



Hamilton

City Clerk's Office

Memorandum

Date: November 16, 2010

To: Steve Robichaud, Manager, Development Planning
Planning & Development Department, 5th floor, City Hall **(2 copies)**

From: Alexandra Rawlings, Co-ordinator
Planning Committee
City Clerk's Office

Subject: **Zoning By-law 10-278**
Official Plan Amendment 161 (Stoney Creek)
315 and 319 Highway #8, Stoney Creek

Attached hereto is the Statutory Declaration relating to the above-mentioned Official Plan Amendment and By-law.

A handwritten signature in black ink, appearing to read "Alexandra Rawlings".

AR/sr
Att.

- c.c. John Spolnik, Director of Building Services/Chief Building Official, 3rd floor, City Hall
- Lisa Barroso, Records Co-ordinator, City Clerk's Department **(2 copies)**
- Viola Mueller, Supervisor of Technical & Cartographic Services,
Planning and Development, 4th floor, City Hall
- Al Fletcher, Manager, Zoning By-law Reform, Planning and Development,
4th floor, City Hall
- Joanne Hickey-Evans, Manager, Policy Planning, Planning and Development,
4th floor, City Hall (OP's only)
- Dave Baulcomb, Municipal Relations Representative
Municipal Property Assessment Corporation
21 King St. W., Suite 300, Box 63, Hamilton, ON L8P 4W7

DOMINION OF CANADA)	IN THE MATTER OF Official Plan Amendment No. 161 (former City of Stoney Creek) and Zoning By-law No. 10-278 AND IN THE MATTER OF Sections 17(28) and 34(22) of the <i>Planning Act</i>, R.S.O. 1990, c. P.13.
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)	
)	
Province of Ontario)	
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)	
TO WIT:)	

I, Alexandra Rawlings, Co-ordinator, City Clerk's Office, of the City of Hamilton DO SOLEMNLY DECLARE:-

1. That Notice of a Public Meeting for the purpose of informing the public in respect of the proposed Official Plan Amendment and Zoning By-law was given on the 17th day of September, 2010 as prescribed by law.
2. That Official Plan Amendment No. 161 was approved by the City of Hamilton on the 13th day of October, 2010, (By-law No. 10-277).
3. That By-law Number 10-278 was passed on the 13th day of October, 2010.
4. That I did give written notice of the approval of the said Official Plan Amendment and passing of the By-law in accordance with Sections 17(23) and 34(18) respectively of the *Planning Act* on the 26th day of October, 2010. Annexed hereto and marked Exhibit "A" to this my Declaration is a true copy of the notice of the approval of the Official Plan and passing of the By-law, including the Explanatory Note.
5. That no notice of appeal was filed under Section 17(24) of the *Planning Act* on or before the 15th day of November, 2010, being twenty days from the day of the notice given of the approval of the said Official Plan Amendment.
6. That, in accordance with Section 17(27) of the *Planning Act*, I verily believe that the Official Plan Amendment is deemed to come into force on November 16, 2010, being the day following the last day for filing a notice of appeal.
7. That no notice of appeal was filed under Section 34(19) of the *Planning Act* on or before the 15th day of November, 2010, being twenty days from the day of the notice given of the passing of the said By-law.
8. That, in accordance with Section 34(21) of the *Planning Act*, I verily believe that the By-law is deemed to come into force on the same day as the Official Plan Amendment.

AND I MAKE THIS solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the City of Hamilton

) *Alexandra Rawlings*
)

this 16th day of November, A.D. 2010.

[Signature]
A Commissioner, etc.
LISA BARROSO
a Commissioner, etc., for the
City of Hamilton

**ZAC-08-063
OPA-08-013**



Hamilton

THIS IS EXHIBIT A REFERRED TO IN THE
DECLARATION OF ALEXANDRA RAWLINGS
SWORN BEFORE ME THIS 16th
DAY OF November A.D. 20 10

A COMMISSIONER, ETC.

L. A. BARROSO
a Commissioner, etc. for the
City of Hamilton

Form 1A
Planning Act, 1990

**NOTICE OF THE ADOPTION AND APPROVAL OF AN
OFFICIAL PLAN AMENDMENT AND PASSING OF A ZONING BY-LAW
BY THE CITY OF HAMILTON**

TAKE NOTICE that the City of Hamilton Council has adopted and approved Official Plan Amendment No. 161 to the Official Plan of the former municipality of Stoney Creek and passed Zoning By-law No. 10-278 on the 13th day of October, 2010 under Sections 21 and 34 of the Planning Act, R.S.O. 1990, c. P.13. The municipal address of the subject property is 315 & 319 Highway #8, **Stoney Creek**.

