TO: Chair and Members  
Planning Committee  

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: September 4, 2013

SUBJECT/REPORT NO:  
Application to Amend Glenbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (PED13115) (Ward 11)

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

PREPARED BY: Peter De Iulio  
(905) 546-2424 Ext. 1345

SIGNATURE: 

RECOMMENDATION

That approval be given to Zoning By-law Application ZAC-12-069, by Multi-Area Developments Inc., c/o Aldo DeSantis, (Owner), for changes in zoning from the Residential Multiple - Holding “H-RM3-173(B)” Zone to the Residential Multiple “RM3-173(B)” Zone (Block 1), the Residential - Holding “H-R4-173(A)” Zone to the Residential Multiple “RM2-173” Zone (Block 2), the Residential “R4-173(B)” Zone to the Residential “R4-173(D)” Zone (Block 3), and the Residential - Holding “H-R4-173(B)” Zone to the Residential “R4-173(D)” Zone (Block 4), in order to permit the development of 250 single detached lots, 96 street townhouse units, and 76 block townhouse/maisonette units, in the Draft Approved Plan of Subdivision, “Redhill Summit Estates East” (25T-2002008), now “Summit Park - Phase 8”, for lands located south of Rymal Road and east of Fletcher Road (Glenbrook), as shown on Appendix “A” to Report PED13115, on the following basis:
SUBJECT: Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (PED13115) (Ward 11) - Page 2 of 21

(a) That the draft By-law, attached as Appendix “B” to Report PED13115, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law, attached as Appendix “B” to Report PED13115, be added to Schedule “J” of former Township of Glanbrook Zoning By-law No. 464;

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

EXECUTIVE SUMMARY

The purpose and effect of the application is to amend Township of Glanbrook Zoning By-law No. 464 to change the zoning in the final phase of the subdivision from the site-specific “Residential” Zone, established for the subdivision that permits 12m lots, to the site-specific “Residential” Zone, also established for the subdivision that permits 10m lots, to remove the Holding ‘H’ provision on other zones in the subdivision, to permit maisonette dwellings within the site-specific “Multiple Residential” Zone established for the subdivision, and to modify the current provisions of the site-specific “Multiple Residential” Zone to permit individual units/lots on a common element road. However, the site-specific 10m Zone is further modified to address the City’s lot grading policy for single detached and semi-detached dwellings in order to provide adequate side yard setbacks to allow the conveyance of drainage. The development of the subject lands will consist of 250 single detached lots (Lots 1 to 250), 3 blocks for 96 street townhouse dwellings (Blocks 251, 252, and 253), 1 block for up to 76 block townhouse/maisonette dwellings (Block 254), 4 blocks for future single detached dwellings (Blocks 255 to 258), 4 blocks for a 0.3m reserve (Blocks 259 to 262), 6 new public highways, and the extension of 4 existing public highways (see Appendix “C”).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.

The proposed development is compatible with and complementary to the existing development in the immediate area, provides for the development of a complete community by providing additional housing sizes and forms, and making efficient use of a vacant parcel of land with existing infrastructure within the urban boundary and, as such, represents good planning.

Alternatives for Consideration - See Page 20.
FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The applicant proposes to rezone the single detached dwelling portion of the final phase of the draft approved plan of subdivision from the current, site-specific “Residential” Zone in the subdivision that permits a minimum lot frontage of 12m, to the site-specific “Residential” Zone in the subdivision that permits a minimum lot frontage of 10m, resulting in an increase of 54 lots in the original draft approved plan. In addition, modifications are proposed for the multiple residential block to permit maisonette dwellings and to accommodate freehold tenure of the proposed units on a common element road. Finally, the eastern portion of the draft approved plan is being rezoned from a single detached zone to a multiple residential zone to reflect a modification to the original draft approved plan that occurred in June 2003, after the zoning was approved in November 2002.

In particular, the applicant proposes to amend Township of Glanbrook Zoning By-law No. 464 by changing the zoning on the subject lands from the Residential Multiple - Holding “H-RM3-173(B)” Zone to the Residential Multiple “RM3-173(B)” Zone (Block 1), the Residential - Holding “H-R4-173(A)” Zone to the Residential Multiple “RM2-173” Zone (Block 2), the Residential “R4-173(B)” Zone to the Residential “R4-173(A)” Zone (Block 3), and the Residential - Holding “H-R4-173(B)” Zone to the Residential “R4-173(A)” Zone (Block 4).

In addition, staff has incorporated housekeeping changes to the original Zoning By-law Amendment, By-law No. 02-331 (see Appendix “D”), since portions of amending text were inadvertently left out of the By-law, as passed by Council (see Appendix “E”).
Finally, minor revisions to the draft approved plan of subdivision, “Redhill Summit Estates East”, 25T-200208 (see Appendix “F”), are required to reflect the change in the number of single detached lots (additional 54). However, there is a reduction of 23 street townhouse and block townhouse/maisonette dwelling units, for a total increase of 31 units in the original draft approved plan of subdivision. Since there is no change to the road pattern, the Director of Planning has deemed the changes to the subdivision as minor and, as a result, do not require public notification, in accordance with Section 51. (47) of the Planning Act.

**Chronology:**

- **October 16, 2002:** Public Meeting at the Hearings Sub-Committee to consider Applications ZAC-02-39 and 25T200208.
- **November 6, 2002:** Continuation of Public Meeting at the Hearings Sub-Committee to consider Applications ZAC-02-39 and 25T200208.
- **November 27, 2002:** By-law No. 02-331 passed by Council.
- **November 29, 2002:** Draft Plan of Subdivision 25T-200208 draft approved (see Appendix “F”).
- **June 9, 2003:** Revised conditional approval of Draft Plan of Subdivision 25T-200208 (see Appendices “G” and “H”).
- **September 22, 2008:** “Summit Park - Phase 6” registered as Plan 62M-1114 (see Appendix “I”).
- **September 24, 2012:** Revised conditional approval of Draft Plan of Subdivision 25T-200208 (see Appendix “H”).
- **November 23, 2012:** “Summit Park - Phase 7” registered as Plan 62M-1181 (see Appendix “J”).
- **December 14, 2012:** Application ZAC-12-069 submitted.
- **January 9, 2013:** Application ZAC-12-069 deemed complete.
- **January 29, 2013:** Notice of Complete Application and Preliminary Circulation sent to 68 landowners within 120m of the subject lands.
OUR Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork


June 21, 2013: Notice of Public Meeting given in accordance with the Planning Act.

Details of Submitted Application:

Location: South Side of Rymal Road, East of Fletcher Road (Glanbrook) (see Appendix “A”)

Owner/Applicant: Multi-Area Developments Inc. (c/o Aldo DeSantis)

Agent: A.J. Clarke and Associates Ltd. (c/o Steve Fraser)

Property Description:

Lot Frontage: Bellagio Avenue - 29m
Showcase Drive - 18m
Keystone Crescent - 18m
Alden Street - 18m

Lot Depth: 524.15m (North-South)
582.47m (East-West)

Lot Area: 17.78 ha

Servicing: Existing municipal services proposed to be extended through the proposed Draft Plan of Subdivision.

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vacant</td>
<td>Residential “R4-173(B)” Zone, Residential - Holding “H-R4-173(A)” Zone, Residential - Holding “H-R4-173(B)” Zone, Residential Multiple “RM2-173” Zone, and Residential Multiple - Holding “H-RM3-173(B)” Zone</td>
</tr>
</tbody>
</table>

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Surrounding Land Uses:

<table>
<thead>
<tr>
<th>North</th>
<th>Commercial, Single Detached and Street Townhouse Dwellings (Under Construction), and Vacant (Future School and Park)</th>
<th>General Agricultural “A1” Zone, Rural Commercial “C6-026” Zone, Residential Multiple “RM2-173” Zone, Residential “R4-173(B)” Zone, Institutional “I-173” Zone, and Open Space “OS2” Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Hydro Corridor and Vacant</td>
<td>General Agricultural “A1” Zone, Residential “R4-173(B)” Zone, and Open Space “OS2” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Driving Range and Vacant (Future Single Detached Dwellings, Street Townhouse Dwellings and Park)</td>
<td>Neighbourhood Commercial - Holding “H-C1-182” Zone, Residential Multiple “RM2-182” Zone, and Residential “R4-173(B)” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings and Vacant (Future School)</td>
<td>Residential “R4-173(B)” Zone and Institutional “I-173” Zone</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

Additionally, Policy 2.6.2 requires that development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Condition 46 of the existing draft plan approval conditions addresses this matter (see Appendix “G”).

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.
Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The application is consistent with the Guiding Principles, Section 1.2.2, and the Managing Growth policies of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; and establishing a built compact, vibrant, and complete community.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

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.

Additionally, Policy B-9.2 states that the City shall consider the 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 will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As mentioned above, Condition 46 of the existing draft plan approval addresses archaeology.

Based on the foregoing, the application conforms to the policies of the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan:

The subject lands are designated “Residential” on Schedule “A” - Land Use Plan in the Glanbrook Official Plan.

The proposed development consists of single detached dwellings, street townhouse dwellings, and townhouse/maisonette dwelling units on a common element road, which is compatible with the existing and surrounding development, and maintains the character of the neighbourhood.
Based on the foregoing, the proposal conforms to the “Residential” policies of the Glanbrook Official Plan.

**Rymal Road Secondary Plan:**

The subject lands are designated “Low Density Residential” and “Low to Medium Density Residential” on Schedule “I” - Rymal Road Secondary Plan Land Use Plan, in the Township of Glanbrook Official Plan. The policies for the Rymal Road Secondary Plan are found under Section B.3.

The “Low Density Residential” designation permits single detached dwellings, semi detached and duplex dwellings, as well as street related townhouse dwellings and other low rise multi-residential units, at a net residential density of 14 to 35 units per net residential hectare. With the increase of 54 single detached units over the original draft approval, the density is 27 units per net residential hectare.

The “Low to Medium Density Residential” designation permits single detached dwellings, street and block townhouse dwellings, semi detached, duplex and triplex dwellings, stacked townhouses, and low rise apartment buildings, as well as retirement homes and long-term care facilities, at a density range of 24 to 50 units per net residential hectare. Even with the loss of 23 units from the original draft approval, the density is 47 units per net residential hectare.

Based on the foregoing, the proposal conforms to the “Low Density Residential” and “Low to Medium Density Residential” policies and, therefore, conforms to the Rymal Road Secondary Plan.

**New Urban Hamilton Official Plan:**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB). At the time of preparation of this Report, a decision on the undisputed portions of the Plan has not been made by the Board.

The subject lands are designated as “Neighbourhoods” on Schedule “E” - Urban Structure and on Schedule “E-1” - Land Use Designations. The subject lands are also designated as “Low Density Residential 2g” and “Low Density Residential 2h” on Map B-5.2-1 - Rymal Road Secondary Plan Land Use Plan, which forms part of the Urban Hamilton Official Plan.
Policy Section E.3.2.1 of Volume 1 prescribes that “Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.”

As the subject development provides for a complete community, and is of a residential nature in accordance with the uses permitted under Policy E.3.2.3, the subject application would conform to the intent and purpose of the “Neighbourhoods” general policies.

As per Policy Section E.3.4 and E.3.5 of Volume 1, the subject development would fall under “Low Density Residential” and “Medium Density Residential.” The “Low Density Residential” areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade, which shall include single detached dwellings, semi detached, and street townhouse dwellings, to a maximum net residential density of 60 units per hectare, and restricted to a maximum height of 3-storeys. The “Medium Density Residential” areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads, at a density between 60 to 100 units per hectare.

The proposed single detached dwellings would conform with the “Low Density Residential” policies, but the block townhouse/maisonette dwellings will not meet the minimum density requirement of the “Medium Density Residential” designation. However, as noted below, there are additional policies applicable to the subject lands and the provisions of the Secondary Plan prevail in the event of a policy conflict. As such, these units meet the density requirement.

Volume 2, Policy Section B-5.2.2.3, provides the policies for the “Low Density Residential 2g” and Low Density Residential 2g” designations, which mirror the policies in the current Rymal Road Secondary Plan. As mentioned above, the density of the proposed single detached dwellings is 27 units per net residential hectare, while the density of the street townhouse dwellings and block townhouse/maisonette dwellings is 47 units per net residential hectare. As a result, the proposed development conforms with the Rymal Road Secondary Plan policies.

Based on the foregoing, as the proposal provides for a complete community with units at appropriate densities, is compatible with the existing and future development of the area, while providing for a mix of lot widths and sizes to be accessed at grade and fronting onto a local road, the proposal would conform with the policies of the Urban Hamilton Official Plan and Rymal Road Secondary Plan.
RELEVANT CONSULTATION

The following Departments and agencies had no comments of concerns:

- Recreation Division, Community and Emergency Services Department.
- Taxation Division, Corporate Services Department.
- Hydro One.

**Corporate Assets and Strategic Planning Division (Public Works Department)** has determined that the development is eligible for waste collection service. The following note should be placed on the drawing:

“This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton, subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law No. 09-067.”

The following specifications are required for municipal collection of waste:

1. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow. A drive through access route, a 13m radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length, are all acceptable options for accommodating this requirement.

2. The City of Hamilton is committed to provide safe and effective waste collection service, and will fully comply with the Ontario Occupational Health and Safety Act’s (OHSA) regulations at all times. Clause 104(1) of the **Ontario Occupational Health and Safety Act (OHSA) regulations** - specifically the 2008 OHSA and Regulations (Consolidated Edition) - states: vehicles, machines, and equipment at a project shall not be operated in reverse.

3. Waste collection service will commence when the development is substantially completed and there is free and clear access. The developer or owner is required to contact the City at 905-546-CITY to request the start of waste collection service. A site visit by City staff is required prior to the start of waste collection service.

4. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
5. Construction material will not be collected: collection arrangements must be made with a private contractor.

6. On collection day, the collection area shall be in an accessible location, free and clear of any construction debris and vehicles.

7. Individual waste containers, blue boxes, and green carts will be collected curbside in front of each property.

The note identified above would only be applicable to Block 254, which is subject to Site Plan approval, and will be included on the approved Site Plan. The remainder of the lots all have direct frontage on a public highway designed to municipal standards to accommodate all municipal services.

Forestry and Horticulture Section, Operations and Waste Management Division, (Public Works Department) advises that there are no Municipal Tree Assets on the road allowance or the proposed development and, therefore, a Tree Management Plan will not be required. Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades, and Residential Improvements. A detailed Landscape Plan, showing the placement of trees on internal/external City property, will be required for approval, specifically outlining the size and species of trees to be planted on the site. In accordance with the New Developments Tree Planting Policy, the City collects cash-in-lieu of trees for residential subdivisions, with this Section providing clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment, as shown in Clause 2.8 of the completed Subdivision Agreement. The remittance is to be made payable directly to this Section.

Corporate Assets and Strategic Planning Division (Public Works Department) recommends that you follow the City of Hamilton’s New Urban Hamilton Official Plan referring to “Chapter C - City Wide Systems and Designations, Functional Classification 4.5.2. d) Minor Arterial roads, 36.576m, e) Collector Road 26.213m and f) Local Road 20.117m subject to the following policies: .... and follow the recommendation. Appropriate daylight triangles Arterial to collector or arterial (Urban): 12.19m x 12.19m triangles, Collector to local or collector Roads: 9.14m x 9.14m triangle, Local to local road: 4.57m triangle or radius and allow for adequate site lines along the access. The Hamilton OP current (old) 3.1.4 ii) ARTERIAL ROAD right-of-way widths will be 60m when there is complete control of access to abutting land use, and 26m to 36m in areas where there is only partial or no control of access to abutting land use; iii) COLLECTOR ROAD right-of-way widths will range from 20m to 26m; and, iv) LOCAL ROAD right-of-way widths will be up to 20m.
The City of Hamilton is preparing a Pedestrian Master Plan, and this development needs to provide appropriate pedestrian amenities from the City's ROW to the building access points to encourage walking (consider the needs of Pedestrians with disabilities (i.e. AODA regulations and barrier free designs). Built environmental standard, sidewalks along both sides of the right-of-way and through the site are required (recommended 2+m wide sidewalks). Does this development include provisions for trees in the boulevard and street benches? This development should include Transportation Demand Management (TDM) initiatives, i.e. provide adequate cycling facilities, convenient bike parking (including secure spaces), etc. The use of Permeable Pavement for the parking facility should be considered.

As part of the initial approval of the subdivision, Urban Design Guidelines were also approved for the area of the subdivision, as well as a Streetscape Manual for the entire Rymal Road Secondary Plan area. Bellagio Avenue is a “collector road”, which has been designed to accommodate two lanes of traffic, on-street parking on one side of the street, an on-street bicycle path on each side of the street, enhanced landscape treatment, a sidewalk on each side of the street, and appropriate traffic calming mechanisms. All of the other streets are “local roads” with sidewalks on one side of the street only and street tree planting in accordance with the City’s standard “local street” cross-section.

**Geomatics and Corridor Management Section, Engineering Services Division, (Public Works Department) advises:**

1. As a condition of draft plan approval, the Applicant should be advised that City of Hamilton Public Works staff will not initiate base road surveying, engineering, or pavement marking design for development related projects. At the applicant's expense, a Traffic Engineering Consultant, approved by the City, will be contracted to complete the pavement marking design on Bellagio Avenue and the removal of the temporary road connection to Rymal Road East from the east leg of Celestial Crescent. Pavement marking design drawings must be approved and signed by the Manager or designate of Traffic Operations and Engineering, Public Works.

2. We recommend, as a condition of draft plan approval, that the existing cross-section of Pinehill Drive be maintained through the subject portion of Bellagio Avenue, namely sidewalks on both sides, boulevards, bike lanes, two travelled lanes, and a parking bay, where feasible.

3. Pedestrian crossing ramps must be provided at all intersections, however, only ramps on legs of intersections where Stop control is provided will have the accessible guide lines placed in the concrete (i.e. guidelines will not be placed to
direct pedestrians to the far side of the intersection if vehicles are not required to stop).

4. The construction of the temporary right-in/right-out intersection at Rymal Road East and Celestial Crescent, required until a secondary street access is available for the subject lands, will be removed once the street connection to Fletcher Road, via Showcase Drive, is constructed and open to the public. All temporary asphalt taper and storage, curbing, signage, and any additional street lighting included in the Rymal Road East design, must be removed by and at the Applicant’s cost. The ditchline and shoulder must be re-instated, to the satisfaction of the Manager of Engineering Design and Construction.

5. A future driveway to Condominium Block 254 should align with either Bonhill Boulevard or the east leg of Keystone Crescent.

Point 1 will be added as a new condition to the draft approval, while Point 4 is covered in current draft approval condition Number 125. Point 5 will be addressed at the Site Plan Approval stage.

**Union Gas Limited** requests that as a condition of final approval that the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited. This is addressed in Clause 1.21 c) of the Standard Form Subdivision Agreement.

**Canada Post** advises that this subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox Program.

The owner shall complete, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton, and Canada Post:

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

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

   ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.
b) The owner further agrees to:

i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

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

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

iv) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's Multi-Unit Policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service. These issues are addressed in Clause 1.22 of the Standard Form Subdivision Agreement, and Point c) will be addressed at the Site Plan Approval stage for Block 254.

**Hamilton Municipal Parking System** has reviewed this application and advises that the applicant should ensure that on-site parking spaces and garages are suitably dimensioned without encumbrances, to ensure the continued use of these facilities for parking purposes. Driveway locations should be spaced such that on-street parking can be maximized by allowing a minimum of 6.5m between two residential driveways.

The On-Street Parking Plan shows a vehicle in front of 216-217 on Whistler Street, which does not appear to fit in the parking space.

To reduce the number of people from having to cross the street for safety reasons, on-street parking should be located adjacent to a sidewalk.
Locations of any 'super mailboxes' (if applicable) will be required. Parking in front of mailboxes is prohibited.

**Niagara Peninsula Conservation Authority** advises that upon review of our mapping, the NPCA notes that this property is impacted by lands regulated by the Conservation Authority, in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (O. Reg 155/06). Minor agricultural swales cross the site before crossing the Hydro One lands to the south. As these watercourses are minor and subject to intermittent flow during storm events only, they provide limited fish habitat to downstream reaches. Therefore, grading within these regulated areas is considered Minor Works and no permit will be required from the NPCA.

The NPCA has reviewed the 'Functional Servicing Report and Stormwater Management Report - Red Hill Summit Estates East' (dated December 10, 2012), by A.J. Clarke and Associates Limited. Based on our review, the NPCA offers the following comments:

1. The NPCA has no objection to the construction of an interim stormwater management wet pond facility to service the initial phases of this development.

2. Staff is satisfied that adequate area exists on lands to the east of the development to construct an interim stormwater management facility, with sufficient volume to meet the NPCA requirement that post development peak stormwater flows be attenuated to predevelopment levels (for up to and including the 100 year design storm event), prior to discharge from the interim facility.

3. Staff is satisfied that adequate area exists on lands to the east of the development to construct an interim stormwater management facility with sufficient volume to meet the NPCA requirement that stormwater runoff be treated to a Normal standard, prior to discharge from the interim facility.

4. Staff is satisfied that adequate area exists on lands to the east of the development to construct an interim stormwater management facility with sufficient volume to meet the NPCA requirement that stormwater runoff from the 25mm design storm event be captured and released over a period of 24 hours in order to mitigate the impacts of erosion on the receiving watercourse.

5. Prior to construction, the NPCA will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be circulated to this office for review and approval.
(6) As the stormwater management facility is proposed to be located on adjacent lands, the Subdivision Agreement should ensure that the interim facility will be adequately constructed and maintained to be able to service the development in perpetuity.

Based on the above comments, the NPCA has no objections to the approval of the minor revisions to the draft plan, subject to the above conditions listed in the 'Stormwater Management' section. These conditions are already included in the draft approval as Condition Nos. 18, and 96 to 98, inclusive. The NPCA has no objection to the approval of the Zoning By-law Amendment. Please forward notice of your Council's decision for our files.

Public Consultation:

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 68 property owners within 120m of the subject lands on January 29, 2013, and a Public Notice sign was posted on the property on February 11, 2013. One e-mail of concern was submitted by Bart Chaston Water Haulage 2012 Inc. (see Appendix “K”), and is discussed in the Analysis/Rationale for Recommendation section of this Report.

The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(1) The application has merit and can be supported for the following reasons:

(i) It is consistent with the Provincial Policy Statement, and conforms with Places to Grow.


(iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
2. The applicant has requested changes in zoning to Township of Glanbrook Zoning By-law No. 464, as well as modifications to the Residential Multiple “RM3-173(B)” Zone, in order to implement the development concept shown on Appendix “C”.

The primary change in zoning is for the single detached dwellings to permit 10m wide lots instead of 12m wide lots. Staff can support this request, since a range of lot widths is still being provided (10m to 16.4m) and it allows the builder/developer greater flexibility in providing a variety of house designs/styles. However, a further modification to the site-specific Zone is required to address the City’s Lot Grading Policy for single detached and semi-detached dwellings in order to provide for adequate side yard setbacks to convey drainage. As a result, a new site-specific Residential “R3-173(D)” Zone is being established for the side yards.

A second change is from a single detached zone to a street townhouse zone to reflect the original draft plan approval (see Block 2 on Schedule “A” of Appendix B”). The original draft plan considered by the Hearings Sub-Committee in November 2002 included a block for future development to be consolidated with a block in the adjoining subdivision to the east (“The Crossings”). However, when “The Crossings” was approved, the proposed block on that plan was sufficient to allow development to occur without the need for land consolidation. As a result, the original draft plan was modified in June 2003; however, the zoning was not changed. Staff can support this change, since it is essentially a housekeeping matter and the lands in the subject subdivision can be developed without the need for land consolidation.

A third change is the removal of the Holding ‘H’ provision from the various zones. The Holding ‘H’ provision was placed on a portion of Block 253, all of Block 254, Lot 203, and Blocks 255, 256, 257, and 258, for lot consolidation with the abutting lands to the east. Based on the draft approved plan of subdivision to the east, “The Crossings,” consolidation is no longer required for Lot 203, and Blocks 253 and 254. Blocks 255 to 258 still require consolidation, but could not be built upon at this time since they do not meet the minimum lot area requirement of the underlying zone. Staff can support this request, since the condition to fulfil the Holding removal has been satisfied.

Finally, the modifications to the Residential Multiple “RM3-173(B)” Zone are to permit maisonette dwellings and address the future, freehold tenure of the units on a common element road. The modifications include the following:

- Including a definition of maisonette dwelling, which has previously been adopted for a development in Binbrook;
- Permitting a minimum lot frontage of 4.5m for an individual lot, whereas the current requirement is 45m for the entire block;

- Permitting a minimum lot area of 80 sq. m. for an individual lot, whereas 0.3 hectares is required for the entire block;

- Permitting a side yard of 1.2m for end units and no side yard for interior units, whereas the requirement is 7m from the larger block property line;

- Permitting no rear yard for maisonettes, whereas the requirement is 7m;

- Permitting no distance separation between the end or rear walls of maisonettes, whereas the requirement is 12m;

- Permitting porches to encroach 2.5m into the required front yard, whereas 2m is permitted, and/or 0.6m into the required side yard, whereas it is not currently permitted;

- Permitting stairs to project a further 0.6m beyond the limits of the porch into the required front yard and/or required side yard, whereas it is from the front wall only;

- Permitting balconies, canopies, awnings, and fruit cellars to project a maximum 0.6m into the required side yard, whereas they are only permitted to project into the required front or rear yard;

- Permitting a landscaped area of 30% of the lot area for townhouse units only, which may include the required privacy area, whereas 50% of the lot area is required;

- Clarifying that a minimum privacy area of 30 sq. m. per dwelling unit is only required for townhouse units, and not maisonettes;

- Clarifying that the minimum amenity area of 5 sq. m. per dwelling unit may be provided in the common element condominium;

- Clarifying that a parking space in a driveway may be permitted within 6m of a street line since the common element road will be deemed a street;

- Permitting the common element road to be deemed a public street; and,

- Permitting visitor parking to be provided in a common element condominium.
Many of these provisions have been incorporated in previously approved developments in the City, and are required to accommodate the future tenure of the development as freehold units on a common element road rather than a standard block townhouse development. As a result, staff supports the requested modifications.

3. As noted earlier, staff has included housekeeping changes to the original amending By-law due to the inadvertent exclusion of approximately half a page of text. As indicated in the excerpts of the November 6, 2002, Hearing Sub-Committee Minutes (see Appendix “E”), provisions for the Neighbourhood Commercial “C1-173” Zone, Institutional “I-173” Zone, and Open Space “OS2-173” Zone were not included in By-law No. 02-331 (see Appendix “D”). These site-specific zone provisions only apply to lands within the subject subdivision and the “Red Hill Summit Estates West” Subdivision. In particular, the “C1-173” Zone applies to the commercial block, while the “I-173” Zone applies to the two school blocks in Plan 62M-1181 (see Appendix “J”). Finally, the “OS2-173” Zone applies to the stormwater management block in Plan 62M-1181 (see Appendix “J”), as well as the stormwater management block in Plan 62M-1050 - “Summit Park - Phase 2” at the southwest corner of Rymal Road and Fletcher Road.

4. Since only the lot widths were being revised, with no change in the road pattern, only a minor revision to the draft approved plan was required, which does not require formal public notification, in accordance with Section 51. (47) of the Planning Act. The existing conditions remain in effect, and the only change required is to Condition No. 1, as follows:

That this approval apply to “Red Hill Summit Estates East”, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, OLS, dated November 28, 2012, showing a total of 426 dwelling units including: 250 lots for single detached dwellings (Lots 1 to 250), 3 blocks for up to 96 street townhouse dwellings (Blocks 251 to 253), 1 block for up to 76 townhouse/maisonette dwellings (Block 254), 4 blocks for 4 future single detached dwellings (Blocks 255 to 258); and 4 blocks for 0.3m reserves (Blocks 259 to 262). Bellagio Avenue, Alden Street, Whistler Street, Showcase Drive, Goldpond Avenue, Hidden Ridge Crescent, Keystone Crescent, Colorado Boulevard, Steamboat Street, and Bonhill Boulevard will be dedicated to the City as public highways.
In addition, two new conditions will be added to the list of conditions:

“That prior to servicing, the owner shall include in the engineering design, a minimum 2.0m separation between the building walls to accommodate an overland flow route for any required rear yard catchbasin, to the satisfaction of the Senior Director of Growth Management.

That, prior to servicing, the owner shall submit a detailed criteria for sump pump design that addresses storm surcharge concerns (e.g. pump capacity, back-up power, and emergency overflow), to the satisfaction of the Senior Director of Growth Management. Further, a design, approved by the Senior Director of Growth Management, shall be included in all plot plans submitted for a Building Permit.”

5. One letter/e-mail of concern was submitted by the owner of 2062 Rymal Road East, which abuts the subject lands to the north. While the owner does not have any concerns with the proposed development, he is concerned that future residents may complain about the operation of his existing business. While his property is designated “Local Commercial” in the Rymal Road Secondary Plan, it is still zoned General Agricultural “A1” Zone in Glanbrook Zoning By-law No. 464. While this zone permits Home Occupations, Home Professions, and Home Industries, staff does not believe that the existing Water Haulage Business would meet any of the definitions, and staff has no record that the use was lawfully established prior to By-law No. 464 coming into force and effect on May 31, 1993.

**ALTERNATIVES FOR CONSIDERATION**

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

If the application is not approved, the lands can be developed in accordance with the existing zoning, which permits single detached dwellings on minimum 12m wide lots, street townhouse dwellings, and block townhouse dwellings and semi-detached dwellings subject to the removal of the Holding ‘H’ provision.
ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

**Strategic Priority #1:**
A Prosperous and Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective:**

1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

1.6 Enhance Overall Sustainability (financial, economic, social, and environmental).

1.7 The proposed development is compact and utilizes an existing road network and existing servicing capacity, resulting in a more sustainable, cost-effective development.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Proposed Zoning By-law Amendment
- Appendix “C”: Proposed Revisions to Draft Approved Plan of Subdivision
- Appendix “D”: Excerpts from By-law No. 02-331
- Appendix “E”: Excerpts from November 6, 2002 Hearings Sub-Committee Minutes
- Appendix “F”: Draft Approved Plan of Subdivision November 2002
- Appendix “G”: Revised Draft Approved Plan of Subdivision June 2003
- Appendix “H”: Existing Draft Plan Approval Conditions
- Appendix “I”: Registered Plan 62M-1114, “Summit Park - Phase 6”
- Appendix “J”: Registered Plan 62M-1181, “Summit Park - Phase 7”
- Appendix “K”: Public Comment

:PJD:
Attachments. (11)
CITY OF HAMILTON

BY-LAW NO. 

To Amend Zoning By-law No. 464 (Glanbrook), as Amended by By-law No. 02-331, Respecting Lands Located on the South Side of Rymal Road, East of Fletcher Road

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

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Glanbrook” and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 13- of the Planning Committee, at its meeting held on the day of , 2013, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “J”, appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from:

   (a) the Residential Multiple - Holding “H-RM3-173(B)” Zone to the Residential Multiple “RM3-173(B)” Zone, Block 1;
   
   (b) the Residential - Holding “H-R4-173(A)” Zone to the Residential Multiple “RM2-173” Zone, Block 2;
   
   (c) the Residential “R4-173(B)” Zone to the Residential “R4-173(D)” Zone, Block 3; and,
   
   (d) the Residential - Holding “H-R4-173(B)” Zone to the Residential “R4-173(D)” Zone, Block 4;

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

2. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by adding new Special Exception “R4-173(D)”, as follows:

   “R4-173(D)”       South Side of Rymal Road, East of Fletcher Road

All of the uses and provisions of the “R4-173(A) Zone shall apply, except (iv) (A) shall be modified to include the following additional clause:

   (iv) Minimum Interior Side Yard:

       (A) In addition, on a lot where an emergency spillway/overland flow route shall be located along side lot lines, a minimum 2.0m separation between buildings shall be provided and maintained.

3. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by removing the ‘H’ symbol and modifying the “H-RM3-173(B)” provisions (a) (i), and (b) (i), (ii), (v), (vi), (vii), (viii), (xiii), (xv), (xvi), and (xviii), as follows:

   “RM3-173(B)”       South Side of Rymal Road, East of Fletcher Road

(a) PERMITTED USES

   (i) Block townhouse dwellings, street townhouse dwellings, maisonette dwellings, and semi detached dwellings.
For the purposes of this By-law, a Maisonette is defined as a dwelling divided vertically into a minimum 6 and a maximum of 16 dwelling units, with each unit separated by common or party walls, both at the rear and at the side or sides of the unit, and having 1 or more private entrances at grade.

(b) **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUB-SECTION**

(i) Minimum Lot Frontage: 45.0m and 4.5m for an individual townhouse or maisonette unit.

(ii) Minimum Lot Area: 0.3 hectares and 80 sq. m. for an individual townhouse or maisonette unit.

(v) Minimum Side Yards: 1.2m for end units.

(vi) Minimum Rear Yard: 7.0m (N/A for maisonette units).

(vii) Minimum Distance Separation Between Buildings:

(C) 12.0m between rear walls (N/A for maisonettes);

(G) No separation distance is required between end wall and/or rear walls of maisonette units.

(viii) **Permitted Encroachments:**

(A) Unenclosed porches, both covered and uncovered, may project a maximum 2.5m into the required front yard and/or 0.6m into the required side yard.

(B) Stairs used to provide access to porches, both covered and uncovered, may project a maximum of 0.6m beyond the limits of the porch into the required front yard and/or required side yard.

(D) Balconies, canopies, awnings, and fruit cellars may project a maximum 2.0m into the required front or rear yard and/or 0.6m into the required side yard.

(xiii) Minimum Landscaped Area: 30 percent of the lot area for a townhouse unit, which may include the required privacy area (N/A for maisonette units).
(xv) Minimum Privacy Area: A minimum of 30 sq. m. per townhouse dwelling unit shall be provided adjacent to the unit (N/A for maisonette units).

(xvi) Minimum Amenity Area: A minimum area of 5 sq. m. per dwelling unit shall be provided and thereafter maintained, and may be provided in a common element condominium.

(xviii) Minimum Parking Requirements:

(D) No parking space or area, save and except a space or area contiguous to a dwelling unit, shall be located closer to a street line than 6.0m, and not be closer than 3.0m to any Residential Zone or where the adjoining land use is used for residential purposes, unless such parking is located within a below-grade communal parking structure.

(d) In addition to the regulations of SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE. SUB-SECTION 19.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS), the following regulations shall apply:

a) For the purposes of the lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street.

b) Visitor parking may be provided in a common element condominium.

4. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by modifying the “C1-173” Zone by adding the following provisions after (xiv) Minimum Loading Requirements:

“C1-173” 1970 Rymal Road

Loading spaces shall be provided in accordance with the provisions of Sub-section 7.36 of this By-law.

(xv) Minimum Landscaping Requirements:

Landscaping shall be provided in accordance with the provisions of Sub-section 23.2(n) of this By-law.

(xvi) Accessory Buildings:
Accessory buildings shall be pursuant to the provisions of Sub-section 7.13 of this By-law.

5. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by adding a new Exception “I-173”, as follows:

“I-173” 103 Fletcher Road and 110 Bellagio Avenue

Notwithstanding Sub-section 39.1 PERMITTED USES of SECTION 39: INSTITUTIONAL “I” ZONE, those lands zoned site-specific Institutional “I” Zone shall only be used for Public and Separate Elementary Schools, or single detached dwellings in accordance with the provisions of the site-specific Residential “R4-173(B) Zone.

6. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by adding a new Exception “OS2-173”, as follows:

“OS2-173” South Side of Rymal Road, East and West of Fletcher Road

Notwithstanding Sub-sections 42.1 PERMITTED USES and 42.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a), (b) AND (c), INCLUSIVE, IN SUB-SECTION 42.1 of SECTION 42: PUBLIC OPEN SPACE “OS2” ZONE, those lands zoned site-specific Public Open Space “OS2-173” shall only be used for stormwater management facilities and passive recreational uses.

7. 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 [__] day of [__], 2013.

__________________________________________  ________________________________________
R. Bratina                                    Rose Caterini
Mayor                                        Clerk

ZAC-12-069
Appendix "B" to Report PED13115
(Page 6 of 6)

Schedule "A"

Map Forming Part of By-law No. 13---
to Amend By-law No. 464

Subject Property
1970 Rymal Road East, Glanbrook.

Block 1: Lands to be rezoned from the Residential Multiple - Holding "H-RW3-173(B)" Zone to the Residential Multiple "RMM-173(B)" Zone

Block 2: Lands to be rezoned from the Residential - Holding "H-R4-173(B)" Zone to the Residential Multiple "RM2-173" Zone

Block 3: Lands to be rezoned from the Residential "R4-173(B)" Zone to the Residential "R4-173(D)" Zone

Block 4: Lands to be rezoned from the Residential - Holding "H-R4-173(B)" Zone to the Residential "R4-173(D)" Zone

Block 5: Lands to remain Residential Multiple "RM2-173" Zone

Mayor

Clerk
(xvii) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. Notwithstanding Subsections 7.35(a)(vii) and (b), and Subsection 11.6(b), the following provisions shall apply:

(A) each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;

(B) each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be located underground or in a parking structure;

(C) a minimum of two (2) parking spaces per dwelling unit shall be provided plus 0.25 visitor parking spaces for each dwelling unit; and,

(D) no parking space or area shall be located closer to a street line than 6.0 metres and not be closer than 3.0 metres to any Residential Zone or where the adjoining land is used for residential purposes, unless such parking is located within a below-grade communal parking structure.

(c) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(ii) OF THIS SUBSECTION

Accessory uses, buildings and structures shall be pursuant to the provisions of Subsection 7.13 of this By-law.

CI-173 Notwithstanding Subsections 23.1 PERMITTED USES and 23.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 23.1 of SECTION 23: NEIGHBOURHOOD COMMERCIAL “CI” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Neighbourhood Commercial ‘CI-173’:

(a) PERMITTED USES

(i) Convenience retail stores; banks and financial institutions, with or without drive-thru facilities; personal service shops;
A By-law to amend Zoning By-law No. 464 respecting
lands located on parts of Lots 4 & 5, Block 4 and parts of
Lots 6 & 7, Block 5, Conc. 1 – former Township of Glanbrook

dry cleaning distribution stations; professional and business
offices; and standard, take-out and fast food restaurants,
with or without drive-thru facilities; and,

(ii) Residential uses ancillary to the uses permitted in Paragraph
     (a)(i) of this Subsection.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i)
    OF THIS SUBSECTION

(i) Minimum Lot Frontage ........................................... 30.0 metres
(ii) Minimum Lot Depth ............................................. 38.0 metres
(iii) Minimum Lot Area ............................................. 1,140 square metres
(iv) Maximum Lot Coverage ......................................... 30 percent
(v) Maximum Total Gross
    Leasable Floor Area ............................................. 1,500 square metres
(vi) Maximum Gross Leasable Floor Area
    for Each Individual Establishment ...................... 500 square metres
(vii) Minimum Front Yard ........................................... 7 metres
(viii) Minimum Interior Side Yard ................................. 3.0 metres
(ix) Minimum Exterior Side Yard ................................. 4.5 metres
(x) Minimum Rear Yard ............................................. 10.0 metres
(xi) For the purposes of this By-law, the lot line that abuts Rymal
     Road East shall be deemed to be the front lot line.
(xii) Maximum Height ................................................. 14.0 metres
(xiii) Minimum Parking Requirements

Parking spaces shall be provided in accordance with the
provisions of Subsection 23.2(i) of this By-law.

(xiv) Minimum Loading Requirements
A By-law to amend Zoning By-law No. 464 respecting
lands located on parts of Lots 4 & 5, Block 4 and parts of
Lots 6 & 7, Block 5, Conc. 1 - former Township of Glanbrook.

OPEN SPACE "OS2" ZONE, those lands zoned site-specific Public
Open Space "OS2-173" shall only be used for storm water management
facilities and passive recreational uses."

3. The City 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 27th day of November, 2002.

MAYOR

CLERK
without varying the exterior design and materials of the front face or wall of the dwelling.

(xvii) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. Notwithstanding Subsections 7.35(a)(vii) and (b), and Subsection 11.6(b), the following provisions shall apply:

(A) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;

(B) Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be located underground or in a parking structure;

(C) A minimum of two (2) parking spaces per dwelling units shall be provided plus 0.25 visitor parking spaces for each dwelling unit; and,

(D) No parking space or area shall be located closer to a street line than six (6) metres and not be closer than three (3) metres to any Residential Zone or where the adjoining land is used for residential purposes, unless such parking is located within a below-grade communal parking structure.

(c) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(ii) OF THIS SUBSECTION

Accessory uses, buildings and structures shall be pursuant to the provisions of Subsection 7.13 of this By-law.

C1-173 Notwithstanding Subsections 23.1 PERMITTED USES and 23.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 23.1 of SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Neighbourhood Commercial “C1-173”:

(a) PERMITTED USES

(i) Convenience retail stores; banks and financial institutions, with or without drive-thru facilities; personal service shops; dry

Council – November 13, 2002
cleaning distribution stations; professional and business offices; and standard, take-out and fast food restaurants, with or without drive-thru facilities; and,

(ii) Residential uses ancillary to the uses permitted in Paragraph (a)(i) of this Subsection.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION

(i) Minimum Lot Frontage ........................................ 30 metres

(ii) Minimum Lot Depth ........................................... 38 metres

(iii) Minimum Lot Area ............................................ 1,140 square metres

(iv) Maximum Lot Coverage ...................................... 30 percent

(v) Maximum Total Gross Leasable Floor Area ...................... 1,500 square metres

(vi) Maximum Gross Leasable Floor Area for Each Individual Establishment ........ 500 square metres

(vii) Minimum Front Yard .......................................... 7.5 metres

(viii) Minimum Interior Side Yard .................................. 3.0 metres

(ix) Minimum Exterior Side Yard .................................. 4.5 metres

(x) Minimum Rear Yard ........................................... 10.0 metres

(xi) For the purposes of this By-law, the lot line that abuts Rymal Road shall be deemed to be the front lot line.

(xii) Maximum Height ............................................. 14.0 metres

(xiii) Minimum Parking Requirements

Parking spaces shall be provided in accordance with the provisions Subsection 23.2(i) of this By-law.

(xiv) Minimum Loading Requirements

Loading spaces shall be provided in accordance with the provisions of Subsection 7.36 of this By-law.

(xv) Minimum Landscaping Requirements

Council – November 13, 2002
Landscaping shall be provided in accordance with the provisions of Subsection 23.2(n) of this By-law.

(xvi) Accessory Buildings

Accessory buildings shall be pursuant to the provisions of Subsection 7.13 of this By-law.

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION

Ancillary residential uses shall be pursuant to the provisions of Subsection 23.3 of this By-law.

I-173 Notwithstanding Subsection 39.1 PERMITTED USES of SECTION 39: INSTITUTIONAL "I" ZONE, those lands zoned site-specific Institutional "I" Zone shall only be used for public and separate elementary schools, or single detached dwellings in accordance with the provisions of the site-specific Residential "R4-173(B)" Zone.

OS2-173 Notwithstanding Subsections 42.1 PERMITTED USES and 42.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a), (b) AND (c) INCLUSIVE IN SUBSECTION 42.1 of SECTION 42: PUBLIC OPEN SPACE "OS2" ZONE, those lands zoned site-specific Public Open Space "OS2-173" shall only be used for storm water management facilities and passive recreational uses.

(xvi) That the General Manager, Planning and Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 464 for presentation to Council;

(xvii) That Section 6, "Zoning Schedules", be amended as follows:

by deleting the first sentence and replacing it with the following:

"Schedules "A", "B", "C", "D", "E", "F", "G", "H", "I" and "J", attached hereto, together with notations and references shown thereon, are hereby declared to form part of this By-law;"

and by adding "Schedule J" to the "Schedule" list and by adding "Rymal Road Planning Area" to the "Area Covered" list;

(xviii) That the amending By-law be added to a new schedule titled "Schedule J", Rymal Road Secondary Plan Area" to Zoning By-law No. 464; and,

Council – November 13, 2002
without varying the exterior design and materials of the front face or wall of the dwelling.

(xvii) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 7.15 and 11.6 of this By-law. Notwithstanding Subsections 7.35(a)(vii) and (b), and Subsection 11.6(b), the following provisions shall apply:

(A) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;

(B) Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be located underground or in a parking structure;

(C) A minimum of two (2) parking spaces per dwelling units shall be provided plus 0.25 visitor parking spaces for each dwelling unit; and,

(D) No parking space or area shall be located closer to a street line than six (6) metres and not be closer than three (3) metres to any Residential Zone or where the adjoining land is used for residential purposes, unless such parking is located within a below-grade communal parking structure.

(c) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(ii) OF THIS SUBSECTION

Accessory uses, buildings and structures shall be pursuant to the provisions of Subsection 7.13 of this By-law.

C1-173 Notwithstanding Subsections 23.1 PERMITTED USES and 23.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 23.1 of SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Neighbourhood Commercial “C1-173”:

(a) PERMITTED USES

(i) Convenience retail stores; banks and financial institutions, with or without drive-thru facilities; personal service shops; dry

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Appendix “E” to Report PED13115
(Page 2 of 3)

Hearings Sub-Committee (39) Minutes 02-035

cleaning distribution stations; professional and business offices; and standard, take-out and fast food restaurants, with or without drive-thru facilities; and,

(ii) Residential uses ancillary to the uses permitted in Paragraph (a)(i) of this Subsection.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION

(i) Minimum Lot Frontage ........................................30 metres

(ii) Minimum Lot Depth ...........................................38 metres

(iii) Minimum Lot Area ........................................1,140 square metres

(iv) Maximum Lot Coverage ...................................30 percent

(v) Maximum Total Gross Leasable Floor Area ......................1,500 square metres

(vi) Maximum Gross Leasable Floor Area for Each Individual Establishment ...........500 square metres

(vii) Minimum Front Yard .........................................7.5 metres

(viii) Minimum Interior Side Yard ..................................3.0 metres

(ix) Minimum Exterior Side Yard ..................................4.5 metres

(x) Minimum Rear Yard ...........................................10.0 metres

(xi) For the purposes of this By-law, the lot line that abuts Rymal Road shall be deemed to be the front lot line.

(xii) Maximum Height ..............................................14.0 metres

(xiii) Minimum Parking Requirements

Parking spaces shall be provided in accordance with the provisions Subsection 23.2(l) of this By-law.

(xiv) Minimum Loading Requirements

Loading spaces shall be provided in accordance with the provisions of Subsection 7.36 of this By-law.

(xv) Minimum Landscaping Requirements

Council – November 13, 2002
Landscaping shall be provided in accordance with the provisions of Subsection 23.2(n) of this By-law.

(xvi) Accessory Buildings

Accessory buildings shall be pursuant to the provisions of Subsection 7.13 of this By-law.

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION

Ancillary residential uses shall be pursuant to the provisions of Subsection 23.3 of this By-law.

I-173 Notwithstanding Subsection 39.1 PERMITTED USES of SECTION 39: INSTITUTIONAL "I" ZONE, those lands zoned site-specific Institutional "I" Zone shall only be used for public and separate elementary schools, or single detached dwellings in accordance with the provisions of the site-specific Residential "R4-173[B]" Zone.

OS2-173 Notwithstanding Subsections 42.1 PERMITTED USES and 42.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a), (b) AND (c) INCLUSIVE IN SUBSECTION 42.1 of SECTION 42: PUBLIC OPEN SPACE "OS2" ZONE, those lands zoned site-specific Public Open Space "OS2-173" shall only be used for storm water management facilities and passive recreational uses.

(xvi) That the General Manager, Planning and Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 464 for presentation to Council;

(xvii) That Section 6, "Zoning Schedules", be amended as follows:

by deleting the first sentence and replacing it with the following:

"Schedules "A", "B", "C", "D", "E", "F", "G", "H", "I" and "J", attached hereto, together with notations and references shown thereon, are hereby declared to form part of this By-law;"

and by adding "Schedule J" to the "Schedule" list and by adding "Rymal Road Planning Area" to the "Area Covered" list;

(xviii) That the amending By-law be added to a new schedule titled "Schedule J", Rymal Road Secondary Plan Area to Zoning By-law No. 464; and;

Council – November 13, 2002
REVISED SCHEDULE 1  
(September 24, 2012)  

As authorized by By-law No. 07-323, 1, Guy Paparella, hereby revise the draft plan approval for a subdivision located in Part of Lots 4 and 5, Block 4, Concession 1, formerly in the geographic Township of Binbrook, "Red Hill Summit Estates East", Multi-area Developments Inc., owner, in the City of Hamilton under File No. 25T200208, as follows:

1) That the following new conditions be added:

122) The Owner acknowledges that the Draft Plan of Subdivision (25T200208), approved on June 9, 2003, has been redefined to restrict the registration of five (5) single detached lots (Lots 213 to 217 inclusive, being in a future phase), until such time as the owner revises the draft plan to maintain the overall number of draft approved single detached lots or requests to increase the total number of draft approved units, by way of a revision to the Draft Approved Plan, to the satisfaction of the Senior Director of Growth Management.

123) That, prior to registration of the next phase of development, the Owner shall, at his expense, submit a formal request to revise Draft Plan of Subdivision (25T200208), as approved on June 9, 2003, by either maintaining the overall number of draft approved single detached lots or increasing the total overall number of draft approved units, and obtain approval, to the satisfaction of the Senior Director of Growth Management.

124) That prior to the issuance of a building permit, any development within Blocks "W" and "X" requires upgrades to the Highland Road water reservoir (H-7) to be completed to the satisfaction of the Senior Director of Growth Management.

125) That prior to any further development, the owner agrees the temporary second access to Celestial Crescent be removed prior to registration of any additional phases beyond Phase 7. Further, that the next subsequent registration of the subject lands will require the implementation of the permanent second access via Showcase Drive, to the satisfaction of the Senior Director of Growth Management.

126) That prior to registration of the final plan, the following warning clause be added to the Purchase and Sale Agreement for the future residents on Celestial Crescent:

"Purchasers are advised that Celestial Crescent will provide a temporary access point to Rymal Road East, and therefore, they
REVISED SCHEDULE 1
(September 24, 2012)

can expect higher volumes of traffic until an alternate permanent
access road in/out of the subdivision has been constructed."

2) That existing condition 122 be renumbered 127 and subsections a) and b)
be revised as follows:

a) Development Engineering conditions (2) to (40) inclusive, and
conditions (124), (126) and (126);

b) Development Planning conditions (41) to (67) inclusive, and
conditions (122) and (123);

Signed: Guy Paparella

Date: 2012 September 24

Guy Paparella, MCIP, RPP
Director, Growth Planning
SCHEDULE 1
REVISED

As authorized by By-law No. R95-041, I, T. McCabe, hereby revise the draft plan approval for "Red Hill Summit Estates East", Multi-Area Developments., owner, for lands located in the City of Hamilton (Glanbrook) under File No. 25T200208, by:

A. deleting Conditions 1), 16), 54) and 99) and replacing these with the following:

1) That this approval apply to "Red Hill Summit Estates East", dated March 18, 2002, and last revised May 27, 2003, prepared by Walker, Nott, Dragicevic Associates Limited, showing a total of seven hundred and thirty-eight (738) dwelling units including: three hundred and fifty-eight (358) lots for single detached dwellings (Lots 1 to 210 and 212 to 359), fourteen (14) blocks for three hundred (300) street townhouse dwellings (Blocks “A” to “N”), one (1) block for future block townhouses with a maximum of eighty (80) units (Block “O”), one (1) block for future single detached dwellings (Block “R”), one (1) block for commercial development (Block “V”), one (1) block for a separate elementary school (Block “W”), one (1) block for a public elementary school (Block “X”), one (1) block for a neighbourhood park (Block “Y”), one (1) block for storm water management (Block “Z”), two (2) blocks for road widenings (Blocks “AA” and “AB”), three (3) blocks for walkways (Blocks “BB” to “DD”), and four (4) blocks for 0.3 metre reserves (Blocks “EE” to “HH”). Streets “A” to “T” will be dedicated to the City as public roadways.

16) (A) That the Owner agrees that the final plan of subdivision shall not be registered until adequate sanitary sewer outlets and storm sewer outlets (including storm water management ponds) have been constructed and are available for connection at the limits of the subdivision or, alternatively, the Owner agrees, in writing, to provide adequate sanitary sewer outlets and storm sewer outlets including storm water management ponds.

(B) That the Owner agrees that a water distribution analysis report shall be approved by the City to determine if a new water booster station is required to service all or parts of the plan, and to determine capacity requirements of the Highland Road water reservoir (H-7); and,

(i) That the Owner agrees that should the approved water distribution analysis report recommend that a new water booster station is required, then the water booster station shall be completed to the satisfaction of the Manager of Development Engineering; and,
(ii) That the Owner agrees that should the approved water
distribution analysis report find that the capacity of the
Highland Road water reservoir (H-7) is not sufficient to
service the plan or specific areas of the plan, then the
reservoir shall be expanded to the satisfaction of the
Manager of Development of Engineering;

prior to registration of the final plan of subdivision."

"54) That the Owner agrees and acknowledges that dwelling units may only be
registered at such time as either:

(A) The following matters have been addressed to the satisfaction of
the Director of Roads and Traffic:

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

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

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

for one or more of the following road improvements:

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

(2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;

(2.3) The extension of Trinity Church Road to the Lincoln Alexander
Parkway; and,

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

(B) The submission and approval of a traffic impact study to address
the need for and timing of any other required road improvements to
improve transportation capacity south of and/or crossing the
escarpment to accommodate such additional dwelling units, and
compliance with the matters set out in (A)(1.1 to 1.3) in respect of
such improvements, to the satisfaction of the Director of Roads and
Traffic."
“57) That the Owner agrees building permits shall not be issued for Blocks "O", "N" and "R", until such time as the Holding "H" provision has been removed.

“99) That the owner agrees in the executed Subdivision Agreement to:

   a) implement conditions 96) to 98) above."

B. deleting Condition 56) in its entirety.

Signed: Tim McCabe, Director
Development Division

Date: June 9, 2003
SCHEDULE 1

As authorized by By-law No. R95-041, I, T. McCabe, hereby approve draft plan of subdivision, "Red Hill Summit Estates East", Multi-Area Developments., owner, for lands located in the City of Hamilton (Glanbrook) under File No. 25T200208, subject to the following conditions:

1) That this approval apply to "Red Hill Summit Estates East", dated March 18, 2002, and last revised September 25, prepared by Walker, Nott, Dragicevic Associates Limited, showing a total of seven hundred and thirty (730) dwelling units including: three hundred and fifty-four (354) lots for single detached dwellings (Lots 1 to 354), fourteen (14) blocks for two hundred and ninety-six (296) street townhouse dwellings (Blocks "A" to "N"), one (1) block for future block townhouses with a maximum of eighty (80) units (Block "O"), four (4) blocks for future single detached dwellings (Blocks "P", "R", "T" and "U"), one (1) block for commercial development (Block "V"), one (1) block for a separate elementary school (Block "W"), one (1) block for a public elementary school (Block "X"), one (1) block for a neighbourhood park (Block "Y"), one (1) block for storm water management (Block "Z"), two (2) blocks for road widenings (Blocks "AA" and "II"), three (3) blocks for walkways (Blocks "BB" to "DD"), and four (4) blocks for 0.3 metre reserves (Blocks "EE" to "HH"). Streets "A" to "T" will be dedicated to the City as public roadways;

Development Engineering

2) That all road allowances, daylight triangles, public walkways and road widenings be dedicated by certificate as public highways on the final plan.

3) That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes.

4) That, if required by the City of Hamilton, the owner/subdivider shall transfer to the City of Hamilton any easement over the subdivider's draft approved lands need for water or sewer services, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land.

5) That the owner agrees to provide a Geodetic Benchmark in a location to the satisfaction of the City of Hamilton.

6) That the owner agrees to convey lands to the City of Hamilton for the purposes of a Storm Water Management (SWM) facility.

7) That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision shall be terminated in 0.3m reserves and conveyed to the City of Hamilton.
8) That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Keeping Soils On Construction Sites" manual and to the satisfaction of the Manager of Development Engineering.

9) That the owner shall submit a detailed Storm Water Management report. Sufficient back-up information will be required to verify that the proposed location of the SWM facility will accommodate the proposed facility designed in accordance with current/applicable Storm Water Management Guidelines to the satisfaction of the Manager of Development Engineering and all other appropriate agencies.

10) That the owner agrees that the Storm Water Management report mentioned in the foregoing condition shall detail cost sharing to all benefiting lands to the satisfaction of the Manager of Development Engineering. The owner further agrees that the implementation of the cost recovery of benefiting owners' apportionment shall occur as the contributing lands develop.

11) That the Storm Water Management report shall include "Best Management Practices" to be implemented in the development.

12) That the Storm Water Management report shall determine what impacts runoff from the site will have on the downstream water course and provide recommendations for any necessary mitigative measures.

13) That the owner agrees to provide sufficient securities to the City of Hamilton to remove any interim works incorporated into the design of a temporary storm water management facility.

14) That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Manager of Development Engineering. These may include, but not be limited to, emergency access, temporary turn around, or outfalls.

15) That the owner submits, to the satisfaction of the Manager of Development Engineering, a detailed servicing report, which shall address the provision of sanitary sewers and water mains to service the proposed development.

16) (A) That the Owner agrees that the final plan of subdivision shall not be registered until adequate sanitary sewer outlets and storm sewer outlets (including storm water management ponds) have been constructed and are available for connection at the limits of the subdivision or, alternatively, the Owner agrees, in writing, to provide adequate sanitary sewer outlets and storm sewer outlets including storm water management ponds.

(B) That the Owner agrees that a water distribution analysis report shall be approved by the City to determine if a new water booster station is
required to service all or parts of the plan, and to determine capacity requirements of the Highland Road water reservoir (H-7); and,

(i) That the Owner agrees that should the approved water distribution analysis report recommend that a new water booster station is required, then the water booster station shall be completed to the satisfaction of the Manager of Development Engineering; and,

(ii) That the Owner agrees that should the approved water distribution analysis report find that the capacity of the Highland Road water reservoir (H-7) is not sufficient to service the plan or specific areas of the plan, the then reservoir shall be expanded to the satisfaction of the Manager of Development Engineering.

Prior to registration of the final plan of subdivision.

17) That the Owner agrees to construct any storm water management ponds necessary to service the proposed subdivision, including any required upstream drainage areas.

18) That the Owner agrees to construct adequate temporary storm water management and siltation control measures during all phases of construction.

19) That the Owner agrees to convey sufficient lands to the City, by deed, for the purpose of establishing a storm water management facility on the draft approved lands.

20) That the Owner agrees that the proposed storm water management pond, including the proposed trail system, be designed according to the City’s storm water management guidelines and requirements, to the satisfaction of the Manager of Development Engineering, prior to registration of the plan.

21) That the Owner agrees to transfer to the City, any easements over the subdivider’s draft approved lands needed for water or sewer services, or both, which easements will permit development to occur on adjacent property. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of the development.

22) That the Owner agrees to install 1.52 metre high black vinyl chain link fencing along the rear and side yard of any lot or block created by registration of the draft approved plan which rear or side yard abuts City parklands, open space, storm water management facilities, or public walkways.

23) That the Owner agrees that should the approved detailed servicing report recommend that a new sanitary sewer pumping station is required to service the plan or specific areas of the plan, then the sanitary sewer pumping station shall
be completed and in full operation prior to the issuance of building permits for those lots requiring use of the station.

24) That the Owner agrees to provide adequate water main looping (temporary or permanent), to the satisfaction of the Manager of Development Engineering.


26) That the Owner agrees to provide cross-sections for the sixteen (16) metre right-of-way widths of Street "D" and Street "G", to the satisfaction of the Manager of Development Engineering and the utilities.

27) That the Owner dedicates sufficient land to the City of Hamilton by Certificate on the Final Plan to establish the property line 18.29 metres from the centreline of the original Ryval Road road allowance as a separate block on the Final Plan.

28) That the Owner dedicates sufficient land to the City of Hamilton by Certificate on the Final Plan to establish the property line 13.0 metres from the centreline of the original Fletcher Road road allowance as a separate block on the Final Plan.

29) That the Owner agrees to include in the Subdivision Agreement, a warning clause advising prospective purchasers of lots situated on collector roads that bus traffic, bus stops, and associated amenities may be established at key points along the roadway.

30) That the Owner agrees to include driveway locations on the approved engineering drawings for all lots located at intersections and on the outside radius of the internal streets, to the satisfaction of the Manager of Development Engineering.

31) That the Owner establishes 10 metre by 10 metre daylight triangles at the intersection of Street "I" and the widened limits of Fletcher Road, Street "A" and the widened limits of Fletcher Road, Street "A" and Second Road, and Street "T" and Second Road on the final Plan of Subdivision.

32) That the Owner establishes 5 metre by 5 metre daylight triangles at all internal intersections.

33) That the Owner agrees to provide detailed cross-sections of the intersection of Street "A" and Fletcher Road, and Street "I" and Fletcher Road, to the satisfaction of the Manager of Development Engineering.

34) That the Owner agrees to establish a centreline radius of one hundred and ten (110) metres for Street "A" on the final plan of subdivision.
35) That the Owner agrees that the channelization of Street “A” at Fletcher Road and the intersection of Fletcher Road and Rymal Road shall be to the satisfaction of the Manager of Development Engineering.

36) That the Owner agrees to ensure the safe manoeuvring of Hamilton Street Railway buses through the development, including any traffic circles, and will dedicate any additional widenings, if required, to the satisfaction of the Manager of Development Engineering.

37) That the Owner agrees to provide adequate secondary emergency access, to the satisfaction of the Manager of Development Engineering.

38) That the Owner agrees that where registration of a draft approved plan, or any portion thereof, results in the creation of lots which front onto a deadend street of thirty (30) metres or more in length, with no cul-de-sac bulb, then the Owner agrees, in writing, to provide a temporary turn-around with signage and convey sufficient easements and 0.30 metre reserves to the City, by deed, over the Owner’s lands, to the satisfaction of the Manager of Development Engineering.

39) That the Owner agrees that phasing of the draft approved plan and the number of lots within each phase be to the satisfaction of the Manager of Development Engineering.

40) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise of the City of Hamilton, by entering into a Subdivision Agreement with the City of Hamilton prior to registration of any portion of the subject lands.

**Development Planning**

41) That the owner prepare and submit, to the satisfaction of the Manager of Development Planning, Planning and Development Department, a municipal house numbering plan.

42) That the owner agrees to select a street name from the City of Hamilton Reserved Street Name Index and/or submit street names to the satisfaction of the City of Hamilton.

43) That the owner agrees to erect a sign in accordance with the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

44) That the final plan conforms to the Zoning By-law approved under the Planning Act.

45) That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan.

46) That the owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal
and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Planning and Development Department and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

47) That a streetscape plan be prepared and implemented to the satisfaction of the Director of Development, Planning and Development Department.

48) That the Owner agrees to provide and implement, at the Owner’s expense, a Streetscape Plan detailing enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director, Design and Construction, Community Services Department.

49) The Owner agrees to provide and implement, at the Owner’s expense, a Street Tree Planting Plan for boulevard trees along the required streets and lands, as prepared by a certified Arborist or Landscape Architect (OALA) and to the satisfaction of the of the Director, Design and Construction, Community Services Department.

50) That any phasing of the development of the subject lands be to the satisfaction of the Director of Development, Planning and Development Department.

51) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

52) That the Owner agrees to resubmit the “Urban Design Guidelines – The Rymal Road Secondary Plan Area, Sub-Areas 2 and 3” with revisions as per Recommendation (G) of Report PD02205, to the satisfaction of the Director of Development, prior to final approval.

53) That the Owner agrees to resubmit the “Streetscape Manual – Rymal Road Secondary Plan”, with revisions as per Recommendation (H) of Report PD02205, to the satisfaction of the Director of Development, prior to final approval.

54) That the Owner agrees and acknowledges that dwelling units may only be registered at such time as either:

(A) The following matters have been addressed to the satisfaction of the Director of Roads and Traffic:
(1.1) Environmental Assessment studies have been completed and approved;

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

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

for each of the following road improvements:

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

(2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;

(2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,

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

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

55) That the Owner agrees to undertake a detailed built heritage and cultural heritage assessment, to the satisfaction of the City of Hamilton, Manager of Heritage and Urban Design, prior to final approval.

56) That the Owner agrees that Blocks “T” and “U” shall only be developed in conjunction with adjacent lands.

57) That the Owner agrees building permits shall not be issued for Blocks “O”, “P” and “R”, until such time as the Holding “H” provision has been removed.

58) That the Owner agrees to deliver to the City, an Offer from Multi-Area Developments Inc., to Larry Neil Gordon Freeman (in his capacity as executor of the Estate of John Gordon Freeman), Lois Doreen Johnson, in her capacity as executrix of the Estate of John Gordon Freeman and Larry Neil Gordon Freeman, in his personal capacity, hereinafter, the Offer, duly executed by Multi-Area Developments Inc., which Offer shall be in a form and upon such terms as
are satisfactory to the City and shall provide for the construction of a manure storage system at 406 Fletcher Road to address MDS requirements.

59) That the Owner agrees to deliver to the City, evidence that the Offer was delivered to Larry Neil Gordon Freeman (in his capacity as executor of the Estate of John Gordon Freeman), Lois Doreen Johnson, in her capacity as executrix of the Estate of John Gordon Freeman and Larry Neil Gordon Freeman, in his personal capacity.

60) In the event that the Offer has not been accepted by all parties, thereby constituting a binding Agreement, as of the date of registration of the first phase of the subdivision which contains lots or blocks within eight hundred and four (804) metres of the livestock facility at 406 Fletcher Road, and provided that such registration occurs prior to September 23, 2005, that the Owner agrees to post a letter of credit with the City at such date which shall be sufficient to secure the cost of the construction of the system. In the event the Offer is accepted by all parties, thereby constituting a binding Agreement, the letter of credit provisions of the Agreement shall be operative. The letter of credit posted with the City, if any, shall be released. Notwithstanding any of the foregoing, in the event that either the Owner or Larry Neil Gordon Freeman does not commence construction of the system by September 23, 2005, the letter of credit posted with the City shall be released.

61) That the Owner agrees, in the event the system is not constructed at the time of entering into Agreements of Purchase and Sale for the lots located within eight hundred and four (804) metres of the livestock facility at 406 Fletcher Road, to include the following in the said Agreements of Purchase and Sale:

"Purchasers are advised that odour, light, vibration and dust from the nearby dairy farming operation may interfere with activities of the dwelling occupants."

62) That the Owner agrees to investigate the noise levels on the site from traffic on Rymal Road East and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits, prior to final approval. The Owner agrees to submit to the City of Hamilton, an acoustical report prepared by a qualified Professional Engineer, containing the recommended control measures.

63) That the Owner agrees to submit detailed site and landscaping designs for a gateway feature at the intersection of Fletcher Road and Rymal Road, to the satisfaction of the Director of Development.

64) That the Owner agrees to construct the approved neighbourhood gateway design for Fletcher Road and Rymal Road in conjunction with the upgrades to Fletcher Road, at the Owner's expense or, alternatively, provide securities to the City for the cost of the construction of the gateway feature.
65) That the Owner agrees to submit a Streetscape Plan to the Supervisor of Planning for the Hamilton Street Railway to comment on bus stop locations and customer amenities.

66) That the Owner agrees that should Blocks “W” and “X” be developed for residential purposes, then Blocks “W” and “X” shall only be developed by plan of subdivision.

67) That the Owner agrees and acknowledges that Council for the City of Hamilton will update the Municipal Development Charges By-law to include all growth-related infrastructure and service improvements required to service development within the Rymal Road Secondary Plan Area. Until such time as the Municipal Development Charges By-law is updated, Council may consider area-specific development charges.

**Community Services**

68) That the Owner agrees to convey Block “Y” to the City of Hamilton, as provided for under Section 51 of the Planning Act, in fulfillment of the parkland dedication requirement for Draft Plan 25T-200208 and in partial fulfillment of Draft Plan 25T-200207.

69) That the Owner agrees that a Park Development Plan for Block “Y” be prepared by a full member of the Ontario Association of Landscape Architects (OALA), to the satisfaction of the City. Furthermore, the Owner agrees to implement the same in accordance with the approved plans and pay all associated costs to the satisfaction of the City.

70) That the Owner agrees to submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, at the Owner’s expense, to the satisfaction of the City.

71) That the Owner agrees to preserve and protect all trees within the Subdivision Plan in accordance with good arborist practices except for those trees that the City has permitted to be removed, and no trees shall be removed without such permission.

72) That the Owner agrees to keep all trees trimmed in accordance with good forestry practices until the City assumes the Subdivision Plan. Similarly, all trees identified for removal in the Tree Preservation Study and Plan, within the Subdivision Plan, shall be removed by the Owner, at the Owner’s expense.

73) That the Owner agrees that undeveloped blocks within the Subdivision Plan, which have been disturbed from their natural state or are difficult to maintain in a controlled state, shall be graded, seeded and maintained by the Owner, until construction commences thereon.
74) That the Owner agrees not to dispose or stockpile any waste or surplus fill material on the Subdivision Plan lands except in a manner and in a location approved by the City.

75) That the Owner agrees to submit a Landscape Plan for the stormwater management facilities, prepared by a full member, in good standing of the Ontario Association of Landscape Architects (OALA). The Owner agrees to implement the same in accordance with the approved plans and pay all associated costs, to the satisfaction of the City.

76) That the Owner agrees to design stormwater management facilities with a maximum slope of 4:1.

77) That the Owner agrees to include provision for and pay all associated costs for the design and construction of a proposed trail system through the stormwater management facilities.

**Roads and Traffic**

78) That the Owner agrees to provide detailed engineering drawings showing traffic calming initiatives on the collector road system, to the satisfaction of the Director of Roads and Traffic, prior to final approval. The approved traffic calming initiatives shall be implemented at the sole expense of the Owner.

79) That the Owner agrees to undertake the reconstruction of Fletcher Road to the approved urban collector cross-section design, phased to the satisfaction of the Director of Development, prior to the issuance of building permits for the first registered phase of the plan.

80) That the Owner agrees to construct intersection turning lane improvements on Rymal Road at Fletcher Road, including a west bound left turn lane and an east bound right turn lane, as recommended in Section 6.0 Near – Term Road Requirements of the Transportation Review – Rymal Road Planning Area, prepared by the BA Group Transportation Consultants, December 2001, in conjunction with the upgrading of Fletcher Road to the approved urban collector cross-section design, prior to the issuance of building permits for the first registered phase of the plan.

81) That the Owner agrees to submit detailed engineering drawings that illustrate where driveways will be situated at bulb and elbow locations to ensure that the driveways do not overlap, prior to final approval.

**Social and Public Health Services**

82) That any existing or proposed development(s) constructed on the above described draft plan are properly connected to municipal sewers and water supply.

83) That any existing septic tank be pumped out by a licensed contractor and refilled with suitable material to prevent it from collapsing.
84) That any existing abandoned water wells are plugged in accordance with Environment Ontario's Facts Sheet entitled: "Water Wells and Groundwater Supplies Recommended Methods for Plugging Water Wells".

Bell Canada
85) That the owner be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the agreement made for such servicing.

86) That Bell Canada shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities serving this draft plan of subdivision which are required by the City of Hamilton to be installed underground; a copy of such confirmation shall be forwarded to the City of Hamilton.

87) That the owner shall agree in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation;

Canada Post
88) That the owner agrees to provide Canada Post facilities as required by Canada Post Corporation and to locate these facilities to the satisfaction of the City of Hamilton and Canada Post. The facilities are to be installed as part of the installation of Public Works.

Hamilton Conservation Authority
89) That the owner shall prepare and implement an erosion and sedimentation control plan and lot-grading plan to the satisfaction of the Hamilton Region Conservation Authority. The erosion and sedimentation control plan shall include the following notes:

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

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

   c) Any disturbed area not scheduled for further construction within 45 days shall 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 revegetated with permanent cover immediately following completion of construction.

90) That the Owner prepares and implements a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall address stormwater quantity and quality based on the Stormwater Management Report prepared for this development and Official Plan policies.

91) That the Owner prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

92) That the Owner prepares and implements a landscaping plan for the stormwater management ponds, to the satisfaction of the Hamilton Conservation Authority.

**Hamilton-Wentworth District School Board**

93) That the owners, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board’s Transportation Policy.

94) That the Subdivision/Condominium Agreement include a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity as governed by the Board’s Transportation Policy.

95) That any rental or lease agreement required for occupancy include in all agreements to renters or lessees, a clause advising that students from this development are likely to be redirected to schools outside of the area with available capacity.

**Niagara Peninsula Conservation Authority**

96) That detailed lot grading and drainage plans, noting both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.

97) That detailed sedimentation and erosion control, detailing controls to be implemented both during and after construction, be submitted to the Conservation Authority for review and approval.

98) That the detailed design of the stormwater quality and quantity management facilities be submitted to the Conservation Authority for their review and approval.
99) That the owner agrees in the executed Subdivision Agreement to:

   a) implement conditions 1) to 3) above.

**TransCanada Pipelines**

100) That all permanent dwellings, structures and excavations (including swimming pools) must be located at least ten (10) metres from the limits of the TransCanada right-of-way.

101) That the conditions, restrictions or covenants specified by TransCanada Pipelines Ltd. shall be registered against title in relation to the "lands" and the plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.

102) That all crossings of TransCanada's right-of-way by roads, access ramps, trails or pathways, and above or below ground services and utilities, must have TransCanada's prior authorization.

103) That new development that is adjacent to or contains TransCanada's right-of-way must be separated from the right-of-way by permanent fencing, of a type, location and height acceptable to TransCanada and which will be maintained by the adjoining owners. In this development, TransCanada will install markers to identify the location of its facilities and right-of-way. TransCanada Regional Office may approve alternate signage for the demarcation of the pipeline right-of-way.

104) That landscaping of TransCanada's right-of-way must be approved, in writing, by TransCanada and done in accordance with TransCanada Planting Guidelines.

105) That vehicle barriers, of a design acceptable to TransCanada, shall be installed where public roads cross the right-of-way. The location of these barriers must be approved by TransCanada Pipelines.

106) That any roads or streets designed to run parallel to the right-of-way must not have any portion of the road allowance limits located within the right-of-way.

107) That the owner shall not store any fill or building materials on the pipeline right-of-way unless written approval is obtained from TransCanada Pipelines.

108) That any grading that will affect drainage on TransCanada's right-of-way, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way
will be permitted only when a TransCanada representative is present to inspect and supervise them.

109) That should any blasting be required at the site, a report on the methods and charges to be used must be prepared at the owners sole cost and expense by a qualified blasting Engineer and submitted for TransCanada’s written approval prior to the commencement of blasting operations on the site.

110) That TransCanada Pipelines is regulated by the National Energy Board Act. Section 112 of this Act requires that anyone excavating with power-operated equipment or explosives within thirty (30) metres of the pipeline must obtain leave from the National Energy Board before starting any work. To satisfy this National Energy Board condition, TransCanada’s Regional Office must be notified at 1-800-827-5094 three (3) business days before the start of any excavation using power-operated equipment and seven (7) business days before the use of explosives within thirty (30) metres of the pipeline.

111) That TransCanada’s Regional Office must be given three (3) business days advance notice before commencement of any construction activities within thirty (30) metres of the pipelines.

112) That a construction schedule and any changes to this schedule should be submitted to TransCanada’s Right-of-Way Department in Calgary before the start of any construction activities within thirty (30) metres of the pipelines.

113) That the owner shall ensure that all contractor(s) and sub-contractors working within thirty (30) metres of the pipelines are fully aware of and observe the foregoing conditions.

114) That before any construction takes place, TransCanada Pipelines is to be notified so that TransCanada can make a presentation to the major excavating and earth moving contractor responsible for roads, underground installations and grading operations in the area of the pipe line right-of-way and the area within thirty (30) metres of the pipelines. The presentation will be a maximum of thirty (30) minutes in length.

115) That three (3) copies of any registered plans for this subdivision and a registered copy of the Subdivision Agreement should be sent to TransCanada’s Land Department in Calgary.
116) That TransCanada's Regional Office must be given five (5) business days advance notice before the commencement of any construction activities on the site.

**Hydro One Network**

117) That prior to final approval, a copy of the lot grading and drainage plan, showing existing and proposed grades, must be submitted to Hydro One for review and approval. Drainage must be controlled and directed away from Hydro One property.

118) That temporary fencing be installed along the edge of the Hydro One right-of-way prior to the start of construction at the developer's expense.

119) That permanent fencing be installed after construction is completed along Hydro One owned lands at the developer's expense.

120) That Hydro One property not be used without the express written permission of Hydro One Network's Inc. During construction there will be no storage of materials or mounding of earth or other debris on the right-of-way. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.

121) That the costs of any relocations or revisions to Hydro One facilities, which are necessary to accommodate this subdivision, will be borne by the developer.

**Director of Development**

122) That prior to the signing of the final plan, the Director of Development be advised by:

a) The Development Engineering that conditions (2) to (40) inclusive;
b) The Development Planning that conditions (41) to (67) inclusive;
c) Community Services that conditions (68) to (77) inclusive;
d) Roads and Traffic that conditions (78) to (81) inclusive;
e) Social and Public Health Services that conditions (82) to (84) inclusive;
f) Bell Canada that conditions (85) to (87) inclusive;
g) Canada Post Corporation that condition (88);
h) Hamilton Conservation Authority that conditions (89) to (92) inclusive;
i) Hamilton-Wentworth District School Board that conditions (93) to (95) inclusive;
j) Niagara Peninsula Conservation Authority that conditions (96) to (99) inclusive;
k) TransCanada Pipelines that conditions (100) to (116) inclusive;
l) Hydro One Networks Inc. that conditions (117) to (121) inclusive; and
has/have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

**NOTE:** Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

Signed: [Signature]  
Tim McCabe, Director  
Development Division  
Date: November 29, 2002
From: burcea
Sent: Thursday, February 21, 2013 4:39 PM
To: De Iulio, Peter
Subject: Zoning By-Law Amendment Application File ZAC-12-069

Peter,

I represent Bart Chaston Water Haulage 2012 Inc, a company that will purchase Bart Chaston Water Haulage Inc on March 21, 2013.
Our business is located at 2062 Rymal Rd East.
The business has been in operation at this location for 12 or more years.
This location appears as A1 on the map of the lands that the By-Law change request is for.

Our business operates several diesel trucks and our hours of operation are from 7 AM to early evening.

We are not opposed to the proposed changes requested in the application.
We do need to ensure that the builder will do everything possible to minimize the possibility of future complaints in regards to the noise and exhaust fumes from our trucks.
I am sure that adequate use of noise reduction materials and the installation of some sort of noise barrier will provide a happy medium for all concerned.

We will be happy to provide further clarifications should that be required.

We also request that we will be informed of any public meetings and results of the decisions taken on this file.

Regards

John Burcea
Bart Chaston Water Haulage 2012 Inc