



Hamilton

**APPLICATION FOR AN OFFICIAL PLAN AMENDMENT**  
**Under Section 22 of the *Planning Act***

**APPLICATION FOR A ZONING BY-LAW AMENDMENT**  
**Under Sections 34 and 36 of the *Planning Act***

**Note:** *The following items are prescribed by regulation and must be completed:*  
 i) *For Official Plan Amendment applications all items except Part V; and*  
 ii) *For Zoning By-law Amendment applications all items except Part IV*  
*To avoid delays, other information supplied must be complete and accurate.*  
*A sketch map and legal description are required. Incomplete applications will be returned.*  
*All applications must be signed. Metric units must be used. Please type or print.*

**Office Use Only**

Date Application Received	Date Application Deemed Completed	File No(s)	Fees Paid
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**PART I GENERAL PROPERTY DESCRIPTION**

1. **Application for:**  Regional Official Plan Amendment  
 Local Official Plan Amendment  
 Zoning By-law Amendment

2. **Former Area Municipality**

3. **All applicants are required to consult with the City of Hamilton prior to the submission of an application for Official Plan Amendment or Zoning By-law Amendment.**

3.1 *Have you formally consulted with the City of Hamilton prior to submitting this application? (If yes, please attach record of Formal Consultation to application)*  Yes  No

3.2 *Have the required studies, plans or reports been submitted?*  Yes  No

4. **Applicant Information**

NAME	ADDRESS	TELEPHONE NO.
<i>Registered Owner(s)*</i> Branthaven Mount Hope Inc. Attn: Andrew Eldebs	720 Oval Court, Burlington, ON L7L 6A9	Home: ( )
		Business: ( 905 ) 333-8364 ext. 317
		Fax: ( 905 ) 333-1720
		E-Mail: aeldebs@branthaven.com
<i>Applicant</i> Same as owner.		Home: ( )
		Business: ( )
		Fax: ( )
		E-Mail:
<i>Agent or Solicitor</i> UrbanSolutions Planning & Development Consultants Inc. Attn: Matt Johnston	105 Main Street East, Suite 501 Hamilton, ON L8N 1G6	Business: ( 905 ) 546-1087
		Fax: ( )
		E-mail: mjohnston@urbansolutions.info
All correspondence should be sent to (check one):	<input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Agent/Solicitor	

*\* If a numbered company, give name and address of principal owner*

5. **Location of Property**

Municipal Address 78 & 80 Marion Street, Hamilton, ON	Lot/Parcel No. 5	Concession 5	Former Township Glanford
Registered Plan No.	Lot(s)/Block(s)	Reference Plan No.	Part(s)

**6. Particulars of Property (in metric units)**

Frontage 94.44	Depth 572.67	Area 6.53 ha
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**7. Encumbrances**

- 7.1 Are there any mortgages, easements or restrictive covenants affecting the subject land? Yes  
 If yes, provide names and addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject lands. Registered easement LT533386 in favour of the Corporation of the Township of Glanbrook over temporary Stormwater Management Pond (PIN 17400-0319 (LT)). Also easement in favour of Union Gas over parcel with PIN 17400-0079 (LT).
- 7.2 How long have the subject lands been in the owner's possession? Since August 2017

**8. Existing Use of Property**

- Residential     Industrial     Commercial     Farmland     Vacant     Other(s)

- 8.1 How long has this existing use continued? Unknown

**9. Previous Use of Property**

- Residential     Industrial     Commercial     Farmland     Vacant     Other(s)

- 9.1 If Industrial or Commercial, specify use: n/a

**9.2 Details of Previous Uses**

		Yes	No	Unknown
9.2.1	Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.2	Has a gas station been located on the subject land or adjacent lands at any time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.3	Has there been petroleum or other fuel stored on the subject land or adjacent lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.4	Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.5	Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2.6	Have the lands or adjacent lands ever been used as a weapons firing range?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.7	Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational /non-operational landfill or dump?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.8	If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.2.9	Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.3 What information did you use to determine the answers to 9.2 above?

Phase 1 Environmental Site Assessment by Sirati & Partners Consultants Limited

9.4 If previous use of property is industrial or commercial or if YES to any of 9.2, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land is needed. Is the previous use inventory attached? Yes.

**10. Uses Adjacent to the Subject Lands**

North Residential  
South Residential  
East Residential and Fire Station  
West Currently Agricultural - Future Residential

10.1 If applicable, describe any adjacent lands owned by the applicant(s)/owner(s) and/or lands in which the applicant(s)/owner(s) have a legal interest.

Currently the owner is in discussion with the City of Hamilton regarding a landswap for properties 3302 and 3306

Homestead Drive and a portion of 78 Marion Street. This is labeled on the draft plan accordingly.

Frontage (metric) 94.44m	Depth (metric) 137.12m	Area (metric) 12354.76m2
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**11. Related Planning Applications – Adjacent lands**

11.1 Are there any applications under the Planning Act, such as for approval of an official plan amendment, a zoning by-law amendment, a minor variance, a plan of subdivision or a site plan, or for a consent, that includes land within 120 metres of the subject land?  Yes  No  Unknown

11.2 If yes, and if known, list details below (if multiple applications, attach a separate page).

Approval authority: City of Hamilton

Type of application and File number: Draft Plan/Official Plan Amendment/Zoning By-Law Amendment (26T-200723 and UHOP-15-003)

Description of land that is the subject of the application: Mountaingate Draft Plan of Subdivision Application to the west of subject lands.

Purpose of the Application: To permit a variety of uses, including single detached, servicing and walkway blocks and

Effect on **this** application: Mountaingate is accommodating this Subdivision's Parkland dedication requirement. The site will also be incorporating stormwater management capacity in excess to accommodate this Subdivision.

Status of the application: Pending approval.

**12. Heritage Features**

12.1 Are there any buildings or structures on the subject lands that are on the list of Architectural and/or Historical Interest or have been designated under the Ontario Heritage Act?  Yes  No



12.2 Are there any buildings or structures on abutting lands that are on the list of Architectural and/or Historical Interest or have been designated under the Ontario Heritage Act?  Yes  No

12.3 If yes to either of the above, a Heritage Impact Assessment is needed. Is a Heritage Impact Assessment attached?  Yes  No

**13. Employment Information pertaining to this application** n/a

Number of Shifts \_\_\_\_\_

Number of Employees \_\_\_\_\_ Full Time \_\_\_\_\_ Part Time \_\_\_\_\_

Number of Employees per Shift \_\_\_\_\_ Full Time \_\_\_\_\_ Part Time \_\_\_\_\_

14. Provide a complete written description of the application with details of the proposed development including, but not limited to: proposed use(s), development details (i.e. height/storeys, floor area(s), number of parking/loading spaces, lot coverage, landscape area, etc.). Indicate type of business proposed with a proposed number of employees. If additional space is needed, attach a separate page.

See Planning Justification Report for further details.  
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\_\_\_\_\_  
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14.1 Provide details of the Owner/Applicant's proposed strategy for consulting with the public with respect to the application. If additional space is needed, attach a separate page.

See Public Consultation Strategy for further details.  
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**PART II | SERVICING (REQUIRED TO BE COMPLETED FOR ALL APPLICATONS)**

15. Types of Servicing  
*This property will be serviced by (please check appropriate boxes):*

15.1 Water Supply



- Municipal Piped Water System
- Private Well(s) *Specify individual or communal wells:* \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

15.2 Sewage Disposal

- Municipal Sanitary Sewer System
- Private Septic Tank and Tile Field *Specify individual or communal septic system:* \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

15.3 Storm Drainage

- Sewer
- Ditches
- Swales
- Others (specify and provide explanation) \_\_\_\_\_

15.4 Road Access and/or Frontage

Name of Road Marion Street and Spitfire Drive

Type of Road (i.e. Provincial Highway, Regional Road, Local Public Road, Private Road, Other)  
Local Public Road

If Other, specify details, including water and right of ways, if access to the subject land will be by water only, the parking and docking facilities used or to be used, and the approximate distance of these facilities from the subject land and the nearest public road.  
n/a

**PART III | PROVINCIAL POLICY**

16.1 a) Is this application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act? Yes.

b) Is the subject land within an area designated under any of the following Provincial Plans?

- |  |   |  |
|--|---|--|
| Growth Plan for the Greater Golden Horseshoe (P2G) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Greenbelt Plan 2005                                | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Niagara Escarpment Commission Plan                 | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Parkway Belt West Plan                             | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Other (Specify) _____                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

c) Explain how the requested amendment or rezoning conforms to or does not conflict with each of the applicable Provincial Plan(s) (Incorporate as part of Planning Justification Report if possible).

See Planning Justification Report for further details.  
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d) Explain how the requested amendment or rezoning is consistent with the Provincial Policy Statement (PPS) (Incorporate as part of Planning Justification Report if possible).

See Planning Justification Report for further details.

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16.2 Is this application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement?  Yes  No

If yes, provide the current official plan policies if any, dealing with the alteration or establishment of an area of settlement. Also, provide the details of the proposed official plan amendment.

n/a

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\_\_\_\_\_

\_\_\_\_\_

16.3 Is this application to remove land from an area of employment?  Yes  No

If yes, provide the current official plan policies, if any, dealing with the removal of land from an area of employment. Also, provide details of the proposed official plan amendment.

n/a

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## 17. Significant Features

17.1 All applications under the Planning Act are subject to review for regard to the Provincial Policy Statement issued by the Province of Ontario. Complete the following table and be advised of the potential information requirements in the noted section. **If the information is not submitted, it may not be possible to do a complete and proper planning evaluation.**

TABLE – SIGNIFICANT FEATURE CHECKLIST

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Non-farm development near designated urban areas or rural settlement area	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlement areas</i>
Class 1 industry <sup>1</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess development for residential and other sensitive uses within 70 metres</i>
Class 2 industry <sup>2</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess development for residential and other sensitive uses within 300 metres</i>
Class 3 industry <sup>3</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess development for residential and other sensitive uses within 1000 metres</i>
Land Fill Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Address possible leachate, odour, vermin and other impacts</i>
Sewage Treatment Plant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess the need for a feasibility study for residential and other sensitive land uses</i>
Waste Stabilization Pond	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Assess the need for a feasibility study for residential and other sensitive land uses</i>
Active Railway line	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Evaluate impacts within 100 metres</i>
Controlled access highways or freeways, including designated future routes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Evaluate impacts within 100 metres</i>
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Airport located approx. 400 m northwest of the development lands.	<i>Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted</i>
Electric transformer station	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Determine possible impacts within 200 metres</i>
High voltage electric transmission line	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Consult the appropriate electric power service</i>



Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Transportation and infrastructure corridors	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Will the corridor be protected?</i>
Prime agricultural land	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated</i>
Agricultural operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Development to comply with the Minimum Distance Separation Formulae</i>
Mineral aggregate resource areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Will development hinder access to the resource or the establishment of new resource operations?</i>
Existing Pits and Quarries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Will development hinder continued operation or extraction?</i>
Mineral and petroleum resource areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Will development hinder access to the resource or the establishment of new resource operations?</i>
Significant wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Development is not permitted</i>
Significant portions of habitat of endangered species and threatened species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	m	<i>Development is not permitted</i>
Significant fish habitat, woodlands, valley lands, areas of natural and scientific interest, wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	On Site	<i>Demonstrate no negative impacts</i>
Significant groundwater recharge areas, headwaters and aquifers	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Demonstrate that these features will be protected</i>
Significant built heritage resources and cultural heritage landscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<i>Development should conserve significant built heritage resources and cultural heritage landscapes</i>
Significant archaeological resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site is identified as an area of archaeological potential.	<i>Assess development proposed in areas of medium and high potential for significant archaeological resources. These resources are to be studied and preserved, or, where appropriate, removed, catalogued and analysed prior to development.</i>

Feature or Development Circumstance	If a feature, is it on site or within 500 m OR If a development circumstance, does it apply?		If a feature, specify distance in metres.	Potential Information Needs
	Yes (X)	No (X)		
Great Lakes system: A - within defined portions of the dynamic beach and 1:100 year flood level along connecting channels  B - on lands subject to flooding and erosion	<input type="checkbox"/>	<input checked="" type="checkbox"/>		A - Development is not permitted.  B - Development may be permitted; demonstrate that hazards can be safely addressed
Erosion hazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams
Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Where one-zone floodplain management is in effect, development is not permitted within the floodplain.  Where two-zone floodplain management is in effect, development is not permitted within the floodway.  Where a floodplain Special Policy Area (SPA) has been established through approval from the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, must meet the official plan policies for the SPA.
Hazardous sites <sup>4</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Demonstrate that hazards can be addressed
Contaminated sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Assess an inventory of previous uses in areas of possible soil contamination

1 Class 1 industry: Small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

2 Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

3 Class 3 industry: Processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

4 Hazardous sites: property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils or unstable bedrock.

**18. Please provide any additional information which may assist staff and other agencies in reviewing this application.**

See Planning Justification Report for further details.

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<b>PART IV</b>	<b>OFFICIAL PLAN AMENDMENT (MUST BE COMPLETED FOR OFFICIAL PLAN AMENDMENT APPLICATIONS)</b>
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**19. Current Development Applications<sup>1</sup>**  
*(<sup>1</sup>This Section is in addition to Section 11 – Relating Planning Applications, and is required to be completed by Ontario Regulation for Official Plan Amendments)*

19.1 Is the subject land or land within 120 metres of it the subject of an application by the applicant under the Planning Act for a:

- |                                   |   |  |
|-----------------------------------|---|--|
| (a) Minor Variance                | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Consent                           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Amendment to an official plan     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Zoning by-law                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Minister's zoning order           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Approval of a plan of subdivision | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Site plan                         | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

- (b) If the answer to part (a) is Yes, the following information must be provided:
- (i) File number(s) ZBA, OPA and Draft Plan of Subdivision (Mountaingate Subdivision) (25T-200723 and UHOP-15-003)
  - (ii) Name of the approval authority considering the application(s) City of Hamilton
  - (iii) Land(s) affected Noted in Section 5 of this application.
  - (iv) Purpose of Application(s) To permit a subdivision with site specific zoning and amend the official plan
  - (v) Status of the Application(s) pending approval
  - (vi) Effect on the requested amendment Mountaingate is accommodating this Subdivision's Parkland dedication requirement. The site will also be incorporating stormwater management capacity in excess to accommodate this Subdivision.

**20. Official Plan Information**

20.1 What is the existing Regional Official Plan designation on the subject lands?  
N/A

Explain how the subject lands conform to the existing Regional Official Plan designation.  
N/A



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20.2 *What is the existing Local Official Plan designation on the subject lands?*  
Designated Neighbourhoods within Schedule E and E-1 of the Urban Hamilton Official Plan.

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*Explain how the subject lands conform to the existing Local Official Plan designation.*  
See Planning Justification Report for further details.

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20.3 *Is the proposed Official Plan amendment intended to change, delete or replace an approved (Regional or Local) official plan policy?*  Yes  No

*If yes, which policy or policies are proposed to be changed, replaced, or deleted?*

See Planning Justification Report for details.

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*Describe the purpose of the requested amendment*

See Planning Justification Report and draft Official Plan Amendment for further details.

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20.4 *Is the proposed Official Plan amendment intended to add new policy?*  Yes  No

*If yes, provide details for the requested new policy*

n/a

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*Describe the purpose of the requested amendment*

To accommodate a site specific design, see enclosed Planning Justification Report for further details.

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20.5 *Is the proposed Official Plan amendment intended to change or replace a land use designation?*  Yes  No

*What is the proposed designation on the subject land?*

See Planning Justification Report for details.

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*What land uses will be permitted by the proposed designation on the subject land?*

As noted above. See Planning Justification Report for further details.

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*Describe the purpose of the requested amendment*

To accommodate a site specific design, see enclosed Planning Justification Report for further details.

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20.6 *What are the proposed Land Uses of the Property?*

Residential       Industrial       Commercial       Farmland       Other(s)

20.7 *Why is this Amendment(s) required? Outline the planning evidence providing justification for the amendment(s). This should address, but not be limited to, why the proposed change is desirable and how it relates to the overall goals and objectives of the Regional and Local Official Plan. (Incorporate as part of Planning Justification Report if possible)*

See Planning Justification Report for further details.

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20.8 *If a policy in the official plan is being changed, replaced or deleted or if a policy is being added, provide the text of the requested amendment(s). (attach to application)*

20.9 *If the requested amendment changes or replaces a schedule in the official plan, provide the requested schedule and the text that accompanies it. (attach to application)*

<b>PART V</b>	<b>ZONING BY-LAW AMENDMENT (MUST BE COMPLETED FOR ZONING BY-LAW AMENDMENT APPLICATIONS)</b>
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**21. Official Plan and Zoning Information**

21.1 *Explain how the proposed zoning amendment application conforms to the Regional Official Plan.*

N/A

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21.2 *Explain how the proposed zoning amendment application conforms to the Local Official Plan.*

See Planning Justification Report for further details.

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21.3 *What is the existing Zoning on the subject lands?* Existing Residential (ER), Deferred Development (DD),

Residential (H-R3-122), Public (P) and General Commercial (C3-048)

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21.4 *What is the proposed Zoning? (Provide Reason for Rezoning)* See Planning Justification Report for details.

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21.5 Is this application within an area where zoning with conditions may apply?  Yes  No

If yes, provide details of how the application conforms to Official Plan policies relating to the Zoning with conditions. See enclosed Planning Justification Report for details.

21.6 Is this application within an area where the municipality has pre-determined the minimum and maximum density requirements, or the minimum and maximum height requirements?  Yes  No

If yes, provide a statement of these requirements. \_\_\_\_\_

**22. List any Existing Buildings or Structures on the Property** \* = Zoning Application Only

Type of Buildings or Structures	*All Yard Setbacks (m)				*Building Dimensions	*Ground Floor Area	*Height	*When Built
	Front	Rear	Side	Side				
1. Single Detached Dwelling	12.5 m	40 m	2.9 m	10.1 m	<10.7 m height ~13.2 m deep ~26.9 m long	248.5 m <sup>2</sup>	<10.7 m	1985
2.								
3.								

**23. List any Proposed Buildings or Structures on the Property** See Planning Justification Report for further details

Proposed Buildings or Structures	*All Yard Setbacks(m)				*Building Dimensions	*Ground Floor Area (m <sup>2</sup> )	*Total Floor Area (m <sup>2</sup> )	Building Height and No. of storeys
	Front	Rear	Side	Side				
1. On 10 m x 27.5 m Lot (standard)	4.5m to dwelling & 6.0m to garage	7 m	1.2 m	0.6 m	Up to 12m height Up to 16m deep Up to 8.2m wide	Up to 131.2 m <sup>2</sup> for standard length lots.	262.4 m <sup>2</sup> (standard)	Up to 12.0 m height 2 storeys
2. On 11 m x 27.5 m Lot (standard)	4.5m to dwelling & 6.0m to garage	7 m	1.2 m	0.6 m	Up to 12m height Up to 16m deep Up to 9.2m wide	Up to 147.2 m <sup>2</sup> for standard length lots. Up to 161 m <sup>2</sup> for long lots	294.4 m <sup>2</sup> (standard) 322 m <sup>2</sup> (long lot)	Up to 12.0 m height 2 storeys
3. On 12.2 m x 27.5 m Lot (standard)	4.5m to dwelling & 6.0m to garage	7 m	1.2 m	0.6 m	Up to 12m height Up to 16m deep Up to 10.4m wide	Up to 166.4 m <sup>2</sup> for standard length lots. Up to 183 m <sup>2</sup> for long lots	332.8 m <sup>2</sup> (standard) 366 m <sup>2</sup> (long lot)	Up to 12.0 m height 2 storeys

**24. Related Planning Applications – Subject lands**

24.1 Has the subject land ever been the subject of an Official Plan amendment and/or rezoning application?  Yes  No  Unknown

If yes, state type of application, file number and status. Draft Plan of Subdivision, Zoning By-law and Official Plan Amendment (Mountaingate) (26T-200723 and UHOP-15-003)

24.2 Has a severance/consent application ever been made?  Yes  No  Unknown



If yes, state type of application, file number and status. N/A

Note: If a decision on the severance has been made, please enclose a copy of the decision with this application.

24.3 Does the proposed amendment involve a **subdivision** or condominium application?  Yes  No  Unknown

If yes, state type of application, file number and status.

No file number provided yet - subdivision application submitted concurrently herewith.

24.4 Has the subject lands ever been the subject of a Minister's Zoning Order?  Yes  No  Unknown

If yes, provide the Ontario Regulation number of that order and details.

n/a

25. For Zoning By-law Amendment applications, a sketch (in metric units) must be attached showing the following:

- (a) the boundaries and dimensions of the subject lands;
- (b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- (c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
  - (i) are located on the subject land and on land that is adjacent to it, and
  - (ii) in the applicant's opinion may affect the application;
- (d) the current uses of land that is adjacent to the subject land;
- (e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- (g) the location and nature of any easement affecting the subject land.

**PART VI ECONOMIC FACTOR INFORMATION**

Answers to the following questions are intended to provide the Economic Development and Planning Committee and Council with economic related information which will give them a greater understanding of your proposal and its community benefits.

26.	Does your proposal involve:	Yes	No	N/A
(a)	Demolition of existing building(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Renovation of existing building(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Addition to existing building(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Construction of a new building	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27.	(a)	If a building(s) exists, is it occupied?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(b)	If yes, what kind of occupancy?			
		Residential	<input checked="" type="checkbox"/>		
		Industrial	<input type="checkbox"/>		

Commercial	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	

28. If the existing building is occupied and will be demolished or renovated, answer the following:

(a)	<i>Residential</i>	<i>Total #</i>	<i># of Rentals</i>	<i># of Units Owner Occupied</i>
(i)	<i>Total number of Units (before development)</i>	<u>1</u>	<u>1</u>	<u>1</u>
(ii)	<i>Total number of Units (after developments)</i>	<u>117</u>	<u>0</u>	<u>0</u>

(b)	<i>Commercial/Industrial</i>	<i>Total #</i>	<i># of Jobs</i>
(i)	<i>Total number of existing businesses (before development)</i>	<u>0</u>	<u>0</u>
(ii)	<i>Total number businesses (after developments)</i>	<u>0</u>	<u>0</u>

29. If the existing businesses are being displaced by the new development or use, indicate the following: n/a

(a) Type of existing business(es) being displaced and the number of job(s):

	Type	# of Jobs
(i)	_____	_____
(ii)	_____	_____
(iii)	_____	_____
(iv)	_____	_____
(v)	_____	_____

(b)	Are any of the existing business(es) :	Yes	No
(i)	Being Relocated	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	Ceasing Operations	<input type="checkbox"/>	<input type="checkbox"/>

(c) If existing businesses are being relocated, where are they going?

- (i) Staying in Hamilton
- (ii) Other (please specify) \_\_\_\_\_

30. In terms of the jobs being created by the new businesses, indicate the following:

	Type of Job(s)	# of Jobs	Part-time	Full-time
(a)				
(b)				
(c)				

(d)			
(e)			

31. During the planning, engineering and construction phase of the project (includes renovation) indicate:

	<i>Name of Firms Involved</i>	<i>Where they are Municipally Located</i>
(a)	Urban Solutions	Hamilton
(b)	GeoProcess Research Associates Inc.	Hamilton
(c)	S. Llewellyn & Associates Limited	Burlington
(d)	Adesso Design Inc.	Hamilton

32. In terms of the manpower required to carry out the project, indicate the following:

- (a) Manpower will consist of people mainly from firms located in:
- (i) City of Hamilton
- (ii) Other (please specify) Newmarket and Mississauga
- (b) Total number of jobs created during the planning and construction period: Unknown

33. Total cost of the project will be:

- (a) Less than \$100,000
- (b) \$101,000 to \$500,000
- (c) \$501,000 to \$1,000,000
- (d) Greater than \$1,000,000

34. Will the project use products and components manufactured locally?  Yes  No  
 To be Determined

Identify the firms and what material components they will supply:

	<i>Name of Firms Involved</i>	<i>Material and Components</i>
(a)	To be Determined	To be Determined
(b)		
(c)		
(d)		

**PART VII**

**35. ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for identification and remediation of contamination on the property, which is the subject of this Application - by reason of its approval to this Application.



Oct 25 / 17  
Date

[Signature]  
Signature of Owner

**36. AFFIDAVIT OR SWORN DECLARATION**

I, Matt Johnston of the City of Hamilton  
in the Province of Ontario make oath and say (or solemnly  
declare) that the information contained in this application is true and that the information contained in the  
documents that accompany this application is true.

Sworn (or declared) before me  
at the City of Hamilton  
in the Province of Ontario  
this 20<sup>th</sup> day of October MM, 2017  
November

[Signature]  
A Commissioner, etc.  
  
Victoria Louise Adair  
a Commissioner, etc., Province of Ontario,  
for UrbanSolutions Planning & Land  
Development Consultants Inc.,  
Expires June 7, 2020.

[Signature]  
Applicant  
Agent

**37. AUTHORIZATION**

If the applicant is not the owner of the land that is the subject of this application, the authorization set out below  
must be completed.

**Authorization of Owner for Agent  
to Make the Application**

I, Branthaven Mount Hope Inc., am the owner of the land that is the subject of this  
application and I authorize Urban Solutions to act as my agent in this matter and to  
make this application on my behalf and to provide any of my personal information that will be included in this  
application or collected during the processing of the application.

Oct 25 / 17



Date

Signature of Owner

**38. CONSENT OF THE OWNER**

**Consent of Owner to the Disclosure of  
Application Information and Supporting Documentation**

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.


I, Branthaven Mount Hope Inc., the Owner, hereby agree and acknowledge that the information  
(*Print name of Owner*)

contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Furthermore, I acknowledge that if the Public Notice Sign is not removed within 30 days of City Council's decision, the City is authorised to enter the land and to remove the sign at my expense.

Oct 25 / 17

Date



Signature of Owner

**39. COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 71 Main Street West, 1<sup>st</sup> Floor, City Hall., Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

**CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT**

**THIS AGREEMENT** is made this 25 day of October, 2017.

**BETWEEN:**

Branthaven Mount Hope Inc.

\_\_\_\_\_  
Applicant's name(s)  
hereinafter referred to as the "Developer"

-and-

**CITY OF HAMILTON**  
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent / rezoning / official plan amendment / subdivision approval / minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Municipal Board, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
  - (a) "Application" means the application(s) for a (circle applicable) consent / rezoning / official plan amendment / subdivision approval or minor variance dated October 25, 2017 with respect to the lands described in Schedule "A" hereto.
  - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Municipal Board by a party other than the developer; and (c) the City appears before the Ontario Municipal Board or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Municipal Board by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.





3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Municipal Board.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Municipal Board or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,

16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

**IN WITNESS WHEREOF** the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at City of Hamilton this 25<sup>th</sup> day of October, 20 17.

  
**WITNESS**

  
 Per: Arden Semper, A.S.O  
 I have authority to bind the corporation.

\_\_\_\_\_  
**WITNESS**

\_\_\_\_\_  
 Per:  
 I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_\_\_ day of October, 20 17.

**City of Hamilton**

Per: \_\_\_\_\_  
 Mayor

Per: \_\_\_\_\_  
 Clerk