AND TAKE NOTICE that any person or agency who objects to Official Plan Amendment No. 161 and/or Zoning By-law No. 10-278 may appeal the decision of Council on either or both of the amendments to the Ontario Municipal Board, by filing with the Clerk of the City of Hamilton, not later than the 15th day of November, 2010 a **certified cheque** or money order in the amount of \$125.00, for each appeal, payable to the Minister of Finance, Province of Ontario. A completed Notice of Appeal form, setting out the specific part of the proposed Official Plan Amendment to which the appeal applies and the reasons for the appeal of the Official Plan amendment and/or Zoning By-law is required to be accompanied with the Ontario Municipal Board fee. Appeal forms are available in the City Clerk's Office and on the OMB website www.omb.gov.on.ca

PLEASE NOTE: IF YOU HAVE NO OBJECTION TO THE BY-LAW, YOU DO NOT NEED TO TAKE ANY ACTION, AND YOU DO NOT NEED TO SEND ANY CHEQUE.

AND TAKE NOTICE the decision by Council for the City of Hamilton on the proposed Official Plan Amendment and Zoning By-law is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Only Individuals, Corporations and Public Bodies may appeal an Official Plan Amendment and/or Zoning By-Law to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

An explanation of the purpose and effect of the Official Plan Amendment and Zoning By-law, describing the lands to which the Official Plan Amendment and the Zoning By-law apply, and a key map showing the location of the affected lands are attached. The complete documents are available for inspection in my office during regular office hours. If you have any questions, please call Alexandra Rawlings at 905 546 2424 extension 2729.

DATED at the City of Hamilton
this 26th day of October, 2010.

Rose Caterini, City Clerk
City Hall, Hamilton, Ontario

EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NOS. 10-277 and 10-278

1. The purpose of By-law No. 10-277 is to adopt Stoney Creek Official Plan Amendment No. 161 to redesignate the lands located at 315 and 319 Highway No. 8 from "Medium Density Residential" to "High Density Residential" (see attached Key Map).

The effect of the proposed Official Plan Amendment is to permit the development of a 7 storey, 44 unit apartment building with commercial uses located on the ground floor.

2. The purpose of By-law No. 10-278 is to rezone the lands located at 315 and 319 Highway No. 8 from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM4-6" Zone (see attached Key Map).

The zoning has been modified to:

