

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local

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ISSUE DATE: March 20, 2020

CASE NO(S): PL161115

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Upper Centennial Developments Ltd.
Subject:	Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment
Existing Designation:	Arterial Commercial, Low Density Residential 2b, Institutional and Arterial Commercial
Proposed Designated:	Neighbourhoods, Low Density Residential 3C, Medium Density Residential 3 and Local Commercial
Purpose:	To permit the proposed development of street townhouses, maisonettes, semi-detached dwellings, an apartment building, and a range of retail and service commercial uses
Property Address/Description:	165 Upper Centennial Parkway
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-15-007
OMB Case No.:	PL161115
OMB File No.:	PL161115
OMB Case Name:	Upper Centennial Developments Ltd. 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:	Upper Centennial Developments Ltd.
Subject:	Application to amend Zoning By-law No. 3692-92 - Neglect of the City of Hamilton to make a decision

Existing Zoning: Community Shopping Centre (Holding) – SC2-5(H) and Community Shopping Centre (Holding) – SC2-6(H)

Proposed Zoning: Multiple Residential RM2-23, Multiple Residential RM3, Residential R5-10, Multiple Residential RM4, Local Commercial LC

Purpose: To permit the proposed development of street townhouses, maisonettes, semi-detached dwellings, an apartment building, and a range of retail and service commercial uses

Property Address/Description: 165 Upper Centennial Parkway

Municipality: City of Hamilton

Municipality File No.: ZAC-15-015

OMB Case No.: PL161115

OMB File No.: PL161116

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

Applicant and Appellant: Upper Centennial Developments Ltd.

Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision

Purpose: To permit the proposed development of street townhouses, maisonettes, semi-detached dwellings, an apartment building, and a range of retail and service commercial uses

Property Address/Description: 165 Upper Centennial Parkway

Municipality: City of Hamilton

Municipality File No.: 25T-201503

OMB Case No.: PL161115

OMB File No.: PL161117

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

Applicant and Appellant: Penta Properties Inc.

Subject: Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment

Existing Designation: Institutional-Elementary School, Utility, Low Density Residential 2b, Medium Density Residential 3

Proposed Designated: Low Density Residential 3c, Low Density Residential 2b, Utility

Purpose: To permit the development of a range of low density residential uses comprising of townhouses, single detached, duplex and semi-detached dwellings

Property Address/Description: 198 First Rd. W. & 165 Upper Centennial Parkway

Municipality: City of Hamilton

Approval Authority File No.: UHOPA-14-012

OMB Case No.: PL161118

OMB File No.: PL161118

OMB Case Name: Penta Properties 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: Penta Properties Inc.

Subject: Application to amend Zoning By-law Nos. 05-200 and 3692-92 - Neglect of the City of Hamilton to make a decision

Existing Zoning: Neighbourhood Institutional (I1), Community Shopping Centre (Holding) "SC-2-5 (H)", Multiple Residential "RM4"

Proposed Zoning: Multiple Residential RM2-23, Single Residential "R4", Conservation/Hazard (P5)

Purpose: To permit the development of a range of low density residential uses comprising of townhouses, single detached, duplex and semi-detached dwellings

Property Address/Description: 198 First Rd. W. & 165 Upper Centennial Parkway

Municipality: City of Hamilton

Municipality File No.: ZAC-14-027

OMB Case No.: PL161118

OMB File No.: PL161119

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

Applicant and Appellant: Penta Properties Inc.

Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision

Purpose: To permit the development of a range of low density residential uses comprising of townhouses, single detached, duplex and semi-detached dwellings

Property Address/Description:	198 First Rd. W. & 165 Upper Centennial Parkway
Municipality:	City of Hamilton
Municipality File No.:	25T-200908R
OMB Case No.:	PL161118
OMB File No.:	PL161120

Heard: November 20, 2017 in Hamilton, Ontario,
October 31, 2019 and December 17, 2019 by
telephone conference call

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Upper Centennial Developments Ltd.	S. Snider (on November 20, 2017 only) and A. Toumanians
Penta Properties Inc.	S. Snider (on November 20, 2017 only) and A. Toumanians
City of Hamilton	M. Kovacevic
Michael Tellerd	J. Petropoulos* (on November 20, 2017 only)

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
DECEMBER 17, 2019 AND ORDER OF THE TRIBUNAL**

[1] This decision arises from a settlement hearing that was commenced in the City of Hamilton ("City") on November 20, 2017 and continued on October 31, 2019 and December 17, 2019 by telephone conference calls ("TCC"). The proceedings consist of appeals brought by Upper Centennial Developments Ltd. ("Upper Centennial") and Penta Properties Inc. ("Penta") (together, the "Appellants") regarding proposed developments on lands in the area of 165 Upper Centennial Parkway and 198 First Road West ("subject lands"). A decision arising from the October 31, 2019 TCC, which addressed procedural issues, was issued separately on November 6, 2019.

[2] Both sets of appeals concern the failure of the City to make decisions on official plan amendment, zoning by-law amendment, and draft plan of subdivision applications filed by the Appellants.

[3] At the settlement hearing on November 20, 2017, the Ontario Municipal Board ("Board") heard evidence regarding the proposed instruments but was informed that further details needed to be negotiated by the Parties before the proposed settlement and instruments could be fully presented to the Board. On the October 31, 2019 TCC, Upper Centennial, Penta and the City informed the Local Planning Appeal Tribunal ("Tribunal") that, pending City Council approval, the remaining aspects of the proposed settlement and instruments were ready for the Tribunal's consideration. On the December 17, 2019 TCC, those outstanding aspects of the proposed settlement were presented to the Tribunal. The Tribunal allowed the appeal in part and approved the proposed instruments.

Evidence and Submissions

November 2017 Settlement Hearing

[4] At the settlement hearing on November 20, 2017, the Tribunal heard evidence from Karl GonnSEN, on behalf of the Appellants. The Tribunal qualified him to provide opinion evidence as a professional planner and a professional engineer.

[5] Mr. GonnSEN described the proposed multi-phase residential development. He stated that phases 1 and 2 have been completed and that only phases 3 and 4 are before the Tribunal in these proceedings. He described the existing official plan designations and zoning for the subject lands and the proposed designations and zoning envisioned by the Appellants. He said the proposed developments would include street townhouses, maisonettes, single detached dwellings, semi-detached dwellings, duplexes, an apartment building, and a range of retail and service commercial uses on the subject lands.

[6] Mr. Gonnsen described the draft plan of subdivision. He reviewed conditions addressing traffic, road layout, drainage, stormwater management, and municipal servicing. He opined that the proposed draft plan of subdivision has regard for the matters set out in s. 51(24) of the *Planning Act*, including those addressing the public interest, prematurity, flood control, and municipal services.

[7] Mr. Gonnsen reviewed the proposed conditions for draft plan approval, including those on drainage. He said the proposed development would drain to a new stormwater management pond, which would be constructed on lands owned by Penta. He said the conditions of draft plan approval require the construction of a ditch along Upper Centennial Parkway to ensure drainage of neighbouring properties and require that if the proposed development prevents drainage from the adjacent properties, a suitable outlet will be provided. He said these conditions will ensure that there are no adverse drainage impacts to neighbouring properties, including the adjacent property owned by M & M Tables and Fine Furniture ("M & M"). His evidence was that the proposed conditions are reasonable.

[8] Mr. Gonnsen opined that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision are consistent with the Provincial Policy Statement, 2014 ("PPS"). He said the proposed developments will facilitate the creation of a healthy, liveable and safe community with appropriate land use patterns and density. He stated that they facilitate transit-supportive development and will lead to more efficient use of new and existing infrastructure.

[9] Mr. Gonnsen opined that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision conform with the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan, 2017"). He said the proposed instruments would facilitate a development that assists the City in attaining its growth targets, provides for a safe and healthy community with appropriate turn lanes, sidewalks and bike lanes, and assists the City in making infrastructure investments in the area, including for sewers and drainage. He said they will provide for lower cost

rental housing options in the area and will help create complete communities.

[10] Mr. Gonnissen opined that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision conform with the Urban Hamilton Official Plan ("UHOP") and the West Mountain Area (Heritage Green) Secondary Plan. He opined that they help create a complete community with retail, park and residential uses in the area. He said that the proposed developments will provide a full range of housing forms, types and densities and will address stormwater management issues.

[11] At the November 20, 2017 settlement hearing, John Petropoulos provided fact evidence on behalf of Michael Tellerd who has been operating M & M on a property adjacent to the subject lands since 1986. He said that the grade of the neighbouring property to the south has been raised to address drainage concerns. He said this has resulted in drainage problems on M & M's property, excessive snow accumulation, and stormwater flowing on to the property. Mr. Petropoulos stated that Mr. Tellerd supports development in the area, but requests that drainage, sewer and water issues be addressed.

December 2019 Settlement Hearing

[12] At the December 17, 2019 settlement hearing, Mr. Gonnissen provided opinion evidence in support of a proposed revision to the zoning by-law amendment for 198 First Road West. The revision is proposed on consent of the Parties. He said the proposed revision would change the zoning for Block EE of that development from RM4, which only permits apartment dwellings, to R5-10 with modifications, which would permit lots on Block EE. He said that during phase 1 of the development, services were put in place in this block to accommodate 24 lots. He said R5-10 zoning only permits 22 lots and requires lot areas of at least 225 square metres ("m²"). Due to the development patterns completed under phase 1, there is only space for lot areas of 190 m² if 24 lots are to be developed. He stated that the Parties have agreed on consent to

modify the R5-10 zoning in order to allow these proposed lots. He opined that the proposed revisions would have no adverse grading or drainage impacts on M & M's lands. He opined that these zoning modifications are consistent with the PPS in that they promote efficient development and land use patterns, promote cost-effective development, and promote development in locations where there is appropriate infrastructure. He opined that they conform with the Growth Plan, 2017, and its recent update, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan, 2019"), in that they support the achievement of complete communities by providing a diverse range and mix of housing options and encourage coordination of infrastructure planning and land use planning and infrastructure investment. He opined that they conform with the UHOP in that they facilitate the development of a full range of housing forms, types and densities, contribute to a mix of lot widths and sizes compatible with the existing character of the area, are in a location for which full urban services will be available, and are compatible with adjacent developments. He also opined that they have regard for matters of provincial interest set out in s. 2 of the *Planning Act*.

[13] The Parties submitted that there are no other proposed substantive changes to the proposed instruments since the November 2017 settlement hearing.

[14] The City did not provide evidence at the settlement hearings. Mr. Tellerd did not attend the December 2019 settlement hearing.

ANALYSIS AND FINDINGS

[15] Based on the uncontradicted opinion evidence of Mr. Gonnsen, the Tribunal found at the December 17, 2019 settlement hearing that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision are consistent with the PPS, conform with the Growth Plan 2017, the Growth Plan, 2019, and UHOP, and have regard to the matters of provincial interest set out in s. 2 of the *Planning Act*. The Tribunal found that the proposed instruments promote efficient and cost-effective

development, facilitate the achievement of complete communities with a diverse range and mix of housing options, are located in an area that will have appropriate municipal services and infrastructure, and will be compatible with existing and planned developments in the area. Based on Mr. Gonnissen's opinion evidence, the Tribunal found that the proposed instruments, with the proposed conditions of draft plan approval, will not cause adverse sewer, water or drainage impacts to M & M's property or the surrounding area. The Tribunal also found that based on the evidence before it, the proposed draft plan of subdivision has regard to the criteria set out in s. 51(24) of the *Planning Act* and that the proposed conditions for draft plan approval are reasonable.

ORDER

[16] The Tribunal orders that for the appeals contained in LPAT Case File Nos. PL161115, PL161116 and PL161117:

- a. The application to amend the Urban Hamilton Official Plan by Upper Centennial Developments Ltd. respecting the lands located at 165 Upper Centennial Parkway is approved in accordance with Schedule 1 attached hereto;
- b. The application to amend Zoning By-law No. 3692-92 (Stoney Creek) Upper Centennial Developments Ltd. respecting the lands located at 165 Upper Centennial Parkways is approved in accordance with Schedule 2 attached hereto; and
- c. The proposed Plan of Subdivision by Upper Centennial Developments Ltd. respecting the lands located at 165 Upper Centennial Parkway is approved in accordance with Schedule 3 attached hereto and subject to the Conditions of Approval attached as Schedule 4. Pursuant to section 51(56.1) of the *Planning Act*, the final approval of the Plan of Subdivision for the purposes of

section 51(58) is to be given by the City of Hamilton.

[17] The Tribunal orders that:

- a. The application to amend the Urban Hamilton Official Plan by Penta Properties Inc. respecting the lands located at 198 First Road West is approved in accordance with Schedule 5 attached hereto;
- b. The application to amend Zoning By-law No. 3692-92 (Stoney Creek) by Penta Properties Inc. respecting the lands located at 198 First Road West is approved in accordance with Schedule 6 attached hereto;
- c. The application to amend Zoning By-law No. 05-200 by Penta Properties Inc. respecting the lands located at 198 First Road West and 165 Upper Centennial Parkway is approved in accordance with Schedule 7 attached hereto; and
- d. The proposed Plan of Subdivision by Penta Properties Inc. respecting the lands located at 198 First Road West is approved in accordance with Schedule 8 attached hereto and subject to the Conditions of Approval attached as Schedule 9. Pursuant to s. 51(56.1) of the *Planning Act*, the final approval of the plan of subdivision for the purposes of s. 51(58) is to be given by the City of Hamilton.

[18] The Tribunal orders that Schedules 1 to 9 attached to this Order shall form part of the Order.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**20-079-LPAT
Schedule 1**

SCHEDULE 1

**Urban Hamilton Official Plan
Amendment No. 85**

The following text, together with:

Appendix "A" Urban Hamilton Official Plan – Urban Land Use Designations – Volume 1: Schedule E-1

Appendix "B" West Mountain (Heritage Green) Secondary Plan – Land Use Plan – Volume 2: Map B.7.6-1

attached hereto, constitutes Official Plan Amendment No. 85 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate lands on Schedule E-1 – Urban Land Use Designations of Volume 1 and West Mountain (Heritage Green) Secondary Plan – Land Use Plan of Volume 2 to allow for the establishment of a range of Low, Medium and High Density Residential uses, comprised of Townhouse and Multiple Dwelling units, as well as the establishment of Local Commercial uses.

2.0 Location:

The lands affected by this Amendment are located north of Highland Road West and west of Upper Centennial Parkway (known municipally as 165 Upper Centennial Parkway), in the former City of Stoney Creek.

3.1 Basis:

The basis for permitting this Amendment is as follows:

- The proposed amendment is in keeping with the policies of the Urban Hamilton Official Plan and the West Mountain (Heritage Green) Secondary Plan, which promotes a range of housing types and densities.
- The proposed development is considered to be consistent with, and complementary to, the planned and existing development in the immediate area.
- The proposed amendment is consistent with the Provincial Policy Statement,

2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.1 Actual Changes:

4.2 Text Changes:

Volume 2 – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan

4.2.1 Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan is amended by:

- (a) amending Policy 7.6.2.1 by:
 - (i) replacing the word "and" with "," between the phrases "Low Density Residential 3c" and "Medium Density Residential 3"; and,
 - (ii) adding the phrase ", and High Density Residential 1" after the phrase "Medium Density Residential 3c";

so the policy reads as follows:

"7.6.2.1 The residential areas for West Mountain (Heritage Green) Secondary Plan area are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density Residential 3, and High Density Residential 1 on Map B.7.6-2 – West Mountain Area (Heritage Green) – Land Use Plan."

- (b) adding a new policy, as follows:

"7.6.2.4 Section E.3.6 – High Density Residential of Volume 1 shall apply to lands designated High Density Residential 1 on Map B.7.6-1 – West Mountain (Heritage Green) – Land Use Plan."

- (c) adding a new Area Specific Policy, as follows:

"Area Specific Policy – Area F"

7.6.8.22 Notwithstanding Policy E.3.4.4 of Volume 1 and Policy B.7.6.2.2 b) ii) of Volume 2, for the lands located at 165 Upper Centennial Parkway, designated "Low Density Residential 3c", and identified as "Area Specific Policy – Area F" on Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan, the permitted density shall be from 30 to 105 units per net residential hectare."

(d) adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area G"

7.6.8.23 Notwithstanding Policy E.3.6.6 b) of Volume 1 and Policy B.7.6.2.4 of Volume 2, for the lands located at 165 Upper Centennial Parkway, designated "High Density Residential 1", and identified as "Site Specific Policy – Area G" on Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan, the permitted density shall be from 100 to 300 units per net residential hectare."

4.3 Mapping Changes:

Volume 1 – Schedule E-1, Urban Land Use Designations

4.3.1 Schedule E-1: Urban Land Use Designations is amended by redesignating lands from "Arterial Commercial" to "Neighbourhoods", as shown on Appendix "A" attached to this amendment.

Volume 2 – Map B.7.6-1, West Mountain (Heritage Green) Secondary Plan

4.3.2 Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan Land Use Plan is amended by:

a) redesignating lands from "Low Density Residential 2b"

and "Arterial Commercial" to "Low Density Residential 3c";

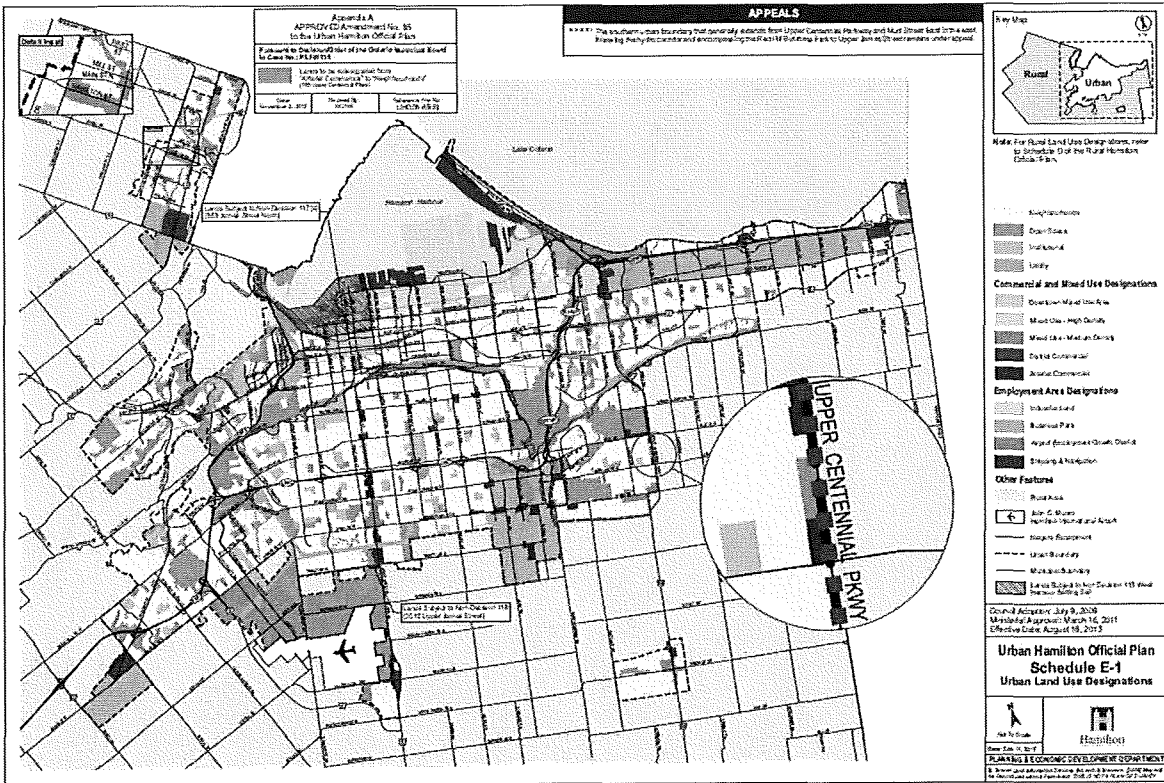
- b) redesignating lands from "Institutional" and "Arterial Commercial" to "High Density Residential 1";
- c) redesignating lands from "Arterial Commercial" and "Low Density Residential 2b" to "Local Commercial";
- d) removing "Site Specific Policy - Area C" from the subject lands;
- e) adding "Area Specific Policy – Area F" to lands designated "Low Density Residential 3c"; and,
- f) adding "Site Specific Policy – Area G" to lands designated "High Density Residential 1",

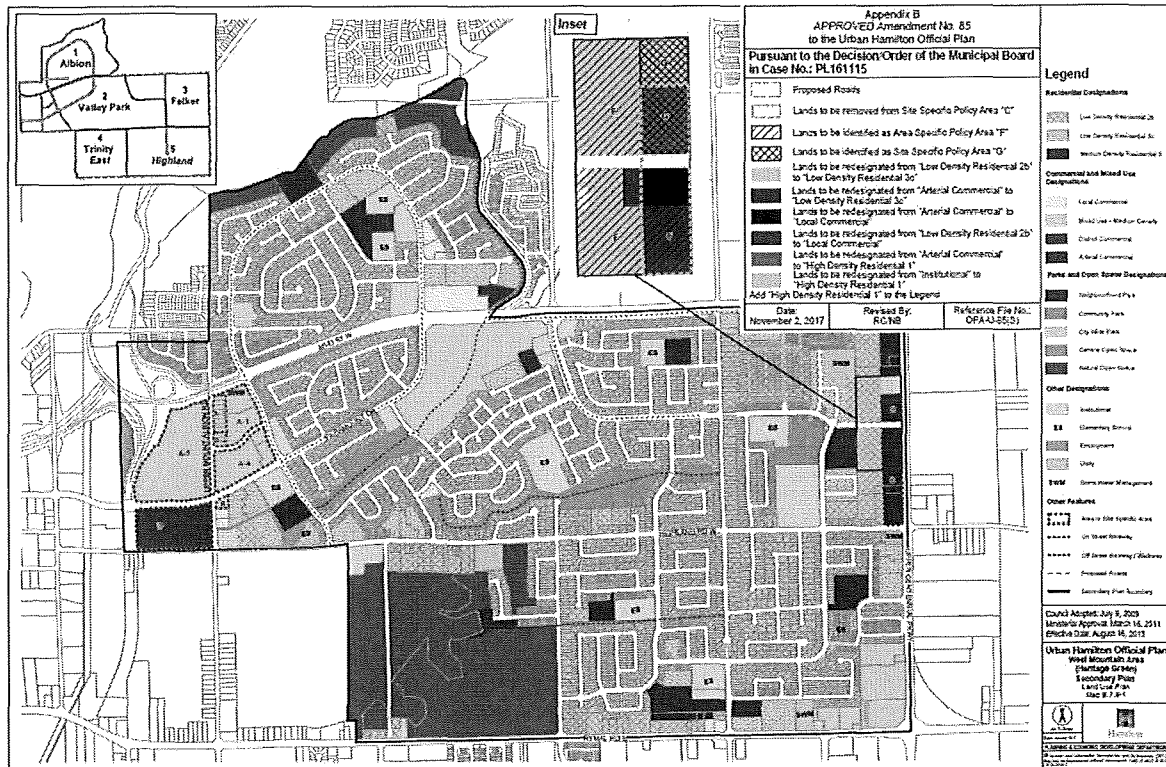
as shown on Appendix "B", attached to this amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Draft Plan of Subdivision will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No.____, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL161115.





**SCHEDULE 2
CITY OF HAMILTON
BY-LAW NO. XX**

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 165 Upper Centennial Parkway (Stoney Creek)

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

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Stoney Creek" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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;

WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 85;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-60(H2)" Zone, Modified, on the lands comprised of "Block 1";
 - (b) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential (Holding) "RM5-12(H2)" Zone, Modified, on the lands comprised of "Block 2";
 - (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM5-12(H2)" Zone, Modified, on the lands comprised of "Block 3";
 - (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60(H2)" Zone, Modified, on the lands comprised of "Block 4";
 - (e) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Local Commercial (Holding) "LC-10(H2)" Zone, Modified, on the lands comprised of "Block 5";

- (f) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-61(H2)" Zone, Modified, on the lands comprised of "Block 6";
 - (g) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to Multiple Residential (Holding) "RM2-23(H2)" Zone, Modified, on the lands comprised of "Block 7";
 - (h) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Multiple Residential (Holding) "RM2-23(H1)(H2)" Zone, Modified, on the lands comprised of "Block 8";
 - (i) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to Multiple Residential (Holding) "RM3-60(H1)(H2)" Zone, Modified, on the lands comprised of "Block 9";
 - (j) by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60(H1)(H2)" Zone, Modified, on the lands comprised of "Block 10";
 - (k) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-23(H2)" Zone, Modified, on the lands comprised of "Block 11";
 - (l) by changing the zoning from the Neighbourhood Development "ND" Zone to the Local Commercial (Holding) "LC-10(H2)" Zone, Modified, on the lands comprised of "Block 12";
 - (m) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-23(H1)(H2)" Zone, Modified, on the lands comprised of "Block 13"; and,
 - (n) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Multiple Residential (Holding) "RM2-23(H1)(H2)" Zone, Modified, on the lands comprised of "Block 14".
2. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM3-60", as follows:

RM3-60 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding Section 6.10.2, and the provisions of Paragraphs (a), (b), (c), (d), (f), (i), (k), (l), and (m) of Subsection 6.10.3, and Subsection 6.10.5 (a), of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-60" by this By-law, the following shall apply:

6.10.2 Permitted Use for Each Lot

- (a) Maisonettes

6.10.3	(a)	Minimum Lot Area	70.0 square metres
	(b)	Minimum Lot Frontage	6.3 metres
	(c)	Minimum Front Yard	4.5 metres except 5.8 metres to an attached garage
	(d)	Minimum Side Yard	0.0 metres interior, 1.2 metres for an end unit and 2.4 metres for flankage yard
	(f)	Minimum Rear Yard	0.0 metres
	(i)	Maximum