

Ontario Land Tribunal

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August 4, 2023

TO: All recipients of the Ontario Land Tribunal's Decision and Order issued on July 27, 2023

RE: **OLT CASE NO.: OLT-21-001345, DECISION AND ORDER ISSUED JULY 27, 2023**

On July 27, 2023, the Ontario Land Tribunal issued its Decision and Order ("Decision") on the above noted case.

Rule 24.4 of the Ontario Land Tribunal's *Rules of Practice and Procedure* states that the Tribunal may at any time correct a technical or typographical error made in a decision or order.

The Tribunal has corrected the Decision under the authority of this rule by: Correction to paragraphs [60], [61] and [62].

A corrected version of the Decision issued on July 27, 2023, is enclosed with this communication. This enclosed Decision replaces the Decision issued on July 27, 2023.

Thank you.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR
Encl.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire

23-248-OLT Attachment 3
23-249-OLT Attachment 1
23-250-OLT Attachment 2



ISSUE DATE: July 27, 2023

CASE NO(S):

OLT-21-001345

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

Applicant and Appellant:
Subject:

Flamborough Power Centre Inc.
Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment

Existing Designation:
Proposed Designation:
Purpose:

District Commercial
Neighbourhoods
To permit the development of a complete community on the subject lands with different residential building types including townhomes and multiple dwelling buildings

Property Address/Description:
Municipality:
Approval Authority File No.:
OMB Lead Case No.:
OMB Case No.:
OMB Case Name.:

30 Dundas Street East
City of Hamilton
UHOPA-19-012
OLT-21-001345
OLT-21-001345
Flamborough Power Centre Inc. v. Hamilton (City)

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

Applicant and Appellant:
Subject:

Flamborough Power Centre Inc.
Application to amend Zoning By-law No. 05-200 – Neglect of application by City of Hamilton

Existing Zoning:
Proposed Zoning:

District Commercial
Downtown Residential (D6, xxx), Modified

Purpose:

To permit the development of a complete community on the subject lands with different residential building types including townhomes and multiple dwelling buildings

Property Address/Description:
Municipality:

30 Dundas Street East
City of Hamilton

Municipal File No.: ZAC-19-044
 OMB Lead Case No.: OLT-21-001345
 OMB Case No.: OLT-21-001355

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Flamborough Power Centre Inc.
 Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision
 Purpose: To permit the development of a complete community on the subject lands with different residential building types including townhomes and multiple dwelling buildings
 Property Address/Description: 30 Dundas Street East
 Municipality: City of Hamilton
 Municipal File No.: 25T-2019005
 OMB Lead Case No.: OLT-21-001345
 OMB Case No.: OLT-21-001356

Heard: June 26 and June 28, 2023 by video hearing

APPEARANCES:

Parties

Flamborough Power Centre Inc.

City of Hamilton

Niagara Escarpment Commission
 Conservation Halton

Counsel

Dennis Wood
 Bogdan Artus (Student at law)

Patrick Macdonald
 Rachel McVean (*in absentia*)

Sarah Valair
 Ken Hare (*in absentia*)
 Aashish Oberoi
 Konstantine Stavrakos (*in absentia*)

DECISION DELIVERED BY G.A CROSER AND ORDER OF THE TRIBUNAL

[Link to Order](#)

[1] The Tribunal convened a merit hearing in the matter of the appeal by Flamborough Power Centre Inc. (the “Applicant”) against the failure of the City of Hamilton (“City”) to make a decision within the statutory timeframe for an Official Plan Amendment (“OPA”), Zoning By-law Amendments and a Draft Plan of Subdivision (“DPOS”). These proceedings were commenced under s. 22(7), s.34(11), and s. 51(34) respectively of the *Planning Act* (“Act”) and pertain to a redevelopment proposal for large tracts of land located within the area of Highway 6 and Highway 5. The Applicant applied for the OPA, ZBLAs, and DPOS (collectively, the “Draft Instruments”) to facilitate the development of a complete community comprising of residential, commercial, and institutional uses.

[2] A two-week hearing on the merits of the matter was scheduled to begin on June 26, 2023, with a further five-day hearing scheduled for **October 2023** to address Conditions of Draft Plan approval/Subdivision Agreement Provisions, if required.

[3] On June 26, 2023, most of the Parties appeared before the Tribunal and explained that a settlement had been reached with the City with respect to the OPA, and with the Niagara Escarpment Commission (“NEC”). It was requested that the Tribunal stand down to allow the Applicant and City some more time to address the remaining matters of difference.

[4] Conservation Halton (“CH”) did not appear before the Tribunal on June 26, 2023. However, in response to a communication by the Case Coordinator, CH stated that it had no issues with the proposed OPA, ZBLAs, or DPOS, and that it would not be attending the hearing. CH expects to attend the October hearing dates if they are required.

[5] The Tribunal did not receive a Participant Statement from Liburdi Engineering Limited, who were granted Participant Status at the first Case Management Conference held in March 2022. Counsel for the Applicant informed the Tribunal that he had reached out to the owner of the corporation to provide submission deadline date for the

Participant Statement. He was informed that the owner of the company was deceased. There was no indication that a new owner or representative of the company would be filing a Participant Statement.

[6] The Tribunal stood down until June 28, 2023. At the resumption of the hearing event, the Applicant and the City stated that they had reached an accord on the ZBLAs and the DPOS. However, due to the short turnaround, Counsel for the City had no instructions with respect to a settlement. As such, the Tribunal heard uncontroverted and uncontested evidence on the merits of the appeal from the Applicant's Planner, Gerry Tchisler . The City's Planner, Charlie Toman then explained how the City's issues with respect to planning, as set out in Mr. Toman's Witness Statement, were now resolved to its satisfaction.

DECISION

[7] The Tribunal acknowledges the cooperation of the Applicant and the City in reaching an agreement. However, the Tribunal must still consider whether the Draft Instruments are representative of good land use planning and in the public interest. For the reasons that follow, the Tribunal is satisfied with the evidence provided in support of this Application and the lack of contrary evidence led by the City. The appeal is allowed with the understanding that conditions for the DPOS will be addressed at the hearing dates in October, if required.

REASONS

Site and Area Context

[8] The lands in question are a group of properties located in the northeast and southeast quadrants of Highway 6 and Highway 5. The lands abut Highway 6, Dundas Street East, Leavitt Boulevard, Clappison Avenue and Horseshoe Crescent. The group of properties located north of Dundas Street East (the "North lands") are approximately

18.6 hectares (“ha”) in area, the group of properties south of Dundas Street East (the “South Lands”) are approximately 6.9 ha in area.

[9] The North Lands consist of a shopping centre and vacant undeveloped areas. The lands are zoned for commercial use. One area of the undeveloped land contains an isolated wetland area and drainage feature. Immediately adjacent to the North Lands is a municipal stormwater management pond and Borer’s Creek, a natural area with a watercourse and walking trails. Other nearby uses include commercial uses and low-density residential uses.

[10] The South Lands consist of vacant undeveloped areas and also include an isolated wetland and drainage feature. The lands are zoned for commercial use. In close proximity to the South Lands are existing commercial and employment areas, low-density residential uses with the escarpment further to the south. The South Lands will continue to be used largely for commercial purposes with the addition of retirement and long-term care uses.

[11] The Subject Lands are near parks, trails, open spaces and community facilities including schools and health facilities. There is access to an existing bus route which provides services through Waterdown and to the Aldershot GO Station. In addition, there are several transit improvements planned for the area, including rapid transit routes, construction of a transit terminal, and the conversion of the intersection of Highway 6 and Dundas Street East into a grade separated interchange.

The Proposed Project

[12] The Applicant proposes a development of residential, commercial, and institutional uses on the Subject Lands, which will form part of a complete community when considered in the context of existing uses in the area.

[13] The North Lands would predominantly be developed with residential uses in various forms of townhomes and apartment buildings ranging in height from three to

twenty storeys. The development would also include the creation of new public roads, stormwater management facilities, a public park, and a non-vehicular crossing over Borer's Creek.

[14] The South Lands will be developed consistent with existing commercial land use designation and zoning, with additional permission for retirement and long-term care uses.

Draft Instruments

[15] The Subject Lands are currently designated in the Urban Hamilton Official Plan ("UHOP") as District Commercial and are also subject to Area Specific Policy UF-1, which is located within the City's Urban Boundary but outside of the built-up area designated in the UHOP. These policies are geared towards commercial use and prohibit residential development.

[16] The OPA framework would implement a different set of policies for the North and South Lands which would reflect the proposal to establish an intensive residential community on the North Lands. The OPA proposes to remove the North Lands from UF-1 and create a new Special Policy Area ("SPA") for these lands, known as UF-2. The new SPA will be a comprehensive set of policies to guide development in a high-density residential area.

[17] After reaching an agreement with the Niagara Escarpment Commission, the Applicant modified the OPA to establish height regimes which will provide that orientation, design, and massing of a building or structure higher than fourteen and eighteen storeys shall consider the impact on general public views of the area of the Niagara Escarpment.

[18] The development of the North Lands would require the existing wetland and drainage feature to be removed to accommodate future development. In consultation

with CH, which has jurisdiction over the feature, the Applicant has entered into an agreement with the Hamilton Naturalists Club to recreate this wetland on lands owned by the Club in the same watershed as compensation for the loss of the feature in its existing location. Given that CH did not attend the Hearing and does not oppose the Draft Instruments, the Tribunal assumes that CH is satisfied with this arrangement.

[19] The South Lands would remain in UF-1, thus retaining commercial permissions. The OPA would introduce new uses including, amongst others: expansion of gross floor area limits, remove maximum lot coverages, permit retirement and long-term care uses, and permission to remove a natural heritage feature (the isolated wetland).

[20] The OPA also contains an extensive implementation section which provides direction on holding provisions, phasing requirements with respect to transportation infrastructure, functional servicing as well as detailed policies regarding the studies required prior to draft plan of subdivision approval and in the context of the removal of holding provisions.

[21] The ZBLAs consists of amending by-laws to two zoning by-laws: Hamilton Zoning By-law No. 05 – 200 and Flamborough Zoning By-law No. 90-145-Z. The ZBLA for the latter deals exclusively with the North Lands (“ZBLA 1”). The ZBLA for Hamilton Zoning By-law No. 05 – 200 would address both the North and South Lands (“ZBLA 2”). The proposed ZBLAs would control development through permitted uses, regulations, and the use of holding provisions.

[22] ZBLA 1 will rezone the North Lands to modified high density R8 zone with site specific and holding provisions. Holding provisions will also be in place with respect to implementing the OPA including: requirements for active transportation connection, requirement for permission from CH prior to any development, phasing and capping requirements. A Holding symbol will also be included for buildings greater than prescribed heights which shall not be removed until a visual impact assessment is submitted to the satisfaction of the City.

[23] ZBLA 2 deals with the South Lands and stormwater management and the park located north of Dundas Street. It contains a holding provision related to the area of wetland on the site. If it is proposed to be removed as part of development, then Applicant must submit a detailed design of measures intended to replicate the hydrologic functions of the existing riparian wetland features to the satisfaction of the City. Given that CH did not attend the Hearing and does not oppose the Draft Instruments, the Tribunal assumes that CH is satisfied with this provision.

[24] The DPOS will create legally conveyable developable blocks, municipal roads and blocks for parks and stormwater management infrastructure. The DPOS would only apply to the North lands, with the South Lands to be developed through future development applications.

[25] Through the use of large blocks that are intended to be further subdivided into smaller lots in the future, the design of the DPOS allows flexibility in building orientation. The DPOS lays out a road pattern via the extension of Horseshoe Crescent and the creation of two new streets. The block arrangement conforms with the objectives of the OPA by, among other things, expanding SWM facilities, park blocks along Borer's Creek, and providing safe access to the existing municipal road network.

PLANNING EVIDENCE

Provincial Policy Statement, 2020

[26] Mr. Tchisler opined that the Draft Instruments were consistent with the Provincial Policy Statement, 2020 ("PPS"). In particular, he referenced policy directions with respect to sustaining healthy, liveable, and safe communities, and the direction that growth in settlement areas requires efficient use of land, resources, infrastructure and support active and public transportation.

[27] To Mr. Tchisler, the introduction of residential land uses facilitates a pattern of land use that results in a more complete and integrated mix of land uses. He noted that the Subject Lands were located next to an Employment Area and was within a commercial area. He opined that the “introduction of residential uses achieves the missing element for the complete community and better achieves transit and active transportation objectives for the City.” To the Planner, the proposed development would “facilitate a development that will create a connected and complete community within the City’s urban structure that is more consistent with the PPS than maintaining the current designation, which is geared toward land extensive, large format commercial uses.”

[28] Mr Tchisler, also touched upon the PPS policies with respect to Housing, Infrastructure and Public Service Facilities. He stated that the Draft Instruments would facilitate a range of medium and high-density housing forms, including retirement and long-term care uses. The proposed development is within an area with existing municipal water, and wastewater services. The development will be able to take advantage of existing transit services and the planned upgrades to public transit facilities in the area will benefit from the increase in residential density.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, August 2020 Consolidation

[29] Mr. Tchisler referenced Policies that direct growth to settlement areas, strategic growth areas, locations with existing or planned transit and locations with existing or planned public service facilities. The Planner opined that the Subject Lands are a good location for growth and that the Draft Instruments will facilitate a development that will support the achievement of a complete community with a compact built form.

[30] The Planner noted the fact that there is existing municipal water and wastewater infrastructure available to service the proposed development. The existing and future access to public transit, as well as the current location of the Subject Lands next to

large employment and commercial area, will provide necessary services and facilities near the proposed residential land uses.

[31] Mr. Tchisler also drew the Tribunal's attention towards policies which provide direction for development in greenfield areas, including that such development be designated, zoned and design to support the achieve of complete communities, active transportation, and viable transit services. He noted that the minimum greenfield density target identifies in the Growth Plan for the City of Hamilton is 50 residents and jobs per ha. The Application will provide for a minimum required gross density of 150 residents and jobs per ha.

The Greenbelt Plan, 2017

[32] The Applicant's Planner explained that, with reference to the Greenbelt Plan, the North Lands are identified 'Towns/Villages' and the South Lands are identified as 'Niagara Escarpment Plan Area'. A limited range of Greenbelt policies apply to lands identified as Towns/Villages and Niagara Escarpment Plan Area with development generally intended to be governed by the underlying local official plans and the Niagara Escarpment Plan ("NEP").

[33] Mr. Tchisler noted that the policies of the Greenbelt Plan encourage the establishment of publicly accessible parkland, open spaces and trails within the Greenbelt for the purposes of recreation and achievement of complete communities. The Planner opined that the proposed development of the North Lands is consistent with this direction through the establishment of a new park with trail connections to the existing Borer's Creek trail system and the proposed stormwater management pond.

Niagara Escarpment Plan, 2017, April 5, 2021

[34] The NEP is only applicable the South Lands which are identified as 'Urban Area' in the NEP. The objective of the Urban Area designation is to minimize the impact and

prevent further encroachment of urban growth on the Escarpment environment. The potential impact identified with this development proposal is the impact of building height on the scenic resources of the Escarpment.

[35] The Policies of the NEP require that development be of a design that is compatible with the scenic resources and that where appropriate maximum heights and setbacks be utilized to minimize the visual impact.

[36] Mr. Tchisler noted that several Visual Impact Assessments were conducted on behalf of the Applicant. As part of the agreement reached with the NEC additional modifications were made to the OPA and ZBLAs to ensure that the future built form will be compatible with the scenic resources of the escarpment. As such, Mr. Tchisler is of the view that the applicable Draft Instruments conform with the NEP.

Urban Hamilton Official Plan

[37] Mr. Tchisler opined that the Application conforms with the UHOP in that it allows for the establishment of a complete community. He stated that the proposed development will provide a range of housing types and will be well supported by existing and planned transit upgrades.

[38] The Planner was of the view that the proposed OPA for the South Lands conforms with the UHOP as it will continue to permit commercial uses to serve the community. He also pointed out that future uses will be able to make more efficient use of the lands without constraints on lot coverage and gross floor area permissions.

Hamilton Zoning By-law 05 – 200 and Flamborough Zoning By-law 90-145-Z

[39] Mr. Tchisler explained that the present zoning generally prohibits residential uses. The Planner is of the view that the proposed ZBLAs will reflect the more modern zoning standards being applied across the City and are consistent with the OPA in that

it facilitates the implementation of a compact and efficient built form with a range of housing forms and creating a mixed-use area that is transit supportive.

Conclusion

[40] Mr. Tchisler's opinion after his review of all relevant documents in assessing the development proposal was that this was an appropriate development of the Subject Lands, and the Application represented good planning and was in the public interest.

POSITION OF THE CITY

[41] Counsel for the City stated that the City Council had settled on the OPA with the Applicant in April 2023. He noted that, given the two-day timeframe, he had no instructions to settle with respect to the ZBLAs and the DPOS. However, the City had no contrary evidence to lead at the hearing.

[42] The City's Planner, Charlie Toman, was now supportive of the OPA and ZBLAs and provided his evidence in this respect. Counsel for the City stated that due to the modifications that the Applicant had made with respect to the Draft Instruments and conditions to be imposed on future development that the City's other experts were satisfied with the Draft Instruments that were tendered before the Tribunal.

[43] Counsel for the City explained five core issues that formed the basis of the City's opposition to the Application, which had now been resolved.

[44] Concerns with traffic management policies with respect to pedestrian and vehicular connectivity with the surrounding areas. Counsel for the City noted that the City had not called its transportation expert as these issues were resolved through a future draft plan condition. He noted that the City did not have any internal interior concerns with respect to traffic management.

[45] The second concern was that the Application did not comply with infrastructure policies with respect to stormwater management. Counsel for the City noted that the City had not called its engineering expert, and that any concerns it had were addressed through the inclusion of holding provisions regarding wastewater capacity and adjustments to the DPOS.

[46] The third issue was with respect to the Environmental Impact Assessment (“EIA”). Counsel for the City stated that the Applicant had made significant updates to its EIA which demonstrated no negative impacts. Counsel for the City noted that the City had not called its natural heritage witness and had no contrary evidence on this point.

[47] Mr. Toman explained that through the proposed OPA the wetland in the South Lands would be removed from the mapping and that the Applicant’s EIS had concluded that there would be no impacts with the removal of that feature. He also noted that ZBLA 2 included holding provisions with respect to the removal of this feature, if required, and found that it was “adequately worded” to meet the intent of the relevant policies.

[48] The fourth issue was the City’s concern that the proposed development did not possess an appropriate distribution of density with respect to building forms. Counsel for the City explained that the blocks and design of the DPOS had been revised and was now supported by City experts. The City was satisfied that the inclusion of tower separation and maximum podium heights had addressed its concerns.

[49] On this fourth issue, Mr. Toman noted that the ZBLA 1 will not have a maximum density limit; however, the ZBLA will include provisions to prevent over-development – including urban design guidelines with respect to tower separation and establishing a maximum height of six storeys for the podiums. In his opinion, this would reduce the number of units on the North Lands and help prevent overdevelopment of the site. He was satisfied with the changes made to the OPA and ZBLA 1 to address this.

[50] The last issue was the concern that there was a lack of a viable framework for long term transition of abutting properties. Counsel for the City stated that any concerns of its planner and engineering expert had been addressed in the Draft Instruments and it had no contrary evidence on this point.

[51] Mr. Toman also provided comments that the Application complied with the suitability of lands for subdivision and that there was no raised flags with respect to the adequacy of schools in the area to accommodate the increase in population. That the sustainability policies of the OPA were addressed in the ZBLAs including increased requirements for landscaped areas and reduction of surface parking.

[52] Mr. Toman summarized his position by opining that the Draft Instruments had merit, were consistent with and conformed with applicable policy documents.

POSITION OF THE NEC

[53] The NEC entered into Minutes of Settlement with the Applicant which were entered as Exhibit 7, during the hearing.

[54] Counsel for the NEC had no questions for Mr. Tchisler or Mr. Toman, and instead made a statement during closing submissions. The NEC's concerns with this Application were narrow and concerned building heights and their visual impacts on the Escarpment. The NEC's resolution with the Applicant provided, in the view of the NEC, a good balance and provided the Applicant with as much flexibility as possible but allowed the NEC to review proposals and identify potential impacts and allow additional mitigation measures where identified.

FINDINGS

[55] In reaching a decision, the Tribunal must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* ("Act"), as well as the position taken by the

municipality and the information considered by it, pursuant to s. 2.1(1) of the Act. In addition, s. 51(24) of the *Planning Act* lists a number of matters that regard must be had for when considering a DPOS.

[56] With respect to s. 2 of the Act, the Tribunal finds that the proposed development has sufficient regard for matters of provincial interest in accordance with s. 2, especially such matters that encourage the orderly development of safe and healthy communities, that are designed to be sustainable, in an area with access to existing community facilities, public transit, and that will facilitate housing in the form of townhouses, mid-rise and high-rise as well as retirement and long-term care homes. Given the fact that the City Council endorsed the proposed OPA in April 2023, that the evidence provided by Mr. Tchisler to the Tribunal was not opposed by Counsel for the City or the NEC and CH, the Tribunal has considered the position taken by the municipality and the information considered by it, pursuant to s. 2(1) of the Act.

[57] Although the isolated wetland feature located in the North Lands is to be removed rather than preserved. The Tribunal is satisfied that satisfactory measures will be undertaken to replace this feature on lands owned by the Hamilton Naturalists Club. CH support of this relocation is noted.

[58] Section 51(24) of the Act lists a number of matters that regard must be had for when considering a DPOS. The Tribunal finds that the DPOS lands are suitable for residential development at medium and high densities and that the DPOS will facilitate the creation of a variety of housing which will provide a range of housing opportunities. The area surrounding the Subject Lands contains commercial and employment uses, and the planned transit upgrades will benefit present and future inhabitants. Furthermore, the proposed DPOS will have access to the surrounding road network and will maintain an appropriate layout with respect to the surrounding development and road patterns.

[59] The Tribunal finds that the Draft Instruments are consistent with the PPS and conform with the Growth Plan, Greenbelt Plan, NEA, and the UHOP.

ORDER

[60] **THE TRIBUNAL ORDERS** that the appeals are allowed and Hamilton Zoning By-law No. 05 – 200 and Flamborough Zoning By-law No. 90-145-Z are hereby amended as set out in **Attachments ‘1’** and **‘2’** to this Order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign numbers to these by-laws for record keeping purposes.

[61] **THE TRIBUNAL ORDERS** that the appeal is allowed and the Applicant’s Official Plan Amendment for the Urban Hamilton Official Plan is amended as set out in **Attachment ‘3’** to the Order.

[62] **THE TRIBUNAL ORDERS** that the Applicant’s Subdivision Appeal pursuant to s. 51(34) of the *Planning Act* is allowed in principle, and that the Draft Plan of Subdivision dated June 21, 2023, surveyed by Ron Querubin, Ontario Land Surveyor, and prepared by MHBC, set out in **Attachment ‘4’** to this Order is approved subject to the imposition of Conditions that may be required by the City of Hamilton.

“G.A. Croser”

G.A. CROSER
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

CITY OF HAMILTON BY-LAW NO. 23- 249-OLT

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Identified with PINs 17563-0375, 17563-0382, 17563-0399, 17563-0400, in the Former Town of Flamborough, now in the City of Hamilton

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" 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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992; A

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. 188.

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

1. That Schedule "A-29", attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to High Density Residential "R8-2 (H1, H2, H3)" Zone, Holding for lands the extent and boundaries of which are shown on Schedule "A" attached to this by-law.
2. Section 13 – High Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Subsection:
13.3.2 "R8-2 (H1, H2, H3)"
Permitted Uses:
 - (a) Uses permitted in Subsection 13.1
 - (b) Retirement Home
 - (c) Long Term Care Home
 - (d) Maisonette
 - (e) Stacked Townhouse
 - (f) Townhouse

- (g) Street Townhouse, on the same lot as an Apartment Building, Maisonette, Stacked Townhouse or Townhouse
- (h) Existing Uses
- (i) Public Park
- (j) On the ground floor of a use identified in (a) through (c) above and only in the area shown on Figure 2:
 - a. Day Nursery
 - b. Financial Institution
 - c. Office
 - d. Personal Service Establishment
 - e. Restaurant – Standard, Convenience, or Fast Food
 - f. Retail Establishment
 - g. Service Shop

Zone Provisions:

- i. Apartment Building, Stacked Townhouse, Retirement Home, Long Term Care Home, Existing Uses

(a) Lot Area (minimum)	300 square metres
(b) Lot Frontage (minimum)	12 metres
(c) Height	
(i) Minimum	10 metres and 3 storeys
(ii) Maximum	In accordance with Figure 1
(d) Lot Coverage (maximum)	60% for lots 1 hectare and greater (N/A for

	lots less than 1 hectare)
(e) Front Yard (minimum)	4 metres
(f) Rear Yard (minimum)	7.5 metres
(g) Interior Yard (minimum)	3 metres
(h) Exterior Yard (minimum)	4 metres
(i) Planting Strip (minimum)	3 metres across all lot lines adjacent to a street
(j) Landscape Open Space (minimum)	15% of lot area
(k) Density (maximum)	N/A
(l) Total Amenity Area (minimum) - Apartment Building, Stacked Townhouse	6 square metres per dwelling unit
(m) Surface Parking (maximum) - Apartment Building, Stacked Townhouse, Retirement Home,, Long Term Care Home	the greater of 25% of parking spaces or 25% of lot area
(n) For the purposes of this by-law, Surface Parking shall be defined as parking spaces located at grade and outside of a building. Surface Parking shall include the drive aisle directly abutting each parking space.	

<p>(o) Additional regulations for Apartment Buildings:</p> <p>i. Maximum podium height at the street line shall be 6 storeys.</p> <p>ii. Minimum separation distance between towers shall be 30 metres.</p>
<p>(p) General Provisions – in accordance with the provision of Section 5 and as modified by above and in subsection iii. below.</p>

ii. Street Townhouse, Townhouse and Maisonette:

(a) Lot Area (minimum)	50.0 square metres
<p>(b) Lot Frontage (minimum)</p> <p>All uses excluding Street Townhouses with individual driveways leading to the front of the unit from a public road</p> <p>Street Townhouses with individual driveways leading to the front of the unit from a public road</p>	<p>5 metres</p> <p>6 metres</p>
<p>(c) Height</p> <p>(i) Minimum</p> <p>(ii) Maximum</p>	<p>9 metres and 3 storeys</p> <p>In accordance with Figure 1</p>

(d) Lot Coverage (minimum)	60% for lots 1 hectare and greater (N/A for lots less than 1 hectare)
(e) Front Yard (minimum)	3 metres
(f) Rear Yard (minimum)	6 metres (0 metres where rear yard is related to the common wall of the dwelling unit)
(g) Interior Side Yard (minimum)	1.2 metres (0 metres where side yard is related to the common wall of the dwelling unit)
(h) Exterior Yard (minimum)	3.0 metres
(i) Planting Strip (minimum) – Townhouse, Maisonette	3 metres across all lot lines adjacent to a street

(j) Landscaped Open Space (minimum) – Townhouse, Maisonette	15% of lot area
(k) Density (maximum)	N/A
(l) Amenity Area (minimum) (i) Maisonette (ii) Townhouse, Street Townhouse	4 square metres per dwelling unit 20 square metres per dwelling unit
(m) General Provisions – in accordance with the provision of Section 5 and as modified by above and in subsection iii. below.	

- iii. The following additional provision apply to all uses within the R8-2 zone:
- a. Section 5.4.2 - Dwelling Unit Area (minimum), shall not apply
 - b. Maximum building height shall be inclusive of all mechanical penthouses and elevator penthouses.
 - c. Section 5.13.1 and 5.13.2 – Loading requirements, shall not apply.
 - d. The location of any loading doors and associated loading facilities shall be subject to the following:
 - i. Shall not be permitted in any yard abutting a street, except where screened from street view by a Visual Barrier
 - ii. for the purposes of this clause, a Visual Barrier shall be a minimum height of 1.8 m and consist of the following:
 1. a wall / fence, provided it is not taller than 2.5 m or located within 3 m of a street line;
 2. A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;
 3. Earth berms; or,

4. Any combination of the above.

e. Notwithstanding Subsection 5.21.1:

Apartment Building, Stacked Townhouse	1 space per dwelling unit
Street Townhouse, Townhouse and Maisonette	1 space per dwelling unit
Retirement Home, Long Term Care Home	1 for each 3 persons accommodated or designed for accommodation.
Day Nursery	1 for each 125.0 square metres of gross floor area which accommodates such use.
Financial Establishment	1 for each 30.0 square metres of gross floor area, which accommodates such use.
Office	i) 0 where a use is less than 450.0 square metres in gross floor area; and, ii) 1 for each 30.0 square metres of gross

	<p>floor area which accommodates such use, for that portion of a building that is in excess of 450.0 square metres.</p>
<p>Personal Service</p>	<p>i) 0 where a use is less than 450.0 square metres in gross floor area; and, ii) 1 for each 16.0 square metres of gross floor area which accommodates such use, for that portion of a building that is in excess of 450.0 square metres.</p>
<p>Service Shop</p>	<p>1 for each 30.0 square metres of gross floor area which accommodates the Office, Retail, and Showroom component of the use.</p>
<p>Restaurant</p>	<p>i) 0 where a use is less than 450.0 square metres in gross floor area; and, ii) 1 for each 50.0 square metres of gross</p>

	<p>floor area which accommodates such use for that portion of a building that is in excess of 450.0 square metres.</p>
<p>Retail</p>	<p>i) 0 where a use is less than 450.0 square metres in gross floor area;</p> <p>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p>

f. Location of Surface Parking:

- i. For all uses except Street Townhouse, parking shall not be located between the façade and the front lot line or between the façade and flankage lot line and shall not be within 3.0 metres of a street line. Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.
- ii. Notwithstanding anything in this by-law, parking for Street Townhouses with individual driveways leading to the front of the unit from a public road is permitted in the front yard and shall be a minimum width of 2.7 metres and maximum width of 6 metres or 50% of the lot width,

whichever is lesser. An adjacent walkway shall also be permitted.

- g. Notwithstanding Provision 5.21.6 (b), a two-way driveway shall have a minimum unobstructed width of not less than 6 metres.
- h. Existing Uses shall not be subject to minimum height provisions.
- i. Notwithstanding anything in this by-law, Street Townhouses shall not compose more than 50% of the frontage of any one street located within the R8-2 zone, measured between the two closest intersections of two different streets, the two closest vertices of the same street which is angled or a between the closest vertex and intersection, as applicable. Street Townhouses are not permitted in the location shown on Figure 2.
- j. For apartment buildings, a minimum of 100 square metres of the required amenity area shall be provided in a common amenity area.
- k. Above grade structured parking shall be permitted within Apartment Buildings, Retirement Homes and Long Term Care Homes provided that:
 - i. At the grade level, the public street fronting portions of the structured parking are blocked from street view with other uses within the same building which may include lobby areas, dwelling units, commercial uses, amenity rooms, utility rooms and other such elements standard to normal functioning of the building; and,
 - ii. All facades of the structured parking which are public facing, shall include decorative architectural elements.
- l. Surface parking areas of Apartment Buildings, Retirement Homes and Long Term Care Homes shall require Landscaped Parking Islands as follows:
 - i. One Landscaped Parking Island shall be provided within a surface parking area for every 20 surface parking spaces proposed.
 - ii. Landscaped Parking Island shall mean a portion of land with a minimum area of 10 square metres located within a surface parking area for the purposes of growing trees. Landscaped Parking Islands may also include other plantings and be combined with walkways.
 - iii. The minimum number of required parking spaces shall be reduced by the number of Landscaped Parking

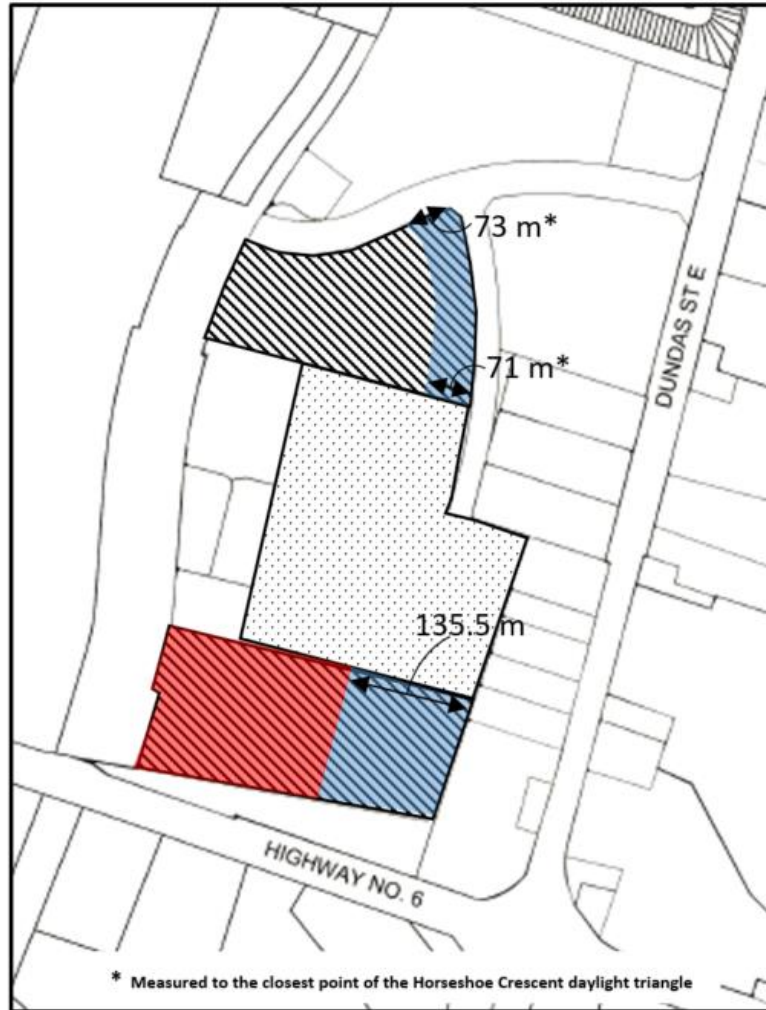
Islands provided up to a maximum of 10% of the required parking spaces.




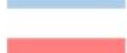
- m. For the purposes of this by-law, “Retirement Home” means a retirement home as defined in the Retirement Homes Act, 2010.
- n. For the purposes of this by-law, “Long-Term Care Home” means a long-term care home as defined in the Fixing Long-Term Care Act, 2021.
- o. General Provisions – In accordance with the provisions of Section 5, except as otherwise specified above.

iv. (H1) Holding Symbol

- a. This Holding Symbol shall not be removed for the lands within the R8-2 zone, or part thereof, until the following conditions are met for such lands:
 - i. Arrangements are made for the provision of an active transportation connection across Borer’s Creek on public property between the area zoned R8-2 and Medicorum Place.
 - ii. Permission is received from Conservation Halton prior to undertaking any development within Conservation Halton’s regulated area, if applicable.
 - iii. For development beyond 1,340 units:
 - 1. Confirmation that, after the addition of the vehicles attributable to the proposed development, a satisfactory level of vehicular service will be achieved within the adjacent road network or if not, improvements are been made, to the satisfaction of the City, to achieve a satisfactory level of vehicular service; and,
 - 2. The extension of Leavitt Boulevard from Dundas Street East to Horseshoe Crescent, west of Clappison Avenue occurs or alternative improvements to the adjacent road network have been made in order to achieve a satisfactory level of vehicular service to the area zoned R8-2 inclusive of vehicles from the proposed development, to the satisfaction of the City.
 - iv. In addition to iii. above, for development beyond 2,325 persons, determination that there is sufficient capacity within the wastewater system to accommodate the proposed development.


- b. Notwithstanding a.iii. above, this Holding Symbol can be removed from the lands associated with the first 1,340 residential units, including associated commercial uses within the same building as said units, provided that conditions i. and ii. above, have been satisfied, subject to c. below.
 - c. Notwithstanding a.iv. above, this Holding Symbol can be removed from the lands associated with the first 2,325 persons, including associated commercial uses within the same building as said units, provided that conditions i. and ii. above have been satisfied, subject to b. above.
 - d. This Holding Symbol shall not apply to Existing Uses, including any proposed alteration, expansion and addition to thereof.
- v. (H2) Holding Symbol
 - a. This Holding Symbol shall only be applicable to the areas identified on Figure 1 and only for buildings greater than 47.9 metres.
 - b. This Holding Symbol shall not be removed from the lands shown on Figure 1, or portions thereof, until such time as a Visual Impact Assessment is submitted to the satisfaction of the City.
- vi. (H3) Holding Symbol
 - a. This Holding Symbol shall only be applicable to the areas identified on Figure 1 and only for buildings greater than 60.3 metres.
 - b. This Holding Symbol shall not be removed from the lands shown on Figure 1, or portions thereof, until such time as a Visual Impact Assessment is submitted to the satisfaction of the City.
- vii. Figure 1 for Zone R8-2 – Maximum Building Heights



-  Maximum Building Height: 41.7 metres and 12 storeys
-  Maximum Building Height: 66.5 metres and 20 storeys
-  VIA Required for Buildings Above 47.9 metres per Holding Symbol H2
-  VIA Required for Buildings Above 60.3 metres per Holding Symbol H3

viii. Figure 2 for Zone R8-2 – Commercial and Street Townhouse Permissions



 Additional uses permitted on ground floor, Street
Townhouse Dwellings not permitted

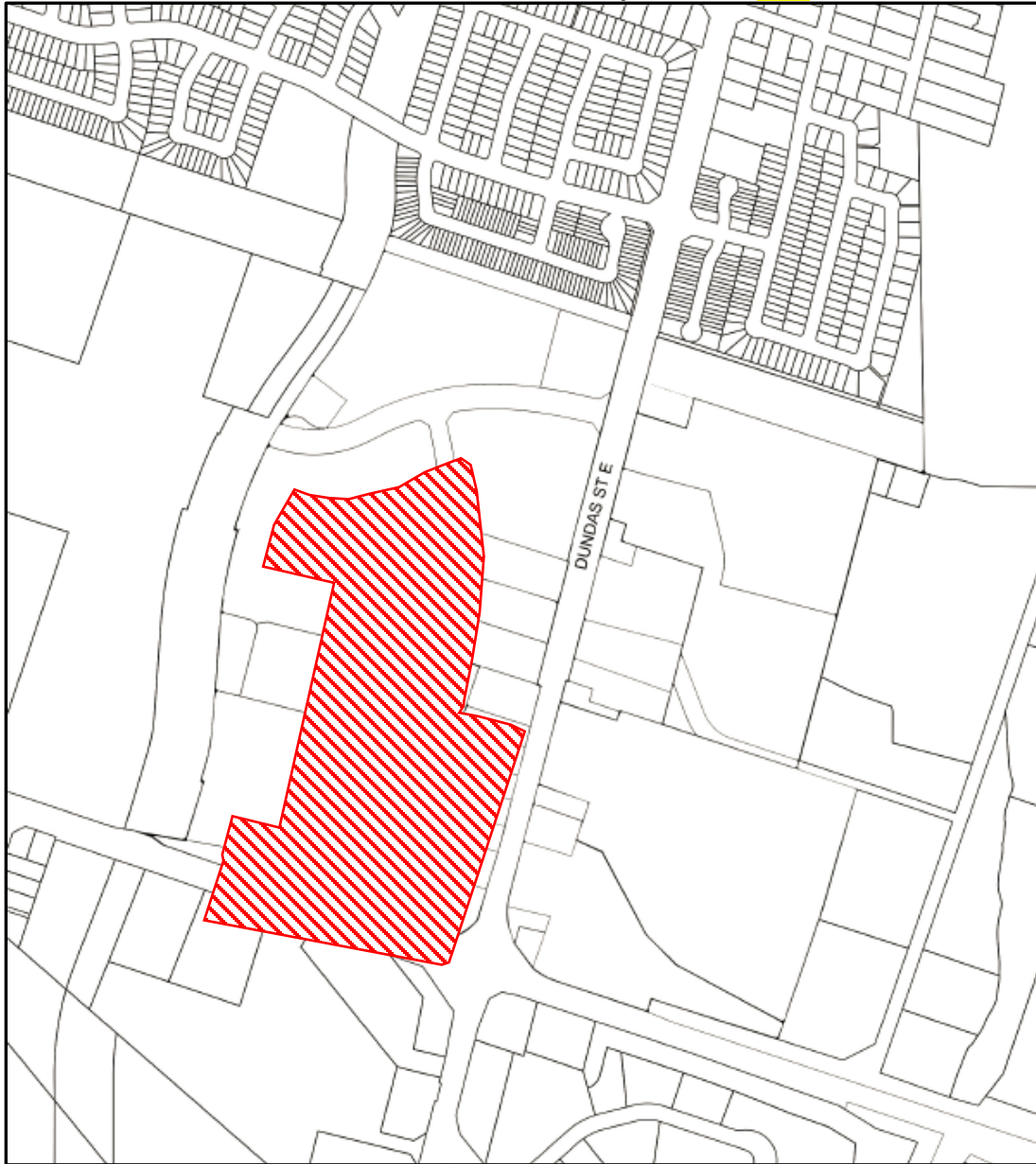
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
4. That this by-law shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.


PASSED this XX day of month, 2023.

A. Horwath _____
Mayor

R. Caterini _____
City Clerk

Schedule A to By-law 23-249-OLT



 Changing in Zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to High Density Residential "R8-2 (H1, H2, H3)" Zone, Holding

ATTACHMENT 2

**CITY OF HAMILTON
BY-LAW NO. 23-250-OLT**

**To Amend Zoning By-law No. 05-200
Respecting Lands Identified with PINs 17498-0773, 17498-0775, 17498-0776,
17498-0777, 17498-0778, 17498-0779, 17563-0380 and Parts of PINs 17563-0399
and 17563-0375 in the Former Town of Flamborough, now in the City of Hamilton**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

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

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. 188.

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

1. That Map No^s ⁵⁸¹ and ⁶¹² of Schedule "A" – Zoning Maps of By-law No. 05-200 is amended by:
 - a. Changing the zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to District Commercial (C6, 326, H164) Zone, Holding, Modified;
 - b. Changing the zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to Conservation/Hazard Land (P5, 884) Zone, Modified; and,
 - c. Changing the zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to Neighbourhood Park (P1) Zone, Modified.

For the lands the extent and boundaries of which are shown on Schedule "A" to this By-law.

2. That Figure 9 of Schedule "F" – Special Figures of By-law No. 05-200 is amended by:
 - a. Changing the designation from "C" to "E" and "C" to "F"; and,
 - b. Modifying the boundary of "Subject Area – Special Exception 326".

For the lands the extent and boundaries of which are shown on Schedule "B" to this By-law.

3. That Schedule "C" – Special Exceptions, of By-law No 05-200, is hereby amended as follows:

c. Replacing Clause xii) to xv) of Subsection b) in Special Exception 326 with the following:

xii) Maximum total gross floor area for all uses in Blocks A and B combined, with hotel/motel, community centre and public uses not being included in the calculation of gross floor area in the determination of maximum total gross floor area 39,870 square metres.

xiii) Maximum total gross floor area for all uses in Block C, with hotel/motel, community centre and public uses not being included in the calculation of gross floor area in the determination of maximum total gross floor area 7,000 square metres.

xiv) Maximum total gross floor area for all uses in Block D, with hotel/motel, community centre and public uses not being included in the calculation of gross floor area in the determination of maximum total gross floor area 30,000 square metres.

xv) Maximum total gross floor area for all uses in Block E, with hotel/motel, community centre and public uses not being included in the calculation of gross floor area in the determination of maximum total gross floor area 31,000 square metres.

- d. Adding a new Clause “xvi)” to Subsection “b)” in Special Exception 326 and re-numbering the existing Clause “xvi)” and subsequent clauses accordingly:

xvi) Maximum total gross floor area for all uses in Block F, with hotel/motel, community centre and public uses not being included in the calculation of gross floor area in the determination of maximum total gross floor area 31,000 square metres

- e. Adding a new Subsection “e)” to Special Exception 326 and re-lettering the existing Subsection “e)” as Subsection “f)”:

“e) The following additional provisions shall apply to lands labelled “F” on Special Figure 9 of Schedule “F”:

- i) Retirement Home and Long Term Care Home uses shall also be permitted in accordance with the following additional exceptions:
 - 1. Clauses 5.1 d), 10.6.1.1.i) 1. and 10.6.3 g) vi) and vii) shall not apply.
 - 2. Notwithstanding Clause 10.6.3 d) and Schedule C – Special Exceptions, Clause 326 b) ix), Maximum Height shall be 29.3 metres, inclusive of mechanical penthouses and elevator penthouses, notwithstanding the definition of building height.
 - 3. Notwithstanding Schedule C – Special Exceptions, Clause 326 c) i) 1., parking shall be provided in accordance with Subsection 5.6 c).
 - 4. A minimum landscaped area of 10% of the total lot area shall be required, inclusive of any landscaped areas, islands, buffers and planting strips required by any other section of the by-law.
- ii) Clause 10.6.1.1.i)2. shall not apply.
- iii) Notwithstanding Clause 10.6.3 e), Maximum Gross Floor Area for an Office use is 4,000 square metres.
- iv) Notwithstanding Schedule C – Special Exceptions, Clause 326 b) iv), Maximum Lot Coverage shall not apply
- v) For the purposes of this by-law, “Retirement Home” means a retirement home as defined in the Retirement Homes Act, 2010.
- vi) For the purposes of this by-law, “Long-Term Care Home” means a long-term care home as defined in the Fixing Long-Term Care Act, 2021.

- f. Adding the following new Special Exception 884

"884 Within the lands zoned Conservation / Hazard Land (P5) Zone, identified on Map No. 581 of Schedule "A" – Zoning Maps, the following special provision shall apply:

- a) Notwithstanding Subsection 4.23 d), all buildings or structures located on properties abutting a P5 Zone boundary require no setback from the boundary.

3. That Schedule "D" – Holding Provisions, of By-law No 05-200, is hereby amended by adding the following subsection:

"164 Notwithstanding Section 10.6 of this By-law and Special Exception 326, within lands zoned District Commercial (C6, 326, H164), generally located south of Dundas Street, between Highway 6 and Leavitt Boulevard, and identified on Map No. 612 on Schedule "A" – Zoning Maps:

- i. no development shall be permitted until such time as the owner submits a transportation study that demonstrates that after the addition of the vehicles attributable to the proposed development, a satisfactory level of vehicular service will be achieved within the road network, or if not, development must be phased and/or off-site improvements must occur, to the satisfaction of the City, to achieve a satisfactory level of vehicular service within the road network.
- ii. No development shall be permitted until such time as the owner submits a Functional Servicing Report to the satisfaction of the City that demonstrates that the land can be appropriately serviced with water, wastewater and stormwater infrastructure and identifies whether phasing or off-site improvements are required.
- iii. Should the existing riparian wetland features be proposed to be removed as part of development, the Owner shall submit a detailed design of measures intended to replicate the hydrologic functions of the existing riparian wetland features, consistent with the recommendations of the iConnect Residential Environmental Impact Study prepared by Stantec dated March 17, 2023, to the satisfaction of the City. This Holding Provision shall not prevent any development of the lands that retains the existing riparian wetland features.

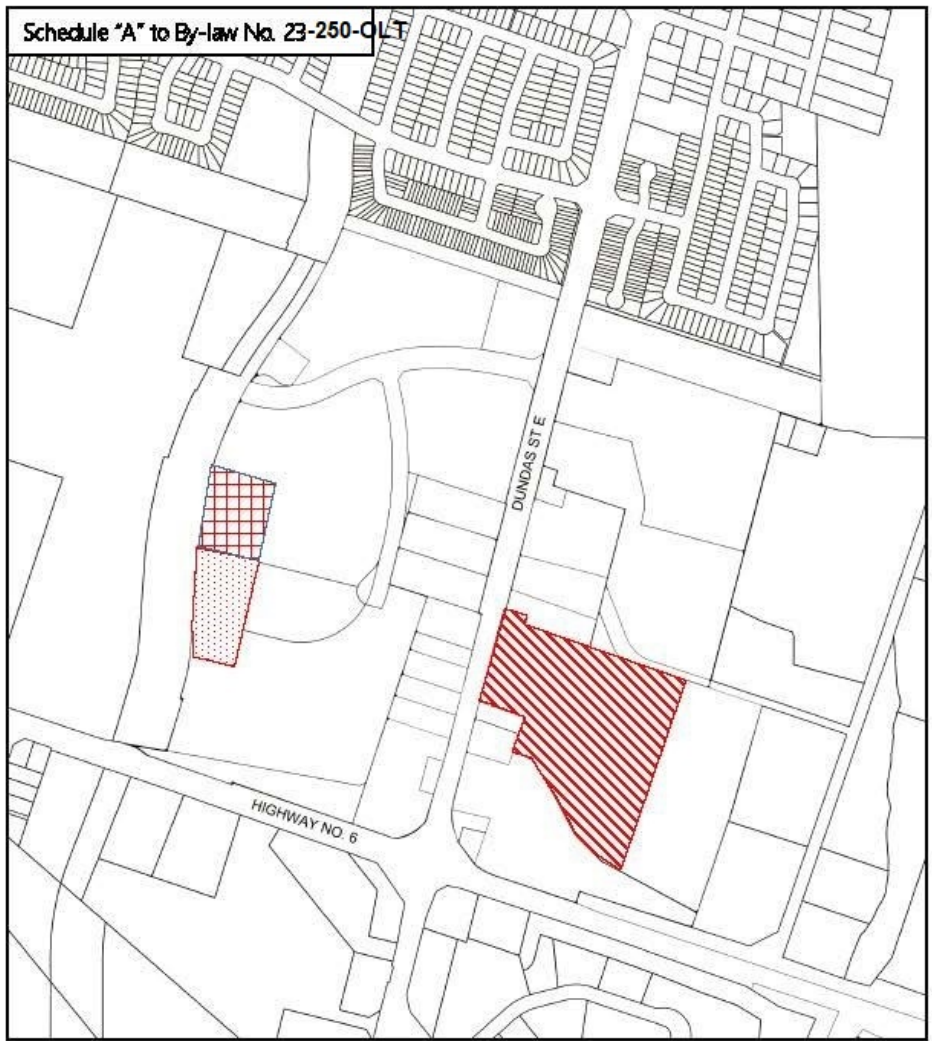
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

5. That this by-law shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

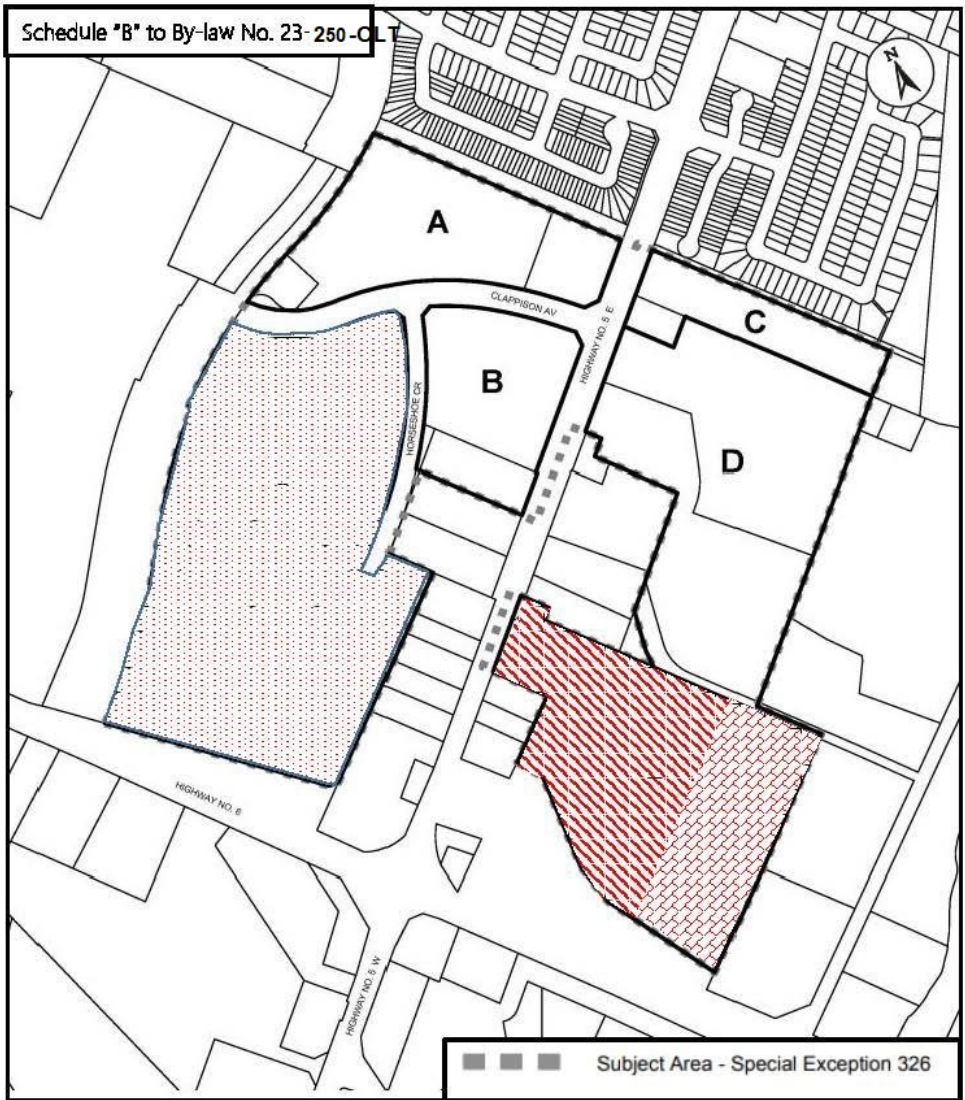
PASSED this XX day of month, 2023.




A. Horwath
Mayor

R. Caterini
City Clerk



- 
 Change in zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to District Commercial (C6, 326, H164) Zone, Holding, Modified
- 
 Change in zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to Conservation/Hazard Land (P5, 884) Zone, Modified
- 
 Change in zoning from District Commercial (C6, 326, H92) Zone, Holding, Modified to Conservation/Hazard Land (P1) Zone



-  Change in designation from "C" to "E"
-  Change in designation from "C" to "F"
-  Remove lands from "Subject Area – Special Exception 326"

ATTACHMENT 3

CITY OF HAMILTON

BY-LAW NO. 23-248-OLT

To Adopt:

Official Plan Amendment No.188 to the

Urban Hamilton Official Plan

Respecting lands identified as PINs, 17498-0773, 17498-0775, 17498-0776, 17498-0777, 17498-0778, 17498-0779, 17563-0375, 17563-0380, 17563-0382, 17563-0399 and 17563-0400 located east of Highway No. 6, west of the pipeline easement, south of Borer's Creek, and north of Mountain Brow Road West (former Town of Flamborough)

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

1. Amendment No.188 to the Urban Hamilton Official Plan consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this XX day of XX, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

**DRAFT Urban Hamilton Official Plan
Amendment No. 188**

The following text, together with:

Appendix "A"	Volume 1: Schedule B - Natural Heritage System
Appendix "B"	Volume 1: Schedule B-4 - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Features Wetlands
Appendix "C"	Volume 1: Schedule E-1 - Urban Land Use Designations
Appendix "D"	Volume 1: Appendix A – Parks Classification
Appendix "E"	Volume 3: Map F-1 – Area Specific Policies
Appendix "F"	Volume 3: Map F-2 – Areas Specific Policies – Maximum Building Heights
Appendix "G"	Volume 3: Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure

attached hereto, constitutes Official Plan Amendment 188 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend Flamborough Area Specific Policy UF-1 (as delineated in the Appendices to this Amendment) to permit additional uses on a portion of the lands south of Dundas Street East, and to create a new Area Specific Policy Area UF-2 for lands north of Dundas Street East to permit the development of a new residential community. The Amendment also removes the designation of an isolated natural feature shown on Schedule "B" and Schedule "B-4" of Volume 1 from the lands.

2.0 Location:

The lands affected by this amendment are located within the area east of Highway 6, west of the pipeline easement, south of Borer's Creek, and north of Mountain Brow Road West, in the former Town of Flamborough and are identified as PINs 17498-0773, 17498-0775, 17498-0776, 17498-0777, 17498-0778, 17498-0779, 17563-0375, 17563-0380, 17563-0382, 17563-0399 and 17563-0400.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed Amendment is consistent with the Provincial Policy Statement

Schedule “1”

and A Place to Grow: Growth Plan for the Greater Golden Horseshoe;

- The proposed Amendment conforms to the Greenbelt Plan;
- The proposed development is consistent with the vision and objectives of the Urban Hamilton Official Plan and allows for the implementation of the complete communities direction of the Urban Hamilton Official Plan;
- The proposed development assists in achieving the City's greenfield growth targets;
- The proposal provides for the redevelopment of the lands with a broader range of uses in a form compatible with the wider community, and does not preclude the future redevelopment of adjacent lands along Dundas Street East;
- The proposal provides for future road access to the rear of properties along Dundas Street East to address the implementation of infrastructure improvements envisioned by the Ministry of Transportation;
- The proposal is adequately served by and connected to existing and proposed community infrastructure including public transit, parks, schools, and recreation facilities;
- The proposal enhances the pedestrian environment by establishing an active transportation system that connects to the surrounding community and the existing municipal trail system; and,
- The proposal represents a compact, transit-supportive development with a mix of housing types located at the terminus of a future rapid transit route planned for in the City of Hamilton's BLAST Rapid Transit network, located adjacent to a potential interregional bus rapid transit route along Dundas Street, and located in close proximity to a planned Provincial car pool lot.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedules

Schedule "1"

- a. That Volume 1: Schedule B - Natural Heritage System be amended by removing the "Core Areas" identification from the subject lands, as shown on Appendix "A", attached to this Amendment.
- b. That Volume 1: Schedule B-4 - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands be amended by removing the "Key Natural Heritage and Key Hydrologic Feature Wetlands" identification from the subject lands, as shown on Appendix "B" attached to this Amendment.
- c. That Volume 1: Schedule E-1 - Urban Land Use Designations be amended by redesignating the subject lands north of Dundas Street East from "District Commercial" to "Neighbourhoods", as shown on Appendix "C" attached to this Amendment.
- d. That Volume 1: Appendix A – Parks Classification be amended by identifying a portion of the lands as "Neighbourhood Park", as shown on Appendix "D" attached to this Amendment.

4.2 Volume 3- Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.2.1 Chapter B – Area Specific Policies - Flamborough Area Specific Policies

- a. That Volume 3: Chapter B – Area Specific Policies - Flamborough Area Specific Policies be amended by revising Area Specific Policy UF-1 as follows:
 - i) That the following preamble be inserted for Area Specific Policy UF-1 below the title "Lands located east of Highway 6, west of the pipeline easement, north of the Niagara Escarpment and south of Borer's Creek (part of Clappison's Corners) (OPA 75)":

Area UF-1 is planned as a large format retail centre. It is intended to provide a variety of retail and service commercial uses that support the weekly and daily shopping needs of residents in surrounding neighbourhoods, and serves an important commercial function for the Waterdown Community. Notwithstanding this primary commercial function, a broader range of uses is envisioned within the portion of the UF-1 lands identified as Area E, including long term care, retirement home and office uses. The goal of these additional uses is to help meet community needs for these uses and support new residential growth and

Schedule "1"

employment uses in surrounding areas. Additional uses will be integrated with the surrounding area to provide for a more complete community.

ii) That Policy 1.0 be amended by:

- 1) deleting the "and" before "C" and adding the words "and E" after "C";
- 2) by changing the number 139,000 in Policy 1.0 a) to 108,000;
- 3) by adding a comma after "B", deleting the "and" before "C", adding the words "and E;" after "C" and deleting the last phrase "excluding a hotel and motel for areas C of UF-1; and," in Policy 1.0 a);
- 4) by adding a new policy 1.0 b) which reads:

"b) Notwithstanding Policy 1.0 a), the existing building at 50 Leavitt Boulevard, long term care homes, retirement homes, hotels/motels, community centres and public uses shall not be included in the calculation of gross floor area in the determination of maximum gross floor area;"

- 5) by renumbering Policy 1.0 b) as 1.0 c), deleting the period at the end of Policy 1.0 b) and replacing it with "; and,", and
- 6) by adding a new policy d) which reads:

"d) Retail uses exceeding a combined gross floor area of 108,000 square metres shall require a market impact study, to the satisfaction of the City, to ensure that there are no significant detrimental impacts on other planned commercial functions within the City. An Official Plan Amendment shall be required to increase the gross floor area cap above 108,000 square metres."

so that the policy reads as follows:

- "1.0 In addition to E.4.7 – District Commercial of Volume 1, the following policies shall apply to lands located east of Highway 6, west of the pipeline easement, north of the Niagara Escarpment and south of Borer's Creek (part of Clappison's Corners), and shown as sub areas A, B (B-1 and B-2), C and E on Area Specific UF-1 on Map F-1:
- a) a combined maximum of 108,000 square metres of gross floor area shall be permitted in areas A, B, C and E;
 - b) Notwithstanding Policy 1.0 a), the existing building at 50 Levitt Boulevard, long term care homes, retirement homes, hotel/motel, community centre and public uses not being included

Schedule "1"

in the calculation of gross floor area in the determination of maximum gross floor area;

- c) residential uses shall not be permitted; and,
- d) retail uses exceeding a combined gross floor area of 108,000 square metres shall require a market impact study, to the satisfaction of the City, to ensure that there are no significant detrimental impacts on other planned commercial functions within the City. An Official Plan Amendment shall be required to increase the gross floor area cap above 108,000 square metres."

iii) That the description above Policy 1.1 be deleted and replaced with:

"Areas A, B-1, B-2, C and E"

iv) That Policy 1.1 be amended by deleting the "and" before "C" and adding the words "and E" after "C" so that the policy reads as follows:

"In addition to Policy E.4.7.2, but notwithstanding Policies, E.4.7.3, and E.4.7.7 – District Commercial of Volume 1, the lands west of the pipeline easement on the north and south side of Dundas Street East, shown as Area A, B-1, B-2, C and E on Area Specific UF-1 on Map F-1, shall be subject to the following policies:"

v) That Policy 1.1 b) be amended by deleting the "and" before "C", adding the words "and E" after "C", and replacing the words "have been" with "be" so that the policy reads as follows:

"b) Areas A, B-1, B-2, C and E shall be developed in accordance with the following policies:"

vi) That Policy 1.5 be amended by deleting the Policy in its entirety and replacing it with:

"In addition to Policy 1.1, and notwithstanding Policy E.4.7.7 of Volume 1, for the lands shown as Area C in Area Specific UF-1 on Map F-1, the maximum total combined gross floor area of all uses shall be 40,000 square metres, with hotel/motel, community centre and public uses not being included in the calculation of gross floor area."

vii) That a new Policy 1.7 be added as follows:

"Area E

1.7 In addition to Policy B 1.1, the following Policies shall also apply to Area E:

- a) Notwithstanding Policy B.1.0 b) and in addition to the uses permitted by Policy E.4.7.2 of Volume 1 and Policy B.1.1 a), Retirement Homes and Long Term Care homes shall also be permitted and may be permitted on any storey of a building.
- b) Notwithstanding Policy E.4.7.2 b) of Volume 1, medical clinics and offices shall be permitted on any storey of a building.
- c) Policy E.4.7.8 of Volume 1 shall not apply.
- d) Individual office uses or office buildings shall not exceed 4,000 square metres.
- e) An implementing Zoning By-law shall establish appropriate development standards to regulate future development including holding provisions to address matters of transportation capacity, phasing and off-site transportation improvements, as needed and to the satisfaction of the City.
- f) A Concept Plan shall be provided prior to development to demonstrate how the proposed development will relate to abutting parcels, including possible access arrangements. The Concept Plan may be revised as development proceeds.
- g) Development that results in the removal of a minor riparian wetland feature within Area E shall require that the hydrologic functions of this feature be replaced. These functions may be replicated through enhanced vegetated swales, low impact development stormwater management measures, constructed wetland features or other similar measures as outlined in an Environmental Impact Study. The City may require that the detailed design of such measures be addressed through a holding provision in the Zoning By-law or as a condition for Subdivision Approval or Site Plan Control.

Schedule "1"

- b. That Volume 3: Chapter B – Area Specific Policies - Flamborough Area Specific Policies be amended by creating a new Area Specific Policy UF-2 as follows:

UF-2 Lands located within the area east of Highway 6, west of Clappison Avenue, north of Dundas Street and south of Borer's Creek

- 1.0 In addition to the policies of Volume 1, for the lands identified as Area UF-2 shown on Map F-1 – Area Specific Policies, Map F-2 - Area Specific Policies – Building Heights, and Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure, the following policies shall apply:

Vision

- 1.1 Area UF-2 was originally planned for and partially developed with large format retail uses but is now planned to evolve into a well-designed, compact mixed use community of primarily residential land uses. The vision for redevelopment is to establish a new vibrant, residential community that is well-connected, sustainable and well-designed. The lands will support the wider area to create a complete community with places to live, work, shop and play through providing a range and mix of housing options, providing supportive commercial uses; and establishing a Neighbourhood Park designed to be a focal point for the community.

Objectives

- 2.0 Area UF – 2 shall be redeveloped in accordance with the following objectives:
- a) Provide for a diverse range of housing options by:
 - i) establishing new residential uses in a range of built forms; and,
 - ii) providing for a range of dwelling unit types and tenures to ensure housing is accessible to and attainable for a variety of household types, sizes, incomes and age groups.

 - b) Provide for high quality open space by:
 - i) establishing a Neighbourhood Park which is well-connected to an active transportation network;

Schedule "1"

- ii) using stormwater management features as passive recreational spaces, where feasible; and,
 - iii) providing non-vehicle connections to the open space area and multi-use path along Borer's Creek.
- c) Provide for a high quality, multi-modal transportation network by:
- i) providing for a full range of mobility and active-transportation opportunities including walking, cycling and transit;
 - ii) ensuring integration of the active transportation network with abutting areas;
 - iii) providing a non-vehicular connection to lands north of Borer's Creek for active transportation, if approved by applicable agencies;
 - iv) planning for a vehicular road connection to Dundas Street East or alternative road network improvements, in accordance with the policies for Area UF-2;
 - v) Providing appropriate emergency vehicle access to Area UF-2 in the absence of a second vehicular connection to Area UF-2; and,
 - vi) Providing a road design that accommodates transit.
- d) Create a sustainable and resilient community by:
- i) ensuring development provides for the efficient use of infrastructure, energy and other resources;
 - ii) encouraging sustainable design practices for all development; and,
 - iii) promoting native plantings and naturalized, low maintenance landscaping.
- e) Ensure compatibility with abutting areas and a high quality of urban design by:
- i) providing for high quality, pedestrian-oriented streetscapes;
 - ii) ensuring appropriate orientation and massing of buildings abutting park space;
 - iii) ensuring appropriate and compatible transitions to existing uses in abutting areas; and,
 - iv) creating a distinctive public realm.

Schedule "1"

General Land Use Policies

- 3.0 Area UF-2 shall be comprehensively developed as a residential community with supporting commercial uses, and a Neighbourhood Park.
- 3.1 Development of the lands shall ensure connectivity to the broader community and provide for appropriate and compatible transitions to enable the redevelopment of abutting areas.
- 3.2 Notwithstanding policy E.2.6.5 and in addition to E.3.2.3 of Volume 1, existing stand-alone commercial uses and minor additions and alterations to existing stand-alone commercial uses may be permitted until redevelopment of those uses for residential or other neighbourhood uses takes place. It is the intention that existing stand-alone commercial uses will be redeveloped for other uses as residential development takes place.
- 3.3 A mix of medium density and high density residential uses and a variety of building heights shall be provided.
- 3.4 Notwithstanding Policies E.3.5.7 and E.3.6.6 of Volume 1, Area UF-2 is planned to achieve a minimum gross density of 150 units per hectare calculated over the entire area, inclusive of roads, parks, open spaces, stormwater management facilities, local commercial uses, and any other non-residential uses.
- 3.5 Where a retirement home or long term care home is proposed, for the purpose of calculating density, residential suites in retirement homes and long term care homes shall be defined as 0.3 dwelling units in terms of residential unit equivalency.
- 3.6 The minimum building height for new development shall be 3 storeys.
- 3.7 Notwithstanding Policy E.3.5.8 of Volume 1, maximum building heights shall be in accordance with Map F-2 – Area Specific Policies – Maximum Building Heights.
- 3.8 Multiple dwellings with commercial uses on the ground floor are encouraged in close proximity to Clappison Avenue, and shall be provided in accordance with Policies E.3.5.4, E.3.6.3 and E.3.8 of Volume 1. The Zoning By-law shall establish locations where commercial uses may be permitted at grade.

Schedule "1"

- 3.9 Stormwater management facilities may be permitted in any location to facilitate the servicing of the development. Preliminary locations are shown conceptually on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure. The location, size and dimensions of any stormwater management facilities shall be determined through the subdivision application process.

Residential Policies

- 4.0 A mix of unit types and sizes shall be provided, including larger units, to accommodate a variety of household types, sizes, incomes and age groups.
- 4.1 Medium Density Residential and High Density Residential uses shall be permitted in accordance with Sections E.3.5 and E.3.6 of Volume 1.
- 4.2 Notwithstanding Policies E.3.5.7 and E.3.6.6 of Volume 1, a range of densities are permitted within individual developments, provided the planned minimum gross density of 150 units per hectare calculated over the entire UF-2 area is achieved.
- 4.3 Individual residential development sites should include outdoor amenity areas that provide accessibility and connection to the active transportation network.
- 4.4 Reductions in parking requirements may be considered to encourage alternative modes of transportation and to support existing and planned transit.

Medium Density Residential

- 4.5 Notwithstanding Policies E.3.5.1 and E.3.5.9a) of Volume 1, Medium Density Residential uses shall also be permitted on local roads in the interior of the neighbourhood;
- 4.6 Notwithstanding Policy E.3.5.2 of Volume 1, permitted uses shall include a limited amount of street townhouses.

High Density Residential

- 4.7 Notwithstanding Policies E.3.6.1 and E.3.6.7a) of Volume 1, High Density Residential uses shall also be permitted on local roads in the interior of the neighbourhood.

Schedule "1"

- 4.8 High Density Residential uses shall be street oriented and have direct pedestrian connections from the public sidewalk to building entrances.
- 4.9 High Density Residential uses should provide green roofs and/or rooftop residential amenity spaces.
- 4.10 Notwithstanding E.3.6.2, permitted uses shall include a limited amount of street townhouses that can front onto a public road in conjunction with a multiple dwelling.

Urban Design Policies

- 5.0 The following urban design policies shall apply:
 - a) The creation of a sense of place for the new community shall be established through a high quality public realm, defined placemaking and a high standard of urban design.
 - b) Urban Design Guidelines for the UF-2 Area shall be completed to the satisfaction of the City prior to development to ensure that the lands are developed with a cohesive neighbourhood character, in accordance with Policy E.3.7.1 of Volume 1. Architectural controls may be required as a condition of a subdivision agreement for lots and blocks not subject to site plan control, to implement the Urban Design Guidelines. The Urban Design Guidelines shall address streetscapes, block design, residential building typologies and building details, complete streets and cross sections, gateway features, open space and park design, commercial and mixed use building design, pedestrian trails and linkages, utilities, parking, loading and servicing as well as sustainable design elements.
 - c) All development shall be consistent with the intent of the Urban Design Guidelines for Area UF-2.
 - d) The City's Tall Building Guidelines shall also be used by City Staff when evaluating development proposals except where they are inconsistent with the Urban Design Guidelines for Area UF-2.
 - e) The design of development shall support an active public realm and a high level of active transportation.

Schedule "1"

- f) The road and active transportation and trail network shall incorporate design elements to provide for a pedestrian scale public realm that shall include trees and landscaping, lighting, signage, public art, urban amenities and other features that create a sense of place and identity for the community.
- g) The public realm shall complement the built forms of development and maintain a continuous pedestrian streetscape throughout the community.
- h) Development shall ensure an appropriate transition between commercial and residential built forms.
- i) All parking in above and below grade parking structures as well as at the surface, shall be appropriately screened and buffered.
- j) To promote an attractive public realm, a significant proportion of parking shall be located underground or within a building.
- k) For any type of townhouse development, ground floor dwelling units adjacent to and facing a public street shall have direct pedestrian connections from the public sidewalk to dwelling unit entrances.
- l) Buildings greater than 12 storeys in height shall provide base podiums and towers that mitigate shadow impacts, loss of sunlight, and wind conditions on the site and on adjacent lands within the context of the proposed height of the building, and shall be appropriately separated from other taller buildings, and shall be designed with distinctive architecture to contribute to the new community's unique sense of place.
- m) Notwithstanding Policies E.3.5.9(f) and E.3.6.7(g), orientation, design, and massing of a building or structure higher than 14 and 18 storeys in the areas identified on Map F-2 – Area Specific Policies: Maximum Building Heights, shall take into account the impact on general public views of the area of the Niagara Escarpment through the submission of a Visual Impact Assessment to the satisfaction of the City.

Transportation and Servicing

- 6.0 Development shall be supported by a local street network that balances vehicle, cycling, transit and pedestrian mobility needs. The street network shall be established through a Draft Plan of Subdivision.
- 6.1 The local street network may be supplemented by additional private streets and driveways.
- 6.2 An active transportation network shall be provided as shown on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure of Volume 3.
- 6.3 Notwithstanding Policy 6.2 of Area Specific Policy UF-2, changes may be made to the active transportation network shown on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Management Infrastructure of Volume 3 without an official plan amendment where changes are approved by the City or other public bodies through a subsequent study or concept plan update.
- 6.4 Pathways and trails should be designed and located to facilitate active transportation within the community and to nearby destinations, including the adjacent trail system parallel to Borer's Creek, Employment areas, and District Commercial areas.
- 6.5 Development and the active transportation network shall be designed to facilitate convenient access and connection to existing and planned transit stops, to ensure all residents are within a walkable distance from public transit.
- 6.6 Grading changes shall not cause any undue adverse impacts to abutting lands and shall not block drainage from abutting lands, in particular for the abutting lands between the UF-2 Area and Dundas Street East.
- 6.7 Grading shall not preclude the ability for abutting lands to establish vehicular access to the local street network located within Area UF-2.
- 6.8 An active transportation connection shall be required from Horseshoe Crescent to Dundas Street East in conjunction with a new road connection or as part of an alternative arrangement, as shown on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure.

Schedule “1”

Parks and Open Spaces Policies

- 7.0 A Neighbourhood Park shall be provided within Area UF-2 in the approximate location identified on Map F-2, to serve the surrounding neighbourhood and provide a focal point for the community.
- 7.1 The Neighbourhood Park shall:
- a) be designed as a multi-functional and programmable space oriented to a high level of recreational activity; and,
 - b) include design elements consistent with those found within the streetscapes and public realm through the community.
- 7.2 Notwithstanding the minimum Neighbourhood Park size of 2 hectares required by Policy B.3.5.3.4 b) of Volume 1, and in addition to Policy B.3.5.3.6 of Volume 1, the area of the proposed Neighbourhood Park may be reduced where the applicant has demonstrated to the satisfaction of the City that the size and shape can accommodate and adequately function to meet all amenity and programming needs of Area UF-2. The completion of a Recreational Needs Assessment to the satisfaction of the City shall be required to evaluate whether a reduced park size is appropriate.
- 7.3 The City may consider alternative design standards for the Neighbourhood Park within Area UF-2, to ensure that appropriate amenities are provided for planned residential growth.
- 7.4 Changes to the location, size and dimensions of the park as shown on Map F-2 – Area Specific Policies – Maximum Building Heights which are satisfactory to the City shall not require an Official Plan Amendment.
- 7.5 In addition to the Neighbourhood Park, privately owned publicly accessible open spaces are also encouraged within individual development sites to complement and support the Neighbourhood Park, public realm areas within road right-of-ways, and the active transportation and trail network.

Local Commercial

- 8.0 Notwithstanding Policy 3.8.4 a), b) and c) of Volume 1, new Local Commercial uses shall be located only within the ground floor of multiple dwellings or retirement homes.

Schedule "1"

- 8.1 Notwithstanding Policies E.3.8.9 (a) and E.3.8.12 of Volume 1, local commercial uses may be permitted on local roads.
- 8.2 Notwithstanding the uses permitted by Policies E.3.8.2 a) and E.3.8.3 of Volume 1, drive-through facilities and motor vehicle service stations shall not be permitted.

Sustainability and Natural Heritage

- 9.0 Sustainability is a key component of the vision for new development within Area UF-2. Development should incorporate both traditional and low impact development stormwater management practices.
- 9.1 A range of innovative building and site design measures that promote sustainability and respond to climate change shall be considered for development. These measures may include:
 - a) green building design;
 - b) green roof features;
 - c) net zero building construction; and,
 - d) renewable energy sources.
- 9.2 Sustainable and energy efficient infrastructure that incorporates green infrastructure and green building technologies shall be addressed through the Draft Plan of Subdivision and Site Plan processes.

Implementation

- 10.0 An implementing Zoning By-law for Area UF-2 shall provide the appropriate zoning provisions and development standards to implement the UF-2 policies and regulate future development, including Holding Provisions to address matters of servicing, infrastructure capacity and phasing, as needed.
- 10.1 The City shall include Holding Provisions in the implementing Zoning By-law for all or parts of Area UF-2, as needed, to ensure that the following conditions are met:
 - a) Confirmation that sufficient capacity is available within the adjacent road network and implementation of required improvements to the satisfaction of the City, for any development beyond a total unit count of 1,340 residential units calculated for the entire UF-2. The Holding Provision shall establish appropriate

Schedule "1"

limitations on development beyond 1,340 residential units until (i) the extension of Leavitt Boulevard from Dundas Street East to Horseshoe Crescent, west of Clappison Avenue occurs or (ii) alternative improvements are made to the adjacent road network to achieve a satisfactory level of service to Area UF-2 to the satisfaction of the City;

- b) Completion of a comprehensive grading, servicing and drainage strategy as set out in Policy 10.3 b) which considers:
 - (i) all abutting lands on the north side of Dundas Street East between Dundas Street East and Area UF-2, and
 - (ii) the Area UF-2 lands;
- c) Completion of Urban Design Guidelines for Area UF-2 to the satisfaction of the City in accordance with Policy 5.0 (b); and,
- d) Arrangements are made for the provision of an active transportation connection across Borer's Creek between Area UF-2 and Medicorum Place on public property, in accordance with Policy 10.3.
- e) Permission is received from Conservation Halton prior to undertaking any development within Conservation Halton's regulated area, if applicable.

10.2 Development shall be limited to a maximum of 1,340 residential units until:

- a) the extension of Leavitt Boulevard from Dundas Street East to Horseshoe Crescent west of Clappison Avenue occurs; or,
- b) alternative improvements are made to the road network to achieve a satisfactory level of service to Area UF-2 to the satisfaction of the City.

10.3 With the exception of minor additions and alterations described in Policy B.3.2 of Volume 3, approval of a Draft Plan of Subdivision for the part of Area UF-2 identified on Map F-1 Area Specific Policies shall be required prior to development proceeding in Area UF-2, to ensure the area is comprehensively planned and designed. The Draft Plan of Subdivision application shall be supported by the following:

- a) A Concept Plan to demonstrate how the subdivision design will provide for the future integration of abutting parcels of land,

Schedule "1"

including all lands between Dundas Street East and Area UF-2. The Concept Plan shall identify future land uses, built form, proposed densities, servicing infrastructure extensions, municipal road extensions, and park/open space areas, as needed. The Concept Plan shall illustrate the future highway interchange planned for the intersection of Highway 6 and Dundas Street East, and shall address access for the properties which front on Dundas Street East, to ensure that these abutting lands are not precluded from future redevelopment and can be integrated into the new community's transportation, servicing and open space network.

- b) A revised Functional Servicing Report containing a comprehensive grading, servicing and drainage strategy for Area UF-2 and the lands on the north side of Dundas Street East between Dundas Street East and abutting Area UF-2. The Functional Servicing Report shall demonstrate the following to the satisfaction of the City, Conservation Halton and the Hamilton Conservation Authority:
- i) Overall grading and drainage control plans for the Area UF-2 Area lands and abutting properties on the north side of Dundas Street East between Dundas Street East and Area UF-2;
 - ii) Flood control (interim and ultimate) for Area UF-2 and abutting properties on the north side of Dundas Street East between Dundas Street East and Area UF-2 based on the stormwater system capacities available downstream west of Highway 6;
 - iii) That any drainage diversion from the Grindstone Creek catchment area to the Borer's Creek catchment area, or vice versa, does not have undue adverse impacts on either creek, to the satisfaction of the City and the applicable Conservation Authorities;
 - iv) Level 1 quality control for the Area UF-2 lands and abutting properties on the north side of Dundas Street East between Dundas Street East and Area UF-2; and,
 - v) Minor and major system flow routes including emergency overland flow routes for the Area UF-2 lands and abutting

Schedule "1"

properties on the north side of Dundas Street between Dundas Street East and Area UF-2;

- vi) Interim and ultimate stormwater outlets for the UF-2 Area lands and abutting properties on the north side of Dundas Street between Dundas Street East and Area UF-2;
 - vii) Sanitary sewer and watermain capacity, including new infrastructure required to support the proposed land use in Area UF-2, in accordance with City standards.
- c) A Transportation Impact Study for Area UF-2 which takes into consideration the existing land uses on the north side of Dundas Street East between Dundas Street East and the abutting UF-2 Area is provided to the satisfaction to the City.
- d) Proposed road network and vehicular access arrangements that do not preclude:
- i) the future northward extension of Leavitt Boulevard from Dundas Street East to Horseshoe Crescent, west of Clappison Avenue; or,
 - ii) alternative improvements to the adjacent road network to achieve a satisfactory level of service to Area UF-2 to the satisfaction of the City.
- e) A Phasing Plan which illustrates the sequencing of development across Area UF-2. The Phasing Plan shall address the phasing of servicing and infrastructure improvements including transportation improvements and timing and set out the required studies for servicing and transportation for each phase. The Phasing Plan shall also ensure that the Neighbourhood Park be constructed as part of the first phase of development.
- f) The completion of Urban Design Guidelines for area UF-2 in accordance with Policy 5.0 (b).
- g) A Visual Impact Assessment for area UF-2 in accordance with Policy E.3.6.7 g).
- h) A Recreational Needs Assessment for area UF-2, if the size of the proposed Neighbourhood Park is less than 2 hectares or irregular in shape, in accordance with Policy 7.2.
- i) The configuration of the draft plan of subdivision shall ensure that

Schedule "1"

it does not preclude the creation of the two planned future active transportation connections from Area UF-2 to Dundas Street East shown on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure.

- j) Permission is received from Conservation Halton prior to undertaking any development within Conservation Halton's regulated area, if applicable.

10.4 Prior to final approval of a plan of subdivision, the applicant shall demonstrate to the satisfaction of the City that appropriate arrangements are in place to facilitate an active transportation connection extending on public property from the subject lands to Medicorum Place, north of Borer's Creek, as shown on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure.

10.5 Notwithstanding Policies 10.4 to 10.6, minor changes to the location of the active transportation connections shown on Map F-3 – Area Specific Policies – Active Transportation and Stormwater Infrastructure, approved by the City through a plan of subdivision, shall not require an official plan amendment.

Maps and Appendices

4.2.2 Map

- a. That Volume 3: Map F-1 – Area Specific Policies be amended by removing Area Specific Policy Area UF-1 from a portion of the lands, by adding a new Area Specific Policy Area UF-2 and by changing the sub-area identification on a portion of Area Specific Policy Area UF-1 from "B-1" to "E" and from "D" to "E", as shown on Appendix "E", attached to this Amendment.
- b. That a new Map F-2 – Areas Specific Policies – Maximum Building Heights be added to Volume 3 as shown on Appendix "F", attached to this Amendment.
- c. That a new Map F-3 – Areas Specific Policies – Active Transportation and Stormwater Infrastructure be added to Volume 3 as shown on Appendix "G", attached to this Amendment.

Schedule "1"

5.0 Implementation:

An implementing Zoning By-Law Amendment with a Holding Provision, Draft Plan of Subdivision and Site Plan applications will give effect to the intended uses on the lands.

This Official Plan Amendment is Schedule "1" to By-law No. ^{23-248-OLT} _____ passed on the XX day of XX, 2023.





The City of Hamilton

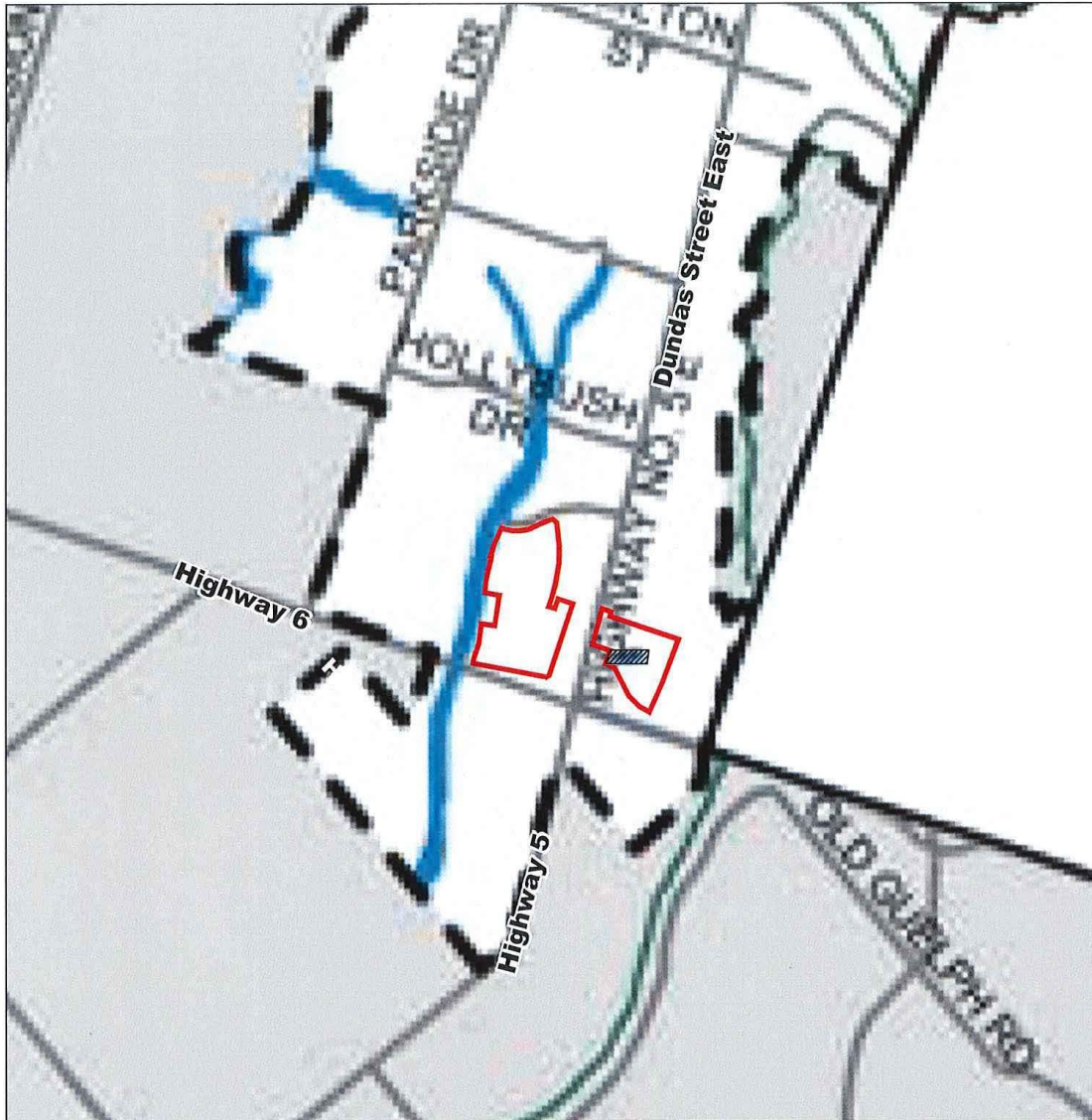
A. Horwath
MAYOR

A. Holland
CITY CLERK



Data Source: First Base Solutions Aerial Flown 2019

<p>Appendix A</p> <p>Natural Heritage System</p> <p>UHOP Volume 1:</p> <p>Schedule B</p>	<p>LEGEND</p> <p> Subject Lands</p> <p> Core Areas to be Removed</p>	<p>DATE: December 04, 2020</p> <p>SCALE: N.T.S</p>	
<p>Dundas Street East and Highway 6, Hamilton, Ontario</p>	 <p>PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE</p> <p>442 Brant Street, Suite 204 Burlington ON L7R 2G4 T 905 639 8686 F 905 761 5589 www.mhbcplan.com</p>		



Data Source: First Base Solutions Aerial Flowm 2019


Appendix B

Detailed Natural Heritage Features Wetlands, Key Natural Heritage Features and Key Hydrologic Features Wetlands

UHOV Volume 1: Schedule B-4

Dundas Street East and Highway 6, Hamilton, Ontario

LEGEND

-  Subject Lands
-  Key Natural Heritage and Key Hydrologic Feature Wetland to be removed

DATE: December 04, 2020

SCALE: N.T.S




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





Data Source: Urban Hamilton Official Plan

Appendix C

URBAN LAND USE DESIGNATIONS

UHOV Volume 1:
Schedule E1

LEGEND

- | | |
|---|---|
|  Subject Lands |  Business Park |
|  Neighbourhoods |  Rural Area |
|  Open Space |  Urban Boundary |
|  District Commercial |  Change in land use designation from "District Commercial" to "Neighbourhoods" |

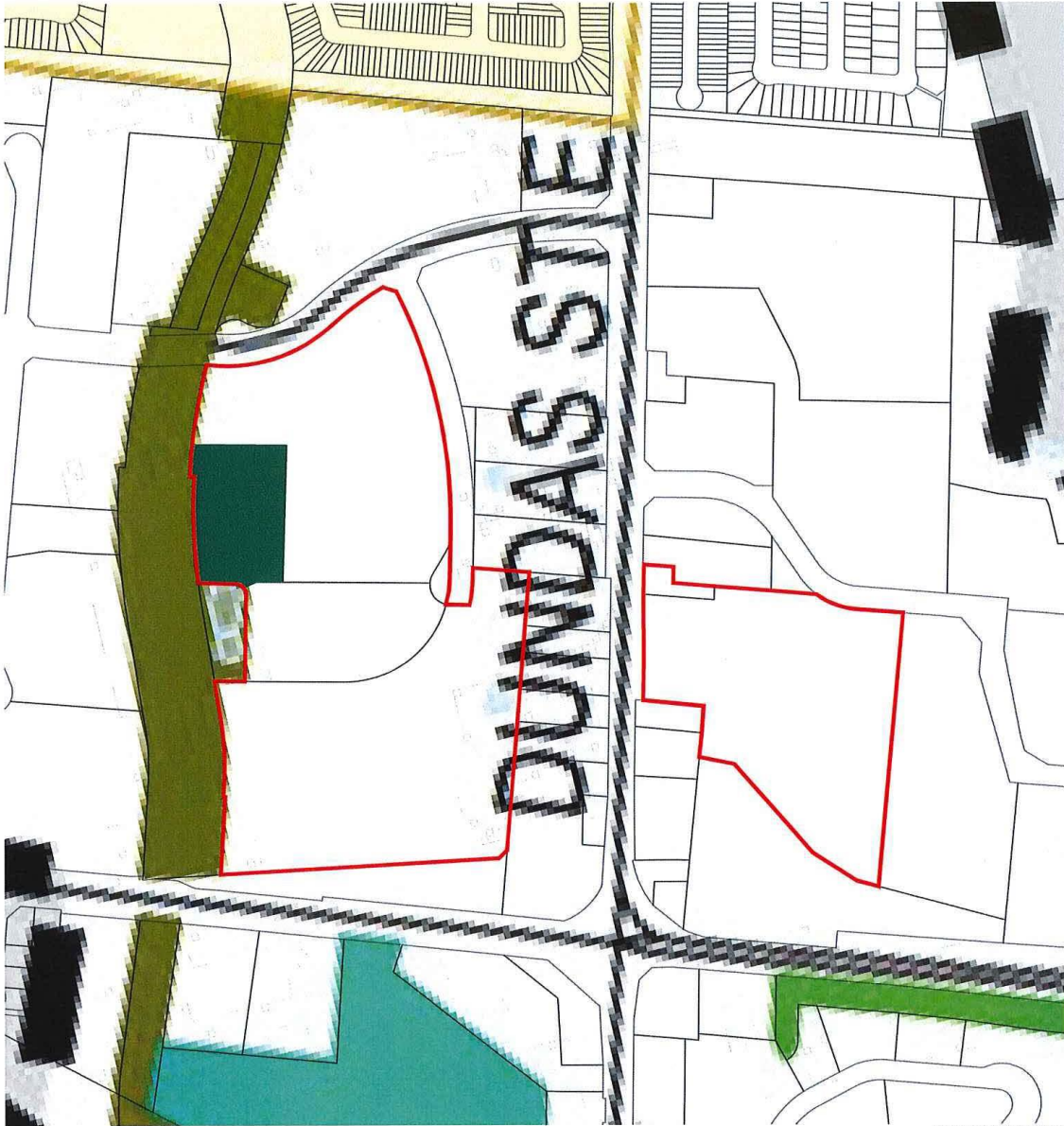
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Scale: NTS



Dundas St E & Highway 6,
Hamilton, Ontario





Data Source: City of Hamilton Open Data

Appendix D

PARKS CLASSIFICATION

VOLUME 1: APPENDIX A

LEGEND

- Subject Lands
- Community
- Add Parks Classification 'Neighbourhood'
- Secondary Plans
- General Open Space
- Natural Open Space
- Urban Boundary

Date: March 15, 2023

Scale: 1:6000



Dundas St E & Highway 6,
Hamilton, Ontario

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Data Source: Urban Hamilton Official Plan

Appendix E

AREA SPECIFIC POLICIES

VOLUME 3: MAP F-1

Dundas St E & Highway 6,
Hamilton, Ontario

LEGEND

- Subject Lands
- Remove from Area Specific Policy Area UF-1 and create new Area Specific Policy Area UF-2
- Remove lands from Area B1 and identify as Area E of Area Specific Policy Area UF-1
- Remove lands from Area D and identify as Area E of Area Specific Policy Area UF-1
- Lands Subject to Draft Plan of Subdivision Application per Policy B.10.3 Volume 3

Date: March 15, 2023

Scale: NTS



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Data Source: City of Hamilton Open Data

Appendix F

**AREA SPECIFIC
POLICIES: MAXIMUM
BUILDING HEIGHTS**

VOLUME 3: MAP F-2

LEGEND

- Subject Lands
- Maximum 20 Storeys
- Maximum 12 Storeys
- Park Block
- Existing / Reconfigured SWM Pond
- VIA Required Above 14 Storeys (See Vol. 3 - Flamborough Area Specific Policies, UF-2, Policy B.5.0 m)
- VIA Required Above 18 Storeys (See Vol. 3 - Flamborough Area Specific Policies, UF-2, Policy B.5.0 m)

Date: March 15, 2023

Scale: 1:6000



Dundas St E & Highway 6,
Hamilton, Ontario





Data Source: City of Hamilton Open Data

Appendix G

**AREA SPECIFIC
POLICIES: ACTIVE
TRANSPORTATION &
STORMWATER
MANAGEMENT
INFRASTRUCTURE**

VOLUME 3: MAP F-3

Dundas St E & Highway 6,
Hamilton, Ontario

LEGEND

- Subject Lands
- Proposed Active Transportation Connection
- Potential Active Transportation Connection
- Potential Further SWM Pond Location
- Existing / Reconfigured SWM Pond

Date: March 15, 2023

Scale: 1:6000



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ATTACHMENT 4

