised that all development is setback in excess of 150 metres from the brow and is, therefore, satisfied that no further setback regulations are necessary.

Staff from the Hamilton Conservation Authority (HCA) reviewed the Functional Servicing Report, prepared by the IBI Group, dated July 28, 2008, which outlined the stormwater management requirements and a subsequent letter report and pond layout drawing submitted on September 25, 2009, which satisfied the HCA’s concerns that the proposed pond block (Block C) was appropriately sized to service the proposed residential development. A floodline analysis was also conducted in order to ensure
that the proposed new development, including roadways, would be located above the Regional Storm Floodplain of Felkers Creek. Block K contains the concrete lined channel of Felkers Creek and the associated flood and erosion hazard lands. The HCA understands that both Blocks C and K will be transferred to the City of Hamilton.

The northerly portion of the subject property is located within the Felkers Falls Escarpment Valley Environmentally Significant Area (ESA). The boundary of the ESA was delineated through a staking exercise by staff from the City of Hamilton and the HCA, and has been identified on the Draft Plan as Blocks A and B. An Environmental Impact Study (EIS) was later prepared by LGL Limited, dated September, 2008, that recommended that all new development maintains a minimum 30 metre buffer from the limit of the ESA. Due to constraints on the site, the applicant subsequently requested approval to construct a portion of the maintenance access road for the stormwater management pond within the 30 metre buffer. The City of Hamilton also requested approval to encroach within the 30 metres in order to construct a passive recreational trail to link the subdivision with the community park to the east. Hence, City of Hamilton and HCA staff agreed to allow a slight encroachment of the stormwater management facility into the buffer abutting Block A, and to recognize the existing servicing on the north side of the proposed stormwater management pond, and to permit the trail linkage; with the proviso that these encroachments be restricted to the outermost 10 metres of the 30 metre buffer. As such, Block D has been identified as the area whereby the encroachments would be allowed within the ESA buffer. The remaining portion of the 30 metre ESA buffer is to be kept as a “no touch area”, whereby no construction and/or grading activities, or vegetation disturbance or removal is allowed. These “no touch areas” have been identified as Blocks E and P on the draft plan, and will be transferred to the HCA in addition to the ESA blocks, Blocks A and B. In accordance with the recommendations of the EIS, HCA staff also requests that the ESA be preserved, protected, and enhanced through the planting of native plant material on Blocks C, D, E, K, and P. We also request that Blocks A, B, C, D, E, K, and P be placed in the Conservation/Hazard Land (P5) Zone.

The south-easterly corner of the property, within Blocks I and J, is traversed by a valley slope associated with Felkers Creek. The top of valley (top of bank) was staked by HCA staff and a Preliminary Geotechnical Investigation was prepared by Terraprobe Limited, dated July 23, 2008. While the valley slope has been determined to be a “stable slope”, in accordance with HCA’s Planning and Regulation Policies and Guidelines, all new development must maintain a minimum setback of 7.5 metres from the stable top of bank and a minimum 5.0 metre setback from the toe of slope. In order to ensure that no development occurs within the 7.5 metre top of bank and 5.0 metre toe of slope setback areas, HCA requests that these setback areas be placed in the Conservation/Hazard Land (P5) Zone.
Due to the above noted natural hazard and natural heritage features on the site, a portion of the property is also located within an area affected by HCA’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04. Therefore, a permit from HCA will be required for any new development, including the construction of any buildings or structures and grading activities within the regulated area, and any watercourse alteration.

Based on the above noted concerns, Conditions 47 - 53 of Appendix “D” have been included as conditions of draft plan approval. In addition, lands identified as requiring protection have been designated to either “Environmentally Significant Area” or “Open Space” in the Stoney Creek Official Plan, as per Appendix “E”, and zoned the Conservation/Hazard Land (P5) Zone on Appendix “G”.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Public Participation Policy that was approved by Council, Notice of Complete Application and Preliminary Circulation was sent to all property owners within 120 metres of the subject property on December 12, 2008. A total of 328 notices were circulated. As a result of this notice, staff received two items of correspondence from neighbouring residents (see Appendix “H”). The issues raised in these letters relate to: a) loss of privacy from properties on the other side of Felkers Creek; b) loss of natural habitat; c) loss of recreational space; and, d) dust during construction, and are discussed further in the ANALYSIS / RATIONALE FOR RECOMMENDATION section of this Report.

A Public Notice Sign was also posted on the subject lands on December 17, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed Official Plan Amendment, changes in zoning, and draft plan of subdivision have merit, and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in a Settlement Area and provide protection for environmentally significant areas;

   (ii) They are consistent with the policies of the Places to Grow Plan;
(iii) They conform to the Hamilton-Wentworth Official Plan;

(iv) They conform with the general intent of the Stoney Creek Official Plan and the Nash Neighbourhood Secondary Plan;

(v) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

(vi) The proposed development represents good planning by providing a compact urban form.

2. OFFICIAL PLAN AMENDMENT:

The applicant has applied for an amendment to the Secondary Plan for the West Mountain Planning District, Nash Neighbourhood, in order to change policy and the land use designations on part of the subject lands as follows; and as more particularly shown on Appendix “E”:

- Change the designation of a portion of the lands from “Medium-High Density” to “Open Space”.

- Add wording recognizing that a public road may be permitted on a portion of the lands adjacent to Felkers Creek at the southerly entrance to the property.

- Change the designation of a portion of the lands from “Medium Density 1” to “Medium-High Density”.

- Change the designation of a portion of the lands from “Medium Density 1” and “Environmentally Significant Area” to “Stormwater Pond”.

- Change the designation of a portion of the lands from “Medium Density 1” to “Environmentally Significant Area”.

- Change the designation of a portion of the lands from “Medium Density 1” and “Environmentally Significant Area” to “Open Space”.

- Change the designation of a portion of the lands from “Stormwater Pond” to “Medium Density 1”.

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OFFICIAL PLAN CHANGE: “Medium-High Density” to “Open Space”

Although not identified as an environmental feature during the original Nash Neighbourhood Secondary Plan preparation process, this wooded slope located at the southerly portion of the subject lands was identified within the EIS as an area of moderate constraint. The extent of the “Open Space” designation proposed as part of this Official Plan Amendment includes both the embankment feature itself and a 7.5 metre setback from the top of bank and a 5.0 metre setback from the vegetative dripline at the toe of the slope.

The policies intended to be included with this designation will protect the slope at the southern portion of the property from development and limit its use to private passive recreational uses associated with the adjacent residential uses.

Planning staff is satisfied that the redesignation preserves and enhances the significant environmental features of the site.

OFFICIAL PLAN CHANGE: Permission for Southerly Entrance Road

It was found during more site-specific detailed design that the westernmost boundary of the site was the most appropriate location for a second entrance road (i.e. rather than crossing Felkers Creek from the residential community to the west, or through the Felker Falls ESA to the north). An assessment of the impact of this road was included as part of the Environmental Impact Statement prepared by the proponents, which has been reviewed and supported by the HCA and the City’s ESAIEG. As such, staff is satisfied that this wording maintains the “Open Space and Environmental Features” objectives of the plan by ensuring the preservation and enhancement of significant environmental features, including Environmentally Significant Areas, while still providing safe and adequate public road access to the site.

OFFICIAL PLAN CHANGE: “Medium Density 1” to “Medium-High Density”

An increase in residential density is being sought to assist in achieving the population targets originally established by the Nash Neighbourhood Secondary Plan in light of the fact that a substantial portion of land originally designated for Medium and Medium-High density development is being redesignated in a manner that will preclude development (i.e. Environmentally Significant Area, slope, hedgerow, vegetative regeneration area, and associated buffer areas).
The range of residential types and tenures permitted in the “Medium-High Density” designation, which will include apartment buildings, and street and stacked block townhouses, will assist in ensuring the residential objectives of the Nash Neighbourhood Secondary Plan will continue to be met. The redesignation from “Medium Density 1” to “Medium-High Density” will allow for an increase in density from 30-49 units per net residential hectare (upnrh) to 50-99 upnrh, which will offset the loss of up to approximately 96 units in the Eramosa Embankment area. However, it should be noted that this highest unit yield would be achieved only if apartment units were built on the lands to be re-designated at the highest density possible. In reality, the proponents’ draft plan indicates that a yield of 734 units is more likely due to the predominance of street and stacked townhouse units, rather than apartments.

Staff is satisfied the re-designation maintains the residential objectives of the Nash Neighbourhood Secondary Plan and will be compatible with adjacent development, which essentially consists of open space to the north, east, and west.

OFFICIAL PLAN CHANGE: “Medium Density 1” and “Environmentally Significant Area” to “Stormwater Pond”; and “Medium Density 1” to “Environmentally Significant Area”.

These two designation changes to the Nash Neighbourhood Plan are being sought based on the results of an Environmental Impact Study (EIS) conducted by LGL Limited, the owner’s environmental consultant. The Study determined that the core areas of the Felkers Creek ESA (i.e. the escarpment brow, talus slope, Felkers Falls gorge and Nash woodlot) are located north of the subject lands. The on-site portion of the ESA is comprised of meadow, thicket, woodland, marsh, and successional deciduous forest fringe associated with the Nash Woodlot to the north. These features are a key element in providing a buffer to the core area of the ESA.

As part of the work program for the EIS, the limits of the buffer elements of the Felkers Creek ESA were staked in the field with the assistance and concurrence of staff from the City of Hamilton and the Hamilton Conservation Authority. The staked limits of the ESA coincide with the revised limits of the designated “Environmentally Significant Area” being sought by the applicant. As these revised limits are the result of more detailed, site-specific field investigation than was initially undertaken as part of the identification of the original designation during the preparation of the Nash Neighbourhood Plan, staff is satisfied that these amendments fulfil and implement the “Open Space and Environmental
Features" objectives of the plan by ensuring the preservation and enhancement of significant environmental features, including Environmentally Significant Areas.

OFFICIAL PLAN CHANGE: “Medium Density 1” and “Environmentally Significant Area” to “Open Space”:

As noted above, more site-specific investigations have been undertaken to identify the limits of the Felkers Creek ESA, within which no development will be permitted to occur. As a further feature intended to protect the ESA, the land to be re-designated to Open Space consists of a 30 metre wide area located outside of the ESA, within which land uses are to be limited to passive recreational/trail uses to buffer the ESA from possible adverse impacts associated with future residential development and the proposed stormwater management pond. This land will also be used to access the stormwater management pond for maintenance purposes.

Planning staff is similarly satisfied that this re-designation preserves and enhances significant environmental features, while providing linkages to the open space network by providing connections between the ESA itself, Felkers Creek, and the Heritage Green Park to the east.

OFFICIAL PLAN CHANGE: “Stormwater Pond” to “Medium Density 1”

The redesignation of the former Stormwater Pond designation to “Medium Density 1” is considered a minor amendment required as a result of the further delineation of the ESA limits, the buffer area, and size requirements for the stormwater management block.

3. PROPOSED PLAN OF SUBDIVISION:

The proposed plan of subdivision will consist of 84 single-detached dwelling lots (Lots 1-84), 132 street townhouse lots (Blocks Q-X), one group townhouse block for approximately 9 units (Block F), 2 stacked townhouse blocks for approximately 456 units (Blocks G and I), one apartment block for approximately 53 units (Block J), land conservation and open space blocks (Blocks A, B, D, E, H, and P), a stormwater management block (Block C), pedestrian walkway blocks (Blocks L-O), and 5 internal public roads (Streets A-E).

Internal Streets “A”, “C”, “D”, and “E” will have right-of-way widths of 18.0 metres, and Street “B” will have a width of 20.0 metres. Development Engineering staff has advised the functional servicing arrangements are acceptable, subject to the servicing requirements of the Standard Form Subdivision Agreement.
Staff has had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:

(a) It complies with the Provincial Policy Statement.

(b) Through the phasing of development within the Nash Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest.

(c) It conforms/will conform with the objectives of the Official Plan, and will comply with the policies upon finalization of the Official Plan Amendment.

(d) The lands can be appropriately used for the uses for which it is to be subdivided.

(e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system.

(f) The dimensions and shape of the lots are appropriate.

(g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement.

(h) Natural resources that are evident on site are being preserved by protective zoning regulations and, in some cases, dedication to the Hamilton Conservation Authority and the City of Hamilton. Flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.

(i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement.

(j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.

(k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the plan of subdivision.
SUBJECT: Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196) (Ward 9) - Page 28 of 41

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(l) Efforts will be made, where possible, during development and thereafter, to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.

(m) The proposed multiple residential blocks and private roads will be subject to Site Plan Control, while the remainder of the proposed subdivision will not.

4. RESIDENTIAL DENSITY DISCUSSION:

Based on the subdivision application conditionally approved in 1989, a total yield of approximately 367 units (262 single-detached dwellings, plus 99 apartment units and approximately 6 townhouses based on the density of the RM3 zone) over the entire property was originally considered, which equated to an overall density of approximately 16.3 units per hectare (upha).

More recently, approximately 520-894 units would be permitted by the Nash Neighbourhood plan based on the density ranges for the current designations, which are calculated based on units per net residential hectare (upnha) (i.e. 13.0 ha. of Medium Density 1 lands with a density range of 30-49 upnrha and 2.6 ha. of Medium-High Density with a density range of 50-99 upnrha) and the preservation of the designated open space and ESA lands, which results in an overall maximum density of approximately 39 upnha. It should be noted that units per net residential hectare (upnra) is a defined term in the Stoney Creek Official Plan, which includes only lands used for single-detached dwelling lots. For all other types of residential uses, including apartments and townhouses, it includes the lands used for dwellings, private internal roads, parking areas, open space, and other associated amenities directly related to and forming part of development lands.

With the subject proposal, including the redesignation of additional Open Space and ESA lands, the designation of a new Eramosa Escarpment feature and the increase in residential density, a yield of approximately 734 residential units is proposed. This unit yield equates to a development density of approximately 33 upha over the entire property and 73 upha net of open space and environmental lands.
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## COMPARISON OF UNIT YIELD AND DENSITIES FROM VARIOUS DEVELOPMENT SCENARIOS

<table>
<thead>
<tr>
<th></th>
<th>Unit Yield (Max.)</th>
<th>Overall Development Density of Entire Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989 Proposal</td>
<td>367 units*</td>
<td>16 upha</td>
</tr>
<tr>
<td>Nash Neighbourhood Plan - Current</td>
<td>894 units**</td>
<td>39 upha</td>
</tr>
<tr>
<td>Nash Neighbourhood Plan - After Re-designations</td>
<td>984 units**</td>
<td>43 upha</td>
</tr>
<tr>
<td>Draft Plan Submitted With Application</td>
<td>734 units*</td>
<td>33 upha</td>
</tr>
</tbody>
</table>

**Notes:**
- * Unit yield is derived from proponent's plans.
- ** Unit yield is derived from the Nash Neighbourhood Secondary Plan density ranges, and uses the highest density in the range of the Medium Density and Medium-High density designations. As is evident from the proponent’s proposed draft plan, the detailed design of a lotting plan may result in a lower unit count.
- **Assumption:** For single-detached dwelling lots in the Medium Density Designation, all designated land is used to calculate unit yield based on density. Therefore, unit yield based on highest density may include lands ultimately used for public roads. Should roads be removed from the formula, overall unit yield based on highest density would be lower.

Considering the foregoing, the revisions sought by the subject applications, therefore, falls within the overall unit yield range of 520-894 units originally assigned to the subject lands in the Nash Neighbourhood Secondary Plan while, at the same time, preserving significant environmental features and enhancing connectivity through the subjects lands to the Valley Park Trail System and the Heritage Green Sports Park.

5. In addition to comparing the unit yield of the entire subject lands between the historical approvals, the current Nash Neighbourhood Secondary Plan, and the proposed amendments to the Plan, staff has also assessed compliance of the plan of subdivision with the individual “Medium Density” and “Medium-High Density” designations.

The 147 units of single-detached, street townhouse and group townhouses within the 4.44 ha. of “Medium Density” designation lands will result in a density of 35 upnrha.
The proponent’s unit yields on the proposed draft plan indicate that there will be approximately 587 units within the 5.87 ha of Medium-High Density designation lands, which will result in a density of 100 upn/ha. However, planning staff has had an opportunity to review concept plans and an urban design brief for the two largest stacked townhouse blocks, and are of the opinion that the unit yield of these blocks will be reduced when more detailed site plans are submitted for these blocks to deal with on-site landscaping and open space requirements, as well as entrances to the proposed underground parking areas. Therefore, staff is satisfied that the ultimate unit yield will be reduced by at least 1 unit per hectare, thereby reducing the overall density in the “Medium-High Density” designation to 99 upn/ha.

Both of these density ranges are in keeping with the range envisioned in the original Nash Neighbourhood Secondary Plan.

Given the Greenfield nature of the site, the density/unit yield revisions will not present an issue of direct impact on existing neighbourhood character of the subject lands. Interface between medium and medium/high density residential uses was present in the current Nash Neighbourhood Secondary Plan and is simply being relocated through the subject applications. Further, the existing residential community to the west is well buffered from the residential development proposed on the subject lands by Felkers Creek and the 35 metre wide vegetation regeneration buffer area.

6. **Felkers Creek ESA:**

As noted earlier in this Report, the proponents have undertaken an Environmental Impact Study to identify and describe the natural environment features/functions, evaluate the potential environmental impacts, and identify mitigation and management measures to avoid or minimize negative impacts as well as opportunities for environmental restoration and enhancement.

In accordance with the recommendations of the EIS, the blocks within the Draft Plan of Subdivision that coincide with the boundaries of the Felkers Creek ESA (Blocks A and B - Appendix “C”) and the slope at the southern portion of the property (Block 3 - Appendix “G”), together with their associated buffer areas as well as the Felkers Creek restoration area (Block K - Appendix “C”), have been placed in the Conservation/Hazard Lands (P5) Zone category, which includes regulations prohibiting development that would compromise the environmental feature and/or restoration efforts. Further, arrangements have been made to have the lands containing the Felkers Creek ESA features to be dedicated to the Hamilton Conservation Authority (Condition 52 - Appendix “D”). The remainder
of the blocks will remain in private ownership, but protected from development by zoning regulations.

Other recommendations of the EIS are best addressed as conditions of draft plan approval for the subdivision and included as items within the Subdivision Agreement registered on title. These additional mitigation recommendations include:

a) Preparing a detailed tree saving and management plan for the east hedgerow (Block H - Appendix “C”) and south wooded slope, which would address such items as hazard tree removal/mitigation, removal of invasive species, restoration/enhancement, tree protection measures during development, and post-development tree management (Special Condition 4a - Appendix “D”);

b) Any tree clearing is to occur outside of breeding bird season, which is typically between April 1 and July 15. Further, prior to tree clearing, a screening of bird habitat is to be completed in order to identify nests that may require protection in accordance with the Federal Migratory Bird Convention Act (Special Condition 4b - Appendix “D”);

c) Prepare a landscaping plan utilizing native plant materials for Blocks C, D, E, K, and P, which includes the Felkers Creek restoration corridor, the ESA buffer area, and the proposed stormwater management block (Special Condition 4c - Appendix “D”);

d) Any grading and drainage plans are to ensure that drainage from the City Park to the east is maintained to support the wetland habitat and Tributary 4 located within the ESA portion of the property (Special Condition 4d - Appendix “D”);

e) That prior to preliminary grading, the owner shall undertake the transplantation of regionally uncommon or rare plant species from the development envelope to suitable habitat micro-sites within the EAS and buffer areas (Special Condition 4e - Appendix “D”);

f) The owner will co-operate with the Hamilton Conservation Authority in the creation of hibernacula and habitat for snake species, such as milk-snakes, in selective portions of the ESA (Special Condition 4f - Appendix “D”);
g) The owner agrees, in writing, to include a notice to purchasers in the Subdivision Agreement about the significance/sensitivity of the ESA and appropriate environmental stewardship behaviour (Special Condition 4g - Appendix “D”);

h) The owner agrees to erect interpretive trail signage about the ESA features/functions and environmental stewardship, to the Hamilton Conservation Authority’s satisfaction (Special Condition 4h - Appendix “D”); and,

i) The owner will prepare a landscape plan, to the satisfaction of the Hamilton Conservation Authority, identifying locations of selective native planting within the ESA and buffer zone comprised of host plans to attract various pollinators to the area, such as butterflies (Special Condition 4i - Appendix “D”).

7. Hedgerow Adjacent to Heritage Green Park:

The applicant’s EIS identified a hedgerow along the eastern boundary of the subject lands (Block H - Appendix “C”) and recommended that it be preserved in accordance with the Environmental policies of the Nash Neighbourhood Secondary Plan. Since the lands are adjacent to municipal property (i.e. the unopened Isaac Brock Drive road allowance and Heritage Green Park), which will remain a passive recreational use, the hedgerow will similarly be dedicated to the City. Condition 8 of the Conditions of Draft Plan Approval contained in Appendix “D” requires this dedication prior to final plan approval. In addition, a buffer area of 5 metres in depth adjacent to the hedgerow will be zoned Conservation/Hazard Lands (P5) Zone to prohibit development, but will remain in private ownership.

8. Trail Connectivity:

The portion of the subject lands abutting the Felkers Creek channel is integral to the connectivity of the Valley Park Trail system. As part of this development, the owner will be required to construct a recreation trail system on the east side of the Felkers Creek Channel to connect the Valley Park Trail system south of Mud Street to the Conservation lands to the north. As well, the owner has agreed to construct a trail system through the ESA buffer (Block D - Appendix “C”) to connect the Heritage Green Community Sports Park to the adjacent conservation lands. Costs will be reimbursed through Development Charges to a maximum determined amount. This recreation trail shall be shown on the land use plan of subdivision (see Condition 39 - Appendix “D”).
9. **Bridge Across to Mistywood:**

There is an existing pedestrian bridge over Felkers Creek within the Felkers Creek Conservation Area lands north of the subject lands that will connect with the north-westernmost point of Street “E” via the Open Space corridor adjacent to the lands to be transferred to the Hamilton Conservation Authority. In order to further enhance pedestrian and bicycle connectivity between the existing lands to the west and the Heritage Green Sports Park, one additional bridge is proposed to be built as part of the development of the subject lands. The bridge is to be built at the southern end of the vegetative regeneration Block (Block “K” - Appendix “C”), adjoining Street “C”, and connect to Mistywood Drive on the opposite side of Felkers Creek. A special condition dealing with the construction of the new pedestrian/bicycle bridge has been included as Item 40 in Appendix “D”.

10. **Cash-In-Lieu of Parkland:**

The proponent is not proposing to dedicate parkland as part of the proposed development. However, the proposal is consistent with the Nash Neighbourhood policies, and is well serviced by nearby park opportunities. As no parkland is being dedicated, in accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposed development is subject to a Cash-in-Lieu of Parkland dedication payment.

For the proposed single-detached lots (Lots 1-84), the payment of Cash-in-Lieu of Parkland will be required at a rate of 5%, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit.

The applicant is proposing to establish a number of larger blocks within the subdivision. As the unit count is not currently finalized, the final amount of land to base the calculation for the required Cash-in-Lieu of Parkland cannot currently be determined. Payment of Cash-in-Lieu of Parkland for Blocks P to X, F, G, I, and J will be calculated at a rate of 1 hectare for each 300 dwelling units proposed if the final density is between 20 to 75 units per hectare, or 0.6 for each 300 units if the final density is over 75 units per hectare, and shall be based on the value of the lands on the day prior to the issuance of the first building permit on a block-by-block basis. This requirement is included in the Standard Form Subdivision Agreement (Section 1.6).
11. **Access Roads:**

The easterly entrance to the subdivision will be by way of the extension of Isaac Brock Drive, north of Mud Street. The road will continue within the existing Isaac Brock Drive right-of-way until the entrance to Heritage Green Sports Park. Beyond the park entrance the road veers westerly into the subdivision as Street “B” and reduces to a 20 metre road right-of-way width.

The westerly entrance to the subdivision will consist of an 18.0 metre wide road allowance. In light of the acute angled intersection at Mud Street, the proponent has submitted plans illustrating that there will be suitable sight-lines and turning movements. The details of this intersection have been reviewed by Traffic staff, who has advised that that intersection is feasible. Due to topographic limitations along some portions of the entrance road between Mud Street and the first intersection, portions of the road allowance that fall within the draft plan are not able to contain the entire 18.0 right-of-way. In this area, it is understood that it will be necessary to utilize some of the existing adjacent City-owned lands to create the total road width.

The arrangements for the design and construction of this and other roads within the subdivision are part of the Standard Form Subdivision Agreement typically executed by a developer and the City as part of developing a subdivision. However, a special provision has been added (Appendix “D” - Condition 44) to ensure that the proponent constructs the portion of Isaac Brock Road located outside of the subdivision in a manner that is satisfactory to the City, including the installation of bike lands at the westernmost entrance.

12. **Proximity to the Former Taro Landfill Site:**

The Nash Neighbourhood Secondary Plan notes that “development proposals for residential or institutional uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site may be required to submit studies demonstrating that there are no adverse effects on the development or that the effects can be mitigated”. As the former Heritage Green Park and the vacant lands to the south of the park were used as part of the former Taro West Landfill site, the proponents will be required to submit a Landfill Impact Assessment prior to development occurring on the subject lands.

This requirement has been included as Condition 10 of Draft Plan Approval in Appendix “D”, and will be carried forward into the Subdivision Agreement registered on title to the property.
13. **ZONING BY-LAW AMENDMENT:**

The applicant has requested amendments to the City of Stoney Creek Zoning By-law No. 3692-92 in order to include regulations to ensure the land uses and built form of the proposed Draft Plan of Subdivision conform to the policies of the Nash Neighbourhood Secondary Plan. The requested amendments include the following changes in zoning categories; and the particular land use objectives of the zoning regulations for each new zoning category are outlined below:

**Blocks 1 and 2, Appendix “F” - Multiple Residential “RM5-10” Zone and Special Provisions:**

The proposed “RM5-10” Zone will allow a 6.0 storey apartment on a 0.54 hectare property. Although detailed design of the site has not been undertaken at this stage, with a maximum density regulation of 99 units per hectare, the unit yield for the apartment may be up to 53 units provided all other regulations are complied with, including a front yard setback of 6.0 metres, interior side yards of 7.5 metres, and a maximum lot coverage of 50%. Staff is satisfied with the proposed site-specific regulations in the “RM5-10” zone.

**Blocks 3 and 4, Appendix “F” - Multiple Residential “RM3-42a” “RM2-42b” Zone and Special Provisions:**

Blocks 3 and 4 are proposed to be used for stacked townhouses, a form of residential development that would see residential units stacked, side-by-side, back-to-back, and one on top of another. However, they are not considered traditional townhouses or apartments, as each of the individual units are required to have a separate entrance that is accessible at grade.

The form of development proposed would see common element parking provided underground so that all at-grade activity is pedestrian-oriented, with the exception of the vehicular accesses to the underground parking. Each individual unit will have their own exclusive use amenity area either via an at-grade walk out terrace, or second, third floor, or roof-top terrace. Additional open space will be included for pedestrian access throughout the site and to provide common-element amenity space.
At the request of staff, the proponent provided an Urban Design Study (UDS) to provide details about the proposed form of development that identified measurable characteristics of key features so that, in turn, regulations could be implemented in Zoning By-law regulations to provide certainty that the ultimate built form will be consistent with that envisioned in the UDS. The review of the UDS and the negotiation of appropriate implementing regulations has been an iterative exercise involving Development Planning and Urban Design staff and the proponent that has resulted in regulations that will facilitate development at a density envisioned in the “Medium-High Density” designation that is consistent with the Urban Design policies of the Nash Neighbourhood Secondary Plan.

The regulations of the “RM3-42” Zone will allow a built form similar to that illustrated in the Urban Design Brief, included as Appendix “I”.

The regulations also include special provisions dealing with maximum height above sea level to ensure that the issues raised by the Niagara Escarpment Commission concerning off-site views have been addressed.

Staff is satisfied with the site-specific regulations of the “RM3-42a” “RM2-42b” Zone.

**Blocks 5, 6, and 9, Appendix “F” - Residential “R4-29” and “R4-30” Zones and Special Provisions:**

The “R4-29” Zone will continue to contain the current provision of the “R4” Zone to permit single-detached dwellings on lots with a minimum frontage of 10 metres. Site-Specific Area 29 has been added to allow minimum lot areas of 290 square metres. Site-Specific Area 30 will allow minimum lot areas of 256 square metres and rear yards of 3.0 metres for Lots 75-77 of the draft plan of subdivision (see Appendix “C”) in order to allow adequate building envelopes on these irregular shaped lots. In this case, staff is satisfied with the reduced yard regulation, as the three lots to which this regulation apply will be abutting the stormwater management pond and will, therefore, not impact on the reasonable use and enjoyment of any abutting residential rear yards.

Both Site-Specific Zones also include special provisions dealing with maximum height above sea level to ensure that the issues raised by the Niagara Escarpment Commission concerning off-site views have been addressed.

Staff is satisfied with the site-specific regulations of the Residential “R4-29” and “R4-30” Zones.
Block 7, Appendix “F” - Multiple Residential “RM3-43” Zone:

This zone is intended to be applied to Block “F” of the proposed plan of subdivision (see Appendix “C”), which is an unusual shaped lot that is located on the curve of a street. Because of its unusual shape and location on a curve, it is not possible to develop the lot as standard street townhouses with separate driveway accesses. Therefore, the site-specific regulations are intended to allow a small condominium tenure block townhouse development with an individual road access. The regulations would permit front and rear yards of 2.0 metres, and include regulations to control the distance separation of the units.

Given the location and shape of this lot, staff is satisfied that the site-specific regulations of the Multiple Residential “RM3-43” zone are appropriate for the subject lands.

Block 8, Appendix “F” - Multiple Residential “RM2-25” Zone:

This zone is intended to be applied to Blocks Q to U of the proposed plan of subdivision (see Appendix “C”) in order to permit the lands to be used for Street Townhouses of up to 3-storeys, with minimum lot widths of 6.0 metres for interior lots and 6.5 metres for end and corner units. While the permitted lot coverage has been increased from 50% to 55%, the rear yard requirement of 7.5 metres has been maintained in order to ensure the increase in lot coverage will not affect opportunities for on site amenity area.

A special provision dealing with maximum height above sea level to ensure that the issues raised by the Niagara Escarpment Commission concerning off-site views have been addressed is also included.

Staff is satisfied with the site-specific regulations of the Residential “R4-29” and “RM2-25” Zone.

Block 1, Appendix “G” - Conservation/Hazard Lands (P5) Zone:

The Conservation/Hazard Lands (P5) Zone is intended to be applied to lands that will be dedicated to either the City of Hamilton or the Hamilton Conservation Authority. Property so zoned includes lands to be used for stormwater management purposes, lands adjacent to Felkers Creek to be used as vegetative regeneration area, the hedgerow adjacent to the Heritage Green Park, as well as the Environmentally Significant Area and buffer areas to be dedicated to the Hamilton Conservation Authority, and will preclude uses that will
conflict with this intent. Staff is satisfied with the new zoning regulations proposed for these portions of the subject lands.

Blocks 2 and 3, Appendix “G” - Conservation/Hazard Lands (P5, 29) Zone and Special Provisions:

This zone is to be applied to areas to be used for passive recreational uses, but left in private ownership, and includes the lands that will be owned by a future Condominium Corporation in association with the stacked townhouses that includes the escarpment feature and the 5 metre and 7.5 metre buffers at the top and toe of the slope, as well as the 5 metre buffer area adjacent to the easternmost hedgerow at the rear of Blocks T to U.

Special provisions have been added to the standard provisions of the (P5) Zone to acknowledge that the areas so zoned may be used to calculate setbacks and lot areas for development located on the lots the P5 Zone is associated with. In effect, this will ensure that buildings, structures, and uses are not permitted in the buffer areas.

Staff is satisfied that the Zoning By-law Amendments, together with site-specific provisions, are appropriate for the subject lands. The development regulations being sought through the Zoning By-law Amendment application will ensure a form of development that meets the density targets and urban design principles contained in the Urban Design policies of the Nash Neighbourhood Plan.

14. As noted earlier, staff received two letters from neighbouring residents on the opposite side of Felkers Creek in response to the pre-circulation of the original application (see Appendix “H”). The comments expressed are categorized as concerns regarding: a) loss of privacy from properties on the other side of Felkers Creek; b) loss of natural habitat; c) loss of recreational space; and, d) dust during construction.

In response, staff offers the following:

**Loss of Privacy:**

The subject lands have been earmarked for residential development since the approval of a draft plan of subdivision in 1989, which would have permitted the entire site to be developed. More recently, the Nash Neighbourhood Plan has been adopted which included, among other things, policies to encourage a regenerative area along Felkers Creek. Accordingly, the draft plan of subdivision includes a 35 metre regenerative strip along a substantial portion of Felkers
Creek, which is intended to regenerate and provide a substantial landscaping buffer between the creek and the buffer area. Staff is satisfied that properties situated on the opposite side of Felkers Creek will be well buffered such that there will not be a significant loss of privacy.

Loss of Natural Habitat:

One letter writer expressed general concern about the loss of wildlife habitat, while a second letter writer expressed specific concerns about the potential impact on the Felkers Falls Conservation Area, the loss of significant trees, and the easterly hedgerow.

As noted earlier in this Report, the proponents have undertaken an Environmental Impact Study, which has been vetted by the City's Environmentally Significant Areas Impact Evaluation Group (ESAIEG). The recommendations of that Study have resulted in more accurately identifying the limits of the Felkers Creek Environmentally Significant Area (ESA). Further, the additional lands that have been identified as part of the ESA will be dedicated to the Hamilton Conservation Authority (HCA) in order to enlarge the Felkers Falls Conservation Area. An additional 30 metre buffer area around the edge of the ESA will also be dedicated to the HCA and the City of Hamilton, and zoned in a manner that will prohibit development other than for flood control, conservation, and passive recreation. Additional lands containing the easterly hedgerow will be dedicated to the City as well.

Cumulatively, Planning staff is of the opinion that these actions, together with the regenerative buffer adjacent to Felkers Creek, result in the protection and enhancement of all on-site and adjacent significant environmental features.

Loss of Recreation Space:

While used informally as recreational space, these lands have historically been earmarked for residential development. However, with the additional lands to be added to the Felkers Falls Conservation Area, as well as the extension and connectivity of the trail system linking both Valley Park to the south and Heritage Green Park to the east, Planning staff is satisfied that the receiving area, including the existing community to the west, is well served by both organized and passive recreational opportunities.
Dust Control:

The Standard Form Subdivision Agreement contains requirements to ensure that dust is reasonably suppressed during the construction phase of this, and all other plans of subdivision.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The subject lands previously received approval for a draft plan of subdivision and amendments to the Zoning By-law that were carried forward into City of Stoney Creek Zoning By-law No. 3692-92. These approvals are intended to facilitate the development of 262 single-detached dwelling lots and a number of medium-high density residential blocks over the entire site, together with small open space blocks to connect to Felkers Creek and the woodlot to the north. The applicant could proceed to develop the plan in accordance with the existing regulations.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Financial Sustainability**

- Effective and sustainable Growth Management.
- Generate assessment growth/non-tax revenues.

**Intergovernmental Relationships**

- Maintain effective relationships with other public agencies.

**Environmental Stewardship**

- Natural resources are protected and enhanced.
- Aspiring to the highest environmental standards.

**Healthy Community**

- Plan and manage the built environment.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Nash Neighbourhood Secondary Plan Map
- Appendix “C”: Proposed Revised Plan of Subdivision
- Appendix “D”: Special Conditions of Draft Plan of Subdivision Approval
- Appendix “E”: Proposed Official Plan Amendment
- Appendix “F”: Proposed Amendment to Zoning By-law 3692-92
- Appendix “G”: Proposed Amendment to Zoning By-law 05-200
- Appendix “H”: Neighbourhood Letters
- Appendix “I”: Stacked Townhouses Urban Design Study
- Appendix “J”: Proposed Urban Hamilton Official Plan Modification

:CB
Attachs: (10)
Special Conditions of Draft Plan of Subdivision Approval for ORC Nash Neighbourhood

Planning:

1. That, prior to preliminary grading or servicing, the owner shall carry out and complete an Archaeological Assessment over the entire lands of the draft plan, to the satisfaction of the City and 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.

2. That, prior to preparation of a Subdivision Agreement by the City, the owner shall submit a Noise/Vibration Study, prepared by a qualified professional, for review and approval by the City, which includes the findings from an investigation of noise/vibration levels impacting the lands of the draft plan, as well as recommended measures proposed for noise/vibration control.

3. That, prior to preliminary grading or servicing, the owner shall submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning, and provide written certification from the owner’s landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan, approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.

4. That, prior to servicing, the owner shall satisfy the following requirements of the Environmentally Significant Area Impact Evaluation Group (ESAIEG), to the satisfaction of the Director of Planning:
   a) Prepare a detailed tree saving and management plan for the east hedgerow (Block H) and south wooded slope, which would address such items as hazard tree removal/mitigation, removal of invasive species, restoration / enhancement, and tree protection measures during development and post-development.
   b) Any tree clearing is to occur outside of breeding bird season, which is typically between April 1 and July 15. Further, prior to tree clearing, a screening of bird habitat is to be completed in order to identify nests that may require protection in accordance with the Federal Migratory Bird Convention Act.
   c) Prepare a landscaping plan utilizing native plant materials for Blocks C, D, E, K, and P, which includes the Davis Creek restoration corridor, the ESA buffer area, and the proposed stormwater management block.
d) Any grading and drainage plans are to ensure that drainage from the City Park to the east is maintained to support the wetland habitat and Tributary 4 located within the ESA portion of the property.

e) That prior to preliminary grading, the owner shall undertake the transplantation of regionally uncommon or rare plant species from the development envelope to suitable habitat micro-sites within the EAS and buffer areas.

f) The owner will co-operate with the Hamilton Conservation Authority in the creation of hibernacula and habitat for snake species, such as milk-snakes, in selective portions of the ESA.

g) The owner shall agree, in writing, to include a notice to purchasers in the Subdivision Agreement about the significance / sensitivity of the ESA and appropriate environmental stewardship behavior.

h) The owner shall agree to erect interpretive trail signage about the ESA features / functions and environmental stewardship, to the Hamilton Conservation Authority’s satisfaction.

i) The owner shall prepare a landscape plan, to the satisfaction of the Hamilton Conservation Authority, identifying locations of selective native planting within the ESA and buffer zone comprised of host plans to attract various pollinators to the area, such as butterflies.

5. That, prior to the registration of the final plan of subdivision, Urban Design / Architectural Guidelines shall be approved for the draft plan and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning. The Urban Design / Architectural Guidelines shall also be prepared in accordance with the recommendations made by the Niagara Escarpment Commission and the maximum building elevation to peak of roof analysis contained in the approved Visual Impact Assessment by the IBI Group, Project No. 15237, dated June 22, 2010.

6. That the owner shall agree, in writing, to retain a qualified Urban Designer / Architect to administer architectural development standards for those lots subject to architectural control prior to the issuance of building permits, to the satisfaction of the Director of Planning. Furthermore, that the owner shall agree to adhere to those lots identified in the Urban Design / Architectural Guidelines, and submit building plans for the lots to the City’s Urban Designer / Architect for review and approval prior to the issuance of a building permit.
7. That prior to registration of the final plan of subdivision or Site Plan approval for Lots or Blocks within the Draft Plan of Subdivision, the owner shall agree that a maximum building height to the peak of roof shall be determined in accordance with the Visual Impact Assessment Study, as approved by the Niagara Escarpment Commission. Said maximum building height shall be consistent with the metres above sea level (masl) elevation identified on the Zoning By-law and approved Visual Assessment Study.

8. That the owner shall agree, in writing, to transfer title of lands described as Block H on the draft plan, being the easterly hedgerow, to the City by deed.

9. That the owner shall agree, in writing, to provide a notice to purchasers in the Subdivision Agreement about the open space zones that prohibit the construction of buildings or structures on portions of Blocks J, I, T, and U, and to agree to notify future lands owners of same, to the satisfaction of the Director of Planning.

10. That, prior to registration of the final plan of subdivision, the owner shall provide a Landfill Impact Assessment, completed by qualified experts, to the satisfaction of the Director of Planning. Should peer reviews of the Assessment, or any separate reports prepared as part of the Assessment be warranted, all associated costs shall be borne by the owner, and shall be submitted to the satisfaction of the Director of Planning.

11. That, prior to any preliminary grading, the preliminary grading plan required in Clause 3 of the Standard Form Subdivision Agreement shall also be prepared, to the satisfaction of the Niagara Escarpment Commission, to ensure it is consistent with the approved Visual Assessment Study, by the IBI Group, Project No. 15237, dated June 22, 2010.

12. That, prior to registration of the final plan, the owner shall include in the engineering design and cost schedules for the draft plan lands installation of a minimum 1.5 metre high chainlink fence along the following:

   a) North side of Block “U” and the south side of Block “T”, which abuts Block “L”;

   b) North side of Block “T” and southeast of Block “S”, which abuts Block “M” public walkway;

   c) Southeast side of Lot 84 and northwest side of Block “F”, which abuts Block “N” public walkway;

   d) East side of Lots 23 and 36, and west side of Lots 24 and 35, which abuts Block “O” public walkway;
e) The rear yards of Lots 1 to 8, inclusive, west side of Block “Q”, and southwest side of Block “R”, which abut east side of Block “K” Open Space;

f) Along the rear of Lots 80 to 84, inclusive, northeast of Block “S”, and east side of Block “F”, which rear yards abut Open Space, Block “D”; and,

g) Westerly limit of Block “H”, which abuts Block “T”, all to the satisfaction of the Director of Development Engineering.

13. That, prior to registration of the final plan, the owner shall include in the engineering design and cost schedules for the draft plan lands installation of a minimum 1.8 metre high chainlink fence along the rear yards of Lots 75 to 79, inclusive, which rear yards abut Stormwater Management Pond, Block “C”, to the satisfaction of the Director of Development Engineering.

14. That, prior to registration of the final plan, the owner shall agree to dedicate the necessary lands for 12.0 metre by 12.0 metre daylight triangles to accommodate the ultimate design of intersection upgrades at the intersection of the widened limits of Street “B” at Mud Street West, to the satisfaction of the Manager, Traffic Engineering and Operations, and the Director of Development Engineering.

15. That, prior to registration of the final plan, 4.5 metre by 4.5 metre daylight triangles shall be established on the final plan of subdivision at: Street “D” at the intersections of Streets “B”, “C”, and “E”; Street “E” at the intersections of Streets “A” and “B”, to the satisfaction of the Director of Development Engineering.

16. That, prior to registration of the final plan, the owner shall submit the necessary transfer deeds to convey Blocks “L”, “M”, “N”, and “O” of the draft plan to the City for public access, to the satisfaction of the Director of Development Engineering.

17. That, prior to registration of the final plan, the owner shall include in the engineering design and cost schedules the installation of a 1.5 metre sidewalk in:

a) Block “L” between Street “B” and the east limit of the subdivision;
b) Block “M” between Street “B” and Block “D”;
c) Block “N” between Street “E” and Block “D”; and,
d) Block “O” between Street “E” and Street “A”;

to the satisfaction of the Director of Development Engineering.
18. That, **prior to registration of the final plan**, the owner shall submit the necessary transfer deeds to convey sufficient lands (Block “C”) to the City of Hamilton for the purposes of an adequately sized Stormwater Management (SWM) Facility, to the satisfaction of the Director of Development Engineering.

19. That, **prior to registration of the final plan**, the owner shall submit the necessary transfer deeds to convey Block “D” to the City of Hamilton for the purposes of a multi-purpose trail link between Felkers Creek and the Heritage Green Community Sports Park, to the satisfaction of the Director of Development Engineering.

20. That, **prior to registration of the final plan**, the owner shall agree to convey Block “H” to the City of Hamilton for the purposes of conserving a hedgerow to the Heritage Green Community Sports Park, to the satisfaction of the Hamilton Conservation Authority and Director of Development Engineering.

21. That, **prior to registration of the final plan**, the owner shall retain a qualified professional engineer to prepare a Watermain Design Study which will demonstrate, to MOE standards, the adequacy of the water distribution system to support the development. The Study must incorporate water demand estimation using equivalent population methods and water servicing plan development. Pending the outcome of the Study, the owner shall propose appropriate measures to address deficiencies, to the satisfaction of the Director of Development Engineering.

22. That, **prior to servicing**, owner shall prepare a detailed Stormwater Management Report to address quality and quantity control, as well as 5 year and 100 year storms, including provisions for a major overland flow route, to the satisfaction of the Director of Development Engineering and all other appropriate agencies, with sufficient back-up information to verify that the stormwater management facility has been designed with a suitable outlet and in accordance with current Stormwater Management Guidelines and the approved Davis Creek Subwatershed Study, and that the land area designated for a stormwater management facility will accommodate the proposed facility.

23. That, **prior to registration of the final plan**, the owner is responsible for the design and construction of the stormwater management facility located in Block “D”, to the satisfaction of the Director of Development Engineering.

24. That, the owner shall agree to:

   i) Operate and maintain, in an acceptable manner, SWM facility throughout the construction of all stages of draft plan registration, or until a time as established by the Director of Development Engineering, and monitor such operation and effects thereof;

   ii) Assume full responsibility for the cost to operate and maintain the SWM facility, including any changes to conditions of the MOE’s approval until such time that the facility is assumed by the City of Hamilton;
iii) Provide an operation and maintenance manual, to the satisfaction of the Director of Development Engineering, for the SWM facility, and agree to inspect/monitor and maintain the SWM facility in accordance with said manual throughout construction, or until a time as established by the Director of Development Engineering; and,

iv) Keep detailed logs concerning performance and required maintenance activities for the pond, including costs for cleaning and removal of sediment etc., to the satisfaction of the Director of Development Engineering. This information is to be included in the Operation and Maintenance Manual that will be provided to the City of Hamilton by the owner upon the future assumption of the facility;

to the satisfaction of the Director of Development Engineering.

25. That, **prior to servicing**, the owner shall submit a Geotechnical Report prepared by a qualified professional and shall implement the Report’s recommendations, to the satisfaction of the Director of Development Engineering.

26. That, **prior to servicing**, the owner shall submit a Groundwater Study prepared by a qualified professional, 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, to the satisfaction of the Director of Development Engineering.

27. That, **prior to servicing**, the owner shall agree, that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the Owner submit a Hydrogeological Report, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts, and to undertake the works, as recommended, including monitoring, to the satisfaction on the Director of Development Engineering.

28. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules the installation of 1.5 metre sidewalks on:

a) both sides of Street “B”;
b) the west side of Street “D”, from Street “C” to Street “E”;
c) the south side of Street “D”, from Street “B” to Street “C”;
d) the inner loop of Street “E”, the south side of Street “A”; and,
e) the east side of Street “C”;

to the satisfaction of the Director of Development Engineering.
29. That, prior to servicing, the owner shall include in the engineering design and cost schedules, the installation of a 4.0m wide pathway on the west side of Street “C”, to the satisfaction of the Hamilton Conservation Authority and the Director of Development Engineering.

30. That, prior to servicing, the owner shall include in the engineering design and cost schedules, the installation of the pedestrian bridge over Felkers Creek between Street “C” and Mistywood Drive to the satisfaction of the Director of Development Engineering.

31. That, prior to servicing, the owner shall include in the engineering design, a grading plan which indicates that only split drainage for all residential lots within the draft plan will be permitted, to the satisfaction of the Director of Development Engineering.

32. That, prior to servicing, the owner shall include in the engineering design, the installation of 1.5 metre sidewalks on the north side of Mud Street from the east limit of the draft plan lands westerly to connect to the existing sidewalk located adjacent to 256-300 Mud Street West, to the satisfaction of the Director of Development Engineering.

33. That, prior to servicing, the owner shall prepare a street parking plan for Streets ‘A’, ‘B’, ‘C’, ‘D’, and ‘E’ based on the premise of achieving on-street parking for 40% of the total units, not including units on Blocks F, G, I, and J, to the satisfaction of the Director of Development Engineering.

34. That, prior to servicing, the owner shall agree that a maximum of 100 residential units of the final plan shall be permitted to be constructed with only one (1) public road access to service each phase of the development. A second public road access to the subject lands is required prior to development beyond the initial 100 residential units, to the satisfaction of the Director of Development Engineering.

35. That, prior to servicing, the owner shall provide, to the satisfaction of the Director of Development Engineering, 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 / agent to be used to undertake the works, as well as the contractor / agent information so that the City can direct works to be completed, as necessary.
36. That, **prior to servicing**, the owner shall prepare and implement, if necessary, a Karst Contingency Plan, prepared by a qualified professional, to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority, to determine the preferred engineering and construction methods for road servicing. In addition, the owner shall agree to provide for a Karst specialist to be on-site during any works that require excavation into bedrock, site grading.

37. That, **prior to servicing**, the owner shall include in the engineering design for the draft plan lands, removal of all dead or diseased trees within the City’s road allowance, as required by the reconstruction on existing streets, and pay all costs for replacement of such trees, to the satisfaction of the Director of Development Engineering.

38. That, **prior to servicing**, the owner shall agree that if blasting or hoe-ramming is required, to submit a pre-construction survey, to the satisfaction of the Director of Development Engineering.

**Capital Planning and Implementation:**

39. That the owner **shall agree, in writing**, to construct a recreation trail system on the east side of the Davis Creek Channel to connect the Valley Park Trail System south of Mud Street West to the Conservation lands to the north. As well, a Trail System shall be constructed through the ESA buffer (Block D) to connect Heritage Green Community Sports Park to the adjacent Conservation lands. The trail shall be constructed, to the satisfaction of the Senior Director of Capital Planning and Implementation, Public Works Department. The design and tender drawings shall include a cost estimate for the works, and it shall be prepared by a full member with seal, in good standing, of the Ontario Association of Landscape Architects (OALA), and be approved by the Senior Director of Capital Planning and Implementation, Public Works Department. Design drawings and estimate will include grading plans, layout, and construction details, as required. The trail within Block “D” shall be asphalt, 3.0 metres in width, as per the latest Public Works Open Space development and Park Planning detail, with a maximum slope of 8%, where grades and slope permit. The trail shall provide linkages, where possible, to stormwater management ponds, schools, and park blocks, to the satisfaction of the Senior Director of Capital Planning and Implementation, Public Works Department. The repayment of costs associated with the design and construction of this trail shall be negotiated through a front-ending agreement between the owner and the City. Costs will be reimbursed through Development Charges to a maximum determined amount. This recreation trail shall be shown on the Land Use Plan of Subdivision.
40. That the owner **shall agree, in writing**, to construct a pedestrian trail bridge over the drainage channel, connecting Mistywood Drive and the subject lands, in accordance with the Hamilton Recreation Trails Master Plan, Ward 9, Initiative #2. The bridge shall be constructed, to the satisfaction of the Director of Engineering Services, Capital Planning and Implementation, Public Works Department. The design and tender drawings shall include a cost estimate of the works, and it shall be prepared by a full member with seal, in good standing, of the Professional Engineers of Ontario (PEO), and be approved by the Director of Engineering Services, Capital Planning and Implementation, Public Works Department. Design drawings and estimates will include grading plans, layout, and construction details, as required. The pedestrian bridge shall be constructed of steel, and be 3.0 metres in width with a maximum slope of 8%. The repayment of costs associated with the design and construction of this bridge shall be negotiated through a front-ending agreement between the owner and the City. Costs will be reimbursed through Development Charges to a maximum determined amount. This pedestrian trail bridge shall be shown on the Land Use Plan of Subdivision.

**Traffic:**

41. That, **prior to final approval**, the owner shall demonstrate that the minimum stopping sight distance criteria of the Transportation Association of Canada (TAC) are achieved at the intersection of Street “C” and Mud Street pertaining to the side slopes on the north side of Mud Street. If required, the owner will reduce the side slope grade, to the satisfaction of the Manager of Traffic Engineering.

42. That, **prior to registration of the Subdivision Agreement**, the owner shall agree, in writing, to construct a westbound right turn lane on Mud Street at Street “C”, with 20m storage and 95m taper lengths.

43. That, **prior to final approval**, the owner must demonstrate that the proposed Isaac Brock Drive Extension aligns C/L to C/L with existing as-constructed Isaac Brock Drive on the south side of Mud Street.

44. That, **prior to registration of the Subdivision Agreement**, the owner shall agree, in writing, to be responsible for construction of the Isaac Brock Extension, said works to include on-street bike lanes between Mud Street and the City Park entrance, and construct the north leg of the intersection at Mud Street with one inbound lane, one southbound left-turn lane, and one southbound through/right-turn lane.

45. That, **prior to registration of the Subdivision Agreement**, the owner shall agree, in writing, to be responsible, at their cost, to hire a Traffic Engineering approved consultant to prepare the base road surveying, engineering, traffic signal design, and pavement marking design for the reconstruction of Mud Street at Isaac Brock Drive, construction of Isaac Brock the Drive Extension, and Mud Street at Street “C”, to the satisfaction of the Manager of Traffic Engineering.
46. That prior to registration of the final plan, the owner shall receive approval from the Traffic Engineering Department confirming that they are satisfied with the location of the driveway entrances of street oriented townhouse lots within Block “S” to ensure they do not overlap onto adjacent driveways, as these lots are situated on roadway curve areas.

HAMILTON CONSERVATION AUTHORITY

47. That, prior to registration of the final plan, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

   a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;

   b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;

   c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

   d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

48. That, prior to registration of the final plan, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels, and that current Provincial drainage and stormwater quality guidelines are implemented.

49. That, prior to registration of the final plan, the applicant shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

50. That, prior to registration of the final plan, the applicant shall prepare and implement a tree preservation plan and a landscaping plan utilizing native plant material for Blocks C, D, E, K, and P, which includes the ESA buffer areas, the stormwater management facility, and the Felkers Creek restoration corridor.

51. That, prior to registration of the final plan, the applicant shall install a 1.5 metre high chainlink fence along the rear lot line of any lot or block that abuts the ESA buffer areas and the creek corridor.

52. That, prior to registration of the final plan, the applicant shall confirm, in writing, that Blocks A, B, E, and P will be transferred to the Hamilton Conservation Authority.
53. That, prior to preliminary grading or servicing, the applicant shall obtain a permit from the Hamilton Conservation Authority, under its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to any construction and/or grading activities within the area regulated by the Hamilton Conservation Authority.

Canada Post:

54. That the owner shall agree, in writing, to include on all offers of purchase and sale, a statement that advises the prospective purchaser:

a. That the home/business mail delivery will be from a designated Centralized Mail Box.

b. That the owner shall be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.

55. That the owner shall further agree to:

  c. Install a concrete pad in accordance with the requirements of, and in locations to be approved by Canada Post, to facilitate the installation of Community Mail Boxes.

  d. Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

  e. Determine the location of all centralized mail facilities in cooperation with Canada Post, and to post the location of these sites on appropriate maps, information boards, and plans.

Bell Canada:

56. That the owner shall agree, that prior to commencing any work within the Plan, the owner must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the owner is hereby advised that the owner may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the owner elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the owner shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services.
57. That the owner shall agree to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

58. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

**Hamilton-Wentworth District Public School Board:**

59. That, prior to registration of the final plan of subdivision, the owner, at their expense, shall place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board’s Transportation Policy, unless granted exception.

60. That the owner shall agree, in writing, to include a notice to purchasers in the Subdivision/Condominium Agreement advising that students are likely to be re-directed to schools outside of the area with available capacity, as governed by the Board's Transportation Policy.

61. That the owner shall agree, in writing, that any rental or lease agreement required for occupancy shall include in all agreements to renters or leasers, a notice advising that students from this development are likely to be re-directed to schools outside of the area with available capacity.
Amendment No. [ ]

to the

Official Plan for the Former City of Stoney Creek

The following text, together with Schedule “A” [Schedule “A3-2”, Nash Neighbourhood Secondary Plan] and Schedule “B” [Schedule “A3-3”, Nash Neighbourhood Road Classification Plan], attached hereto, constitute Official Plan Amendment No. [ ].

Purpose:

The purpose of this Amendment is to revise various land use designations on the subject lands in order to permit a range of residential unit types and tenures, and identify the limits of environmental features including the Felkers Falls Environmentally Significant Area, Eramosa Embankment, Felkers Creek vegetative regeneration area, and the easterly hedgerow, together with their associated buffer areas, in order to reflect the results of more recent environmental studies, particularly focusing on the subject lands.

Location:

The lands affected by this Amendment are located on the north side of Mud Street, east of Felkers Creek, west of the un-opened Isaac Brock road allowance, and south of the Niagara Escarpment brow.

Basis:

- The revised limits of the “Environmentally Significant Area”, “Open Space”, and “Storm Water Management” designations are the result of more detailed, site-specific field investigation than was initially undertaken as part of the identification of the original designation during the preparation of the Nash Neighbourhood Plan, that these amendments fulfil the “Open Space and Environmental Features” objectives of the plan by ensuring the preservation and enhancement of significant environmental features, including Environmentally Significant Areas.

- The range of residential types and tenures permitted in the revised boundaries of the “Medium Density 1” and “Medium-High Density” designations, which will include apartment buildings, block, street, and stacked block townhouses, and single-detached dwellings, will assist in ensuring that the Residential objectives of the Nash Neighbourhood Secondary Plan will continue to be met. Said range of residential uses will be compatible with adjacent development, which essentially consists of open space to the north, east, and west.
Actual Changes:

Map Changes:

1. Schedule “A3-2”, Nash Neighbourhood Secondary Plan, be revised by re-designating portions of the subject lands from:

   a) “Medium-High Density” to “Open Space”;

   b) “Medium Density 1” to “Medium-High Density”;

   c) “Medium Density 1” and “Environmentally Significant Area” to “Stormwater Pond”;

   d) “Medium Density 1” to “Environmentally Significant Area”;

   e) “Medium Density 1” and “Environmentally Significant Area” to “Open Space”;

   f) “Stormwater Pond” to “Medium Density 1”; and

   g) “Open Space” to “Medium-High Density”

as shown on the attached Schedule “A” to this Amendment.

2. Schedule “A3-3”, Nash Neighbourhood Road Classification Plan, be revised by including road classifications for the subject lands, as shown on the attached Schedule “B”.

Text Changes:

3. Subsection 13.3.18.12 Environment, is amended by adding “Except for the lands to be occupied by a public road in proximity to Mud Street West,” at the beginning of the final sentence of Subsection 13.3.18.12 g), so that the sentence reads:

   “Except for the lands to be occupied by a public road in proximity to Mud Street West, a minimum 35 metre open space buffer adjacent to Felkers Creek, as identified on Schedule “A3-2”, is required to facilitate creek restoration works and terrestrial rehabilitation.”

Implementation:

An implementing Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.
This is Schedule "1" to By-law No. ______, passed on the ____ day of _____, 2010.

The

City of Hamilton

_________________________  __________________________
Fred Eisenberger    Rose Caterini
Mayor                Clerk
Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located on the North Side of Mud Street, East of Felkers Creek

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 10-___ of the Economic Development and Planning Committee, at its meeting held on the ___ day of ___, 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon the approval of Official Plan Amendment No. ___;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 10 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:

   (a) by changing the zoning from the Multiple Residential (Holding) “RM5-3(H)” Zone to the Multiple Residential “RM5-10” Zone, Modified, the lands comprised in “Block 1” and “Block 2”;

   (b) by changing the zoning from the Multiple Residential (Holding) “RM5-3(H)” Zone, the Multiple Residential (Holding) “RM3-2(H)” Zone, and the Single Residential “R3-3” Zone to the Multiple Residential “RM3-42a” Zone, Modified, the lands comprised in “Block 3”;

   (c) by changing the zoning from the Multiple Residential (Holding) “RM5-3(H)” Zone, the Multiple Residential (Holding) “RM3-2(H)” Zone, and the Single Residential “R3-3” Zone to the Multiple Residential “RM3-42b” Zone, Modified, the lands comprised in “Block 4”;

   (d) by changing the zoning from the Single Residential “R3-3” Zone, Single Residential “R2-15” Zone, Single Residential “R2” Zone, and the Open Space “OS” Zone to the Single Residential “R4-29” Zone, Modified, the lands comprised in “Block 5”;

   (e) by changing the zoning from the Single Residential “R3-3” Zone to the Single Residential “R4-29” Zone, Modified, the lands comprised in “Block 9”;

   (f) by changing the zoning from the Single Residential “R3-3” Zone to the Single Residential “R4-30” Zone, Modified, the lands comprised in “Block 6”;

   (g) by changing the zoning from the Multiple Residential (Holding) “RM3-2(H)” Zone, the Single Residential “R3-3” Zone, the Single Residential “R2-14” Zone, the Single Residential “R2-15” Zone, and the Single Residential “R2” Zone to the Multiple Residential “RM2-25” Zone, Modified, the lands comprised in “Block 8”;

   (h) by changing the zoning from the Single Residential “R2” Zone to the Multiple Residential “RM3-43” Zone, Modified, the lands comprised in “Block 7”;

   (i) by changing the zoning from the Single Residential “R3-3” Zone to the Multiple Residential “RM2-25” Zone, Modified, the lands comprised in “Block 10”;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Subsection 6.12.6, “Special Exemptions”, of Section 6.12 Multiple Residential “RM5” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “RM5-10”, as follows:

“RM5-10” Schedule “A”, Map No. 10

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (g), (h), (i), and (j) of Subsection 6.12.3 of the Multiple Residential “RM5” Zone, on those lands zoned “RM5-10” by this By-law, the following shall apply:

(a) Minimum Lot Area: 0.5 hectares
(b) Minimum Lot Frontage: 30.0 metres
(c) Minimum Front Yard: 6 metres
(d) Minimum Side Yard: 7.5 metres
Minimum Flankage Yard: 6.0 metres
(g) Maximum Lot Coverage: 50 percent
(h) Maximum Density: 99 units per hectare
(i) Maximum Height: 6 storeys
(j) For the purposes of this special provision, where a lot zoned “RM5-10” is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area, Minimum Rear Yard, and Minimum Interior Side Yard.

3. That Subsection 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “RM3-42”, as follows:

“RM3-42a” and “RM3-42b” Schedule “A”, Map No. 10

Notwithstanding the definitions in Part 2, uses of Subsection 6.10.2, and the provisions of Subsection 6.10.3 and Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-42a” and “RM3-42b” by this By-law, the following shall apply:
1. DEFINITIONS

(a) A Horizontal Multiple Dwelling is defined as a building, other than a townhouse dwelling, or apartment dwelling containing more than three (3) attached dwelling units that are divided horizontally and/or vertically, each with an entrance that is independent or through a common vestibule.

2. PERMITTED USES

(a) Horizontal Multiple Dwellings

(b) Use, buildings, and structures accessory to the uses described in the above Subsection (a)

3. GENERAL PROVISIONS PERTAINING TO ALL DEVELOPMENT

(a) Maximum Number of Dwelling Units: 268 units on lands identified as “RM3-42a”.

188 units on lands identified as “RM3-42b”.

(b) Minimum Lot Frontage: 30 metres

(c) Front Yard: 2.0 metres minimum
4.5 metres maximum

(d) Exterior Side Yard: 2.0 metres minimum
4.5 metres maximum

(e) Minimum Landscaped Area: 25 percent

(f) For the purposes of this special provision, where a lot zoned “RM3-42” is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area and Minimum Rear Yard.

4. REGULATIONS FOR RESIDENTIAL DWELLING UNITS

(a) Maximum Height: 4-storeys, up to a maximum of 12.5 metres.

(b) Maximum elevation to the peak of a roof: 206.0 masl
(c) Minimum distance between dwelling units:

(i) Front wall to front wall 12.5 metres

(iii) Side wall to side wall 3.0 metres

(v) Side wall to front wall 12.5 metres

(d) Notwithstanding Subsection 4.(c) above, the following maximum encroachments beyond the front wall or side wall shall be permitted:

(i) Entrance porticos 1.0 metres

(ii) Stairs to access porticos or porches 3.75 metres

(iii) Balconies 1.0 metres

(iv) Ground floor terraces, including access stairs 3.75 metres

(v) Bay windows 1.0 metres

(e) Minimum privacy area per dwelling unit: 12 square metres per dwelling unit.

(f) Glazing on side walls facing a public street or internal walkway: 30% of the side wall façade shall be composed of windows or doors.

(g) Parking shall be provided below grade on the same block as the residential use at the following rates:

(i) One bedroom dwelling unit 1 space

(ii) Two bedroom dwelling unit 1.3 spaces

(iii) Three bedroom dwelling unit 1.4 spaces

(h) Minimum number of visitor parking spaces per dwelling unit: 0.25 spaces

4. That Subsection 6.5.7, “Special Exemptions”, of Section 6.5 Single Residential “R4” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “R4-29”, as follows:

“R4-29” Schedule “A”, Map No. 10

Notwithstanding the provisions of Paragraphs (a) and (f) of Subsection 6.5.3 of the Single Residential “R4” Zone, on those lands zoned “R4-29” by this By-law, the following shall apply:

(a) Minimum Lot Area: 290 square metres

(f) Maximum Building Height: 11 metres and the elevation of the peak of a roof shall be a maximum of 198.0 masl.
5. That Subsection 6.5.7, “Special Exemptions”, of Section 6.5 Single Residential “R4” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “R4-30”, as follows:

“R4-30” Schedule “A”, Map No. 10

Notwithstanding the provisions of Paragraphs (a), (e), and (f) of Subsection 6.5.3 of the Single Residential “R4” Zone, on those lands zoned “R4-30” by this By-law, the following shall apply:

(a) Minimum Lot Area: 256 square metres
(b) Minimum Lot Frontage:
   Interior Unit 6 metres
   End Unit 6.5 metres
   Corner Unit 6.5 metres
(c) Minimum Front Yard: 4.5 metres to the dwelling and 6.0 metres to the attached garage.
(d) Minimum Side Yard for an End Unit: 1.25 metres
(e) Minimum Rear Yard: 3.0m
(f) Maximum Building Height: 11 metres and the elevation of the peak of a roof shall be a maximum of 198.0 masl.

6. That Subsection 6.9.6, “Special Exemptions”, of Section 6.9 Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “RM2-25”, as follows:

“RM2-25” Schedule “A”, Map No. 10

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (h), and (i) of Subsection 6.9.3 of the Single Residential “RM2” Zone, on those lands zoned “RM2-25” by this By-law, the following shall apply:

(a) Minimum Lot Area: 170 square metres
(b) Minimum Lot Frontage:
   Interior Unit 6 metres
   End Unit 6.5 metres
   Corner Unit 6.5 metres
(c) Minimum Front Yard: 4.5 metres to the dwelling and 6.0 metres to the attached garage.
(d) Minimum Side Yard for an End Unit: 1.25 metres
(h) Maximum Height: 3 storeys and the elevation of the peak of the roof shall be a maximum of 203.0 masl.
(i) Maximum Lot Coverage: 55 percent

(l) For the purposes of this special provision, where a lot zoned “RM2-25” is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area and Minimum Rear Yard.

7. That Subsection 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “RM3-43”, as follows:

“RM3-43” Schedule “A”, Map No. 10

Notwithstanding the uses of Subsection 6.10.2, Paragraphs (a), (b), (c), (d), (f), (h), (i), and (j) of Subsection 6.10.3, and Paragraph (a) of Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-43” by this By-law, the following shall apply:

1. PERMITTED USES

   (a) Townhouses

2. REGULATIONS

   (a) Minimum Lot Area: 2,000 square metres

   (b) Minimum Lot Frontage: 30 metres

   (c) Minimum Front Yard: 2.0 metres

   (d) Minimum Flankage Yard: 2.0 metres

   (f) Minimum Rear Yard: 0.0 metres

   (i) Maximum Number of Dwelling Units: 9

   (h) Minimum Distance Between dwellings:

      (i) Front wall to front wall 12.0 metres

      (iii) Side wall to side wall 3.0 metres

      (v) Side wall to rear wall 9.0 metres
(j) Maximum Building Height: 12.4 metres and the elevation of the peak of the roof shall be a maximum of 201.0 masl.

(n) Parking Requirements: 2 parking spaces per unit, including tandem spaces.

8. 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 “RM5”, “RM3”, “R4”, and “RM2” Zones, subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, and 7.

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

PASSED and ENACTED this [date] day of [date], 2010.

FRED EISENBERGER
MAYOR

ROSE CATERINI
CLERK

ZAC-08-062
Schedule "A"

Map Forming Part of By-Law No. 10-____

to Amend By-law No.3692-92

Subject Property

Block 1 - For a change in zoning from the Multiple Residential - Mixed "Feeder" zone to the Multiple Residential "RM3-10" Zone, Modified

Block 2 - For a change in zoning from the Multiple Residential - Holding "RM6-3/4-H" Zone to the Multiple Residential "RM5-18" Zone, Modified

Block 3 - For a change in zoning from the Multiple Residential "RM6-3/4-H" Zone, the Multiple Residential Holding "RM6-3/4-H" Zone and the Single Residential "R2" Zone to the Multiple Residential "RM5-18" Zone, Modified

Block 4 - For a change in zoning from the Single Residential "R1" Zone to the Multiple Residential "RM3-10" Zone, Modified

Block 5 - For a change in zoning from the Single Residential "R2" Zone, Single Residential "R2" Zone and the Open Space "OS" Zone to the Single Residential "R4-20" Zone, Modified

Block 6 - For a change in zoning from the Single Residential "R2" Zone to the Single Residential "R4-20" Zone, Modified

Block 7 - For a change in zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-10" Zone, Modified

Block 8 - For a change in zoning from the Multiple Residential Holding "RM3-10" Zone, the Single Residential "R2" Zone, the Single Residential "R2" Zone and the Single Residential "R4-20" Zone to the Multiple Residential "RM5-18" Zone, Modified

Block 9 - For a change in zoning from Single Residential "R2" to the Multiple Residential "RM2-20" Zone, Modified

Refer to By-law DS-200

This is Schedule "A" to By-Law No. 10-

Passed the .......... day of .................., 2010

Clerk

Mayor
Appendix “G” to Report PED10196 (Page 1 of 3)

Authority: Item [], Economic Development and Planning Committee Report 10-[] (PED10196)
CM: []

Bill No. []

CITY OF HAMILTON

BY-LAW No. []

To Amend Zoning By-law No. 05-200
Respecting Lands Located on the North Side of Mud Street, East of Felkers Creek, Stoney Creek

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 No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [] of Report 10-[] of the Economic Development and Planning Committee, at its meeting held on the [] day of [], 2010, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law conforms with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map Nos. 1404, 1454, and 1455 of Schedule “A” to Zoning By-law No. 05-200, are amended by incorporating the following:

   (a) Conservation/Hazard Land (P5) Zone boundaries for the lands comprised of Block 1.
(b) Conservation/Hazard Land (P5, 29) Zone, Modified, for the lands comprised of Blocks 2 and 3, the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. That Schedule “C”: Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following subsection:

29. Notwithstanding Section 2.5 f) of this By-law, within the lands zoned Conservation/Hazard Land (P5, 29) Zone, Modified, identified on Maps 1404, 1454, and 1455, the lands so zoned may be used for the purpose of calculating lot area and setbacks for development on the lots or blocks on which the P5 lands are part of.

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

4. 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 day of , 2010.

__________________________  ___________________________
Fred Eisenberger          Rose Caterini
Mayor                    Clerk

ZAC-08-062
This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ...................., 2010

Schedule "A"

Map Forming Part of By-Law No. 10-_____ to Amend By-law No.05-200

Subject Property

- **Block 1**: Lands to be Zoned Conservation/Hazard Lands (P5) Zone
- **Block 2**: Lands to be Zoned Conservation/Hazard Lands (P5-29) Zone, Modified
- **Block 3**: Lands to be Zoned Conservation/Hazard Lands (P5-29) Zone, Modified
- Refer to By-law 3662-92
January 9, 2009

In regards to: Draft Plan of Subdivision on lands North of Mud Street West, between Felkers Creek and the Unopened Isaac Brock Right-of-Way

FILE NOS: OPA-08-012, ZAC-08-062 AND 25T-200806

Chris Bell
City of Hamilton
Planning and Economic Development Department
Planning Division-Development Planning-East Section
77 James Street North Suite 400
Hamilton Ontario
L8R 2K3

Attention:

Dear Chris Bell,

My family and myself live at 19 Driftwood Place, and we have concerns about the potential upcoming development of the above mentioned application. I’ll keep the concerns to point form.

- definite impact on privacy with regards to our pool and deck.
- loss of habitat for local wildlife – Deer, Wild Turkey, rabbits.
- loss of natural recreational space.
- potential hazardous impact on the existing water course.
- the green space in question was a big factor in the purchase of our home on Driftwood Place
- dust issues possibly causing damage to pool equipment, as well as limiting the use of windows during the nicer weather.

I’m not sure how to deal with this. I’ve never been one to go out of my way to complain, but these are issues that need to be heard.

Sincerely,

[Signature]

Grant Lehman
19 Driftwood Place
Stoney Creek, Ontario
L8J 2N7
Environmental concerns regarding Draft Plan of Subdivision on lands North of Mud Street West, between Felkers Creek and the Unopened Isaac Brock Drive Right-of-Way

File Nos: OPA-08-012, ZAC-08-062, 25T-200806
Site Location: Part of Lot 29, Concession 6, City of Hamilton
(Geographic Township of Saltfleet)

Prepared on: January 5, 2009
Prepared by: Brandon Chaston, Cert. Restoration Ecology
49 Mistywood Drive, Stoney Creek, ON, L8J 2N7

Attention: Chris Bell, Senior Planner
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – East Section
77 James Street North, Suite 400, Hamilton ON, L8R 2K3
Comments

As a concerned member of the public I feel that the construction of a subdivision on the above mentioned lands will negatively impact the local environment. A development of this size next to the Felkers Falls Conservation Area will no doubt have an effect on the health of this Environmentally Significant Area. It should also be noted that several threatened or vulnerable species inhabit Felkers Falls including:

- Jefferson Salamander (Ambystoma jeffersonianum), and
- Southern Flying Squirrel (Glaucomys volans).

In the past the site was cleared of vegetation, scraped of topsoil and partially graded before being left to regenerate. Now many years later the vegetation communities are starting to re-establish themselves and wildlife species are finding their niche in this area. For many years I have used this area both educationally and recreationally. I feel that the site is an Environmentally Significant Area and should be offered some sort of protection. The site provides many benefits to the environment and the public including:

- Aesthetic appeal
- Habitat for many species of flora / fauna
- Improved ground / surface water quality
- Recreational activities
- Wildlife migration corridor (Hedgerows)

Another concern I have is the protection of a large Burr Oak (Quercus Macrocarpa) which is approximately 25 meters north of Mud Street West and 100 meters west of the unopened Isaac Brock Drive Right-of-Way. I measured the trees diameter at 105 cm DBH (Diameter at Breast Height) on December 29, 2008. This is by far the largest diameter tree in this area and should be protected during any construction works. It should be noted that there is evidence of filling around the base of the tree presumably from past construction on Mud Street West.

I also carried out a visual survey of the hedgerows to the east of the site noting flora / fauna on December 29 & 30, 2008. These areas support a diverse array of trees and form a migration corridor for many of the resident birds and mammals. These areas are thought to be significant and should also be protected.

Hopefully there can be some compromise in the issues I have addressed and I look forward to speaking with others at the upcoming public meeting.
References


1.0 **Purpose:**

The purpose of this Amendment is to redesignate lands from:

- “Medium Density Residential 3” to “Low Density Residential 2h” and “Natural Open Space”;
- “Medium Density Residential 2” to “Medium Density Residential 3”, “Low Density Residential 2”, “Low Density Residential 2h”, and “Natural Open Space”;
- “Utility” to “Low Density Residential 2” and “Low Density Residential 2h”;
- “Natural Open Space” to “Utility”.

The effect of the Amendment is to permit the development of a residential subdivision consisting of single-detached, townhouse, and apartment units.

2.0 **Location:**

The lands affected by this Amendment are Part of Lot 29, Concession 6 (Saltfleet), generally located north of Mud Street, west of Davis Creek, and southeast of the Niagara Escarpment Brow and Felkers Falls Park, in the southwest corner of the Nash Neighbourhood Secondary Plan area.

3.0 **Basis:**

The basis for permitting this Amendment is as follows:

- The Amendment is consistent with the Provincial Policy Statement, representing growth in an existing urban area.
The Amendment will allow a full range of housing types to be developed, and implements the environmental and open space policies of the Urban Official Plan and the Nash Neighbourhood Secondary Plan.

The Amendment will result in development that is compatible with the existing and planned development in the immediate area.

4.0 Changes:

4.1 Map B.7.5-1 - Nash Neighbourhood Secondary Plan - Land Use Plan is amended by deleting the land use designations on the subject lands and replacing them with the land use designations shown in the inset on Schedule “A”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan will give effect to this Amendment.

This is Schedule “1” to By-law No. _______, passed on the 7th day of September, 2010.

The City of Hamilton

__________________________  _________________________
Fred Eisenberger             Rose Caterini
MAYOR                       CITY CLERK