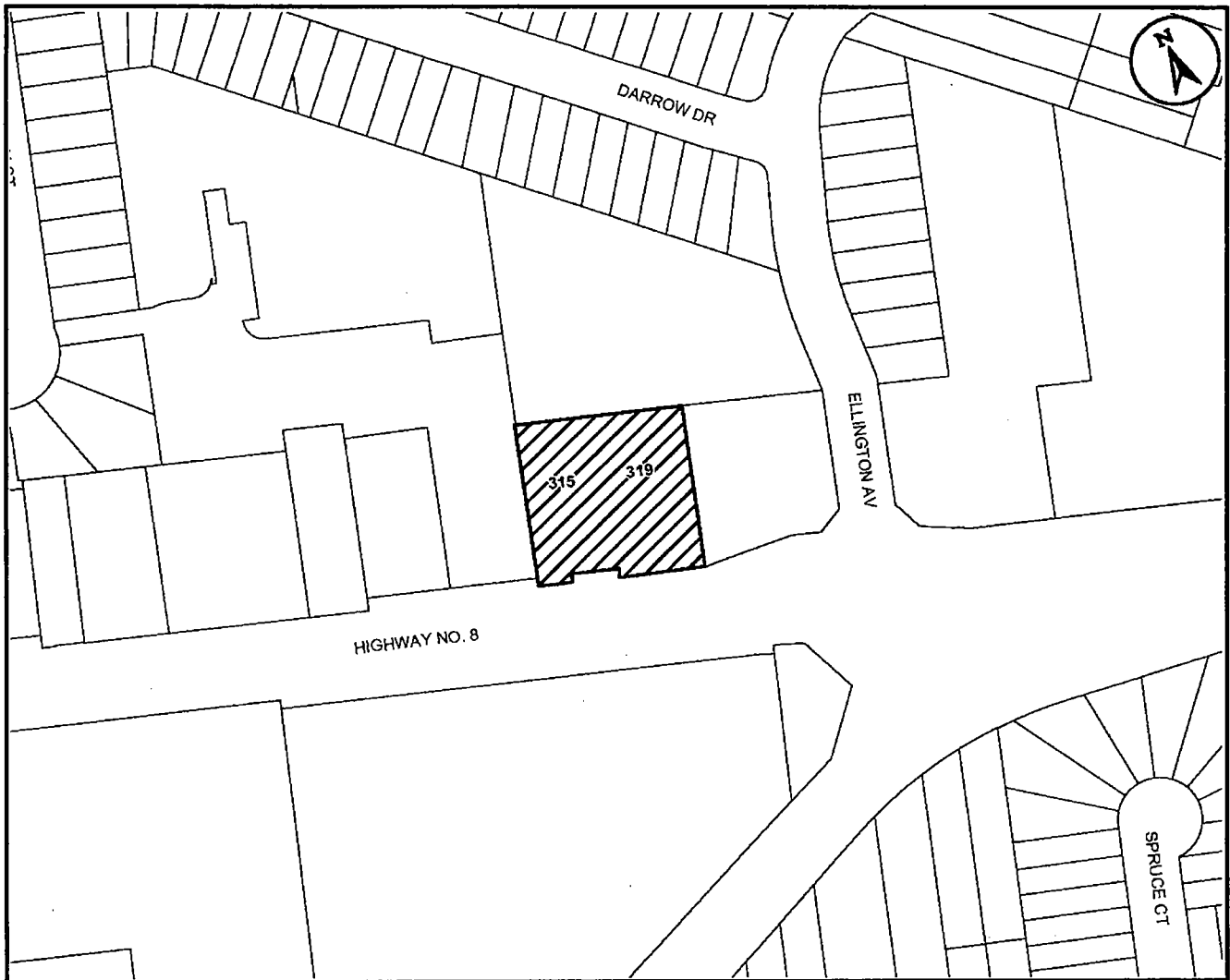
- Permit a range of commercial uses on the ground floor of the proposed building;
- Reduce the minimum lot area from 4,000 square metres to 3,350 square metres;
- Reduce the minimum front yard setback from 10.5 metres to 6 metres;
- Reduce the minimum easterly side yard setback from 10.5 metres to 7.5 metres;
- Increase the minimum westerly side yard setback from 10.5 metres to 16.5 metres, with further setbacks for the portions of the building above five (5) storeys;
- Increase the minimum rear yard setback from 10.5 metres to 18 metres, with further setbacks for the portions of the building above four (4) storeys;
- Increase the maximum residential density from 100 units per hectare to 132 units per hectare;
- Reduce the minimum required landscaped area from 50% of the lot area, of which at least 25% shall be in one area which is not in the front yard, to 24% of the lot area, and a minimum of 400 square metres, of which shall be in the rear yard;
- Modify the definition of landscaped strip to permit pathways and access walkways;
- Modify the number of parking spaces required for tenant, visitor, and commercial parking;
- Reduce the minimum parking space size from 2.75 metres x 5.8 metres to 2.6 metres x 5.5 metres, and from 4.4 metres x 5.8 metres to 4.4 metres x 5.5 metres for barrier free parking spaces; and,
- Require no loading space instead of one loading space.

The effect of the Zoning By-law Amendment is to permit the development of a 7 storey, 44 unit apartment building with commercial uses located on the ground floor.

3. Only the properties referred to above and shown on the attached map are affected by the By-laws. However, all owners of property within 120 metres (400 feet) of the properties affected by the By-laws are required to be notified.

Clerk
City Hall, Hamilton, Ontario

OPA-08-013
ZAC-08-063



Key Map

to By-Law No. 10- 277
10- 278

Subject Property

315 & 319 Highway No. 8



Change in designation from "Medium Density Residential" to "High Density Residential"

Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM4-6" Zone

Scale:
N.T.S.

File Name/Number:
OPA-08-013 & ZAC-08-063

Date:
August 25, 2010

Planner/Technician:
JH/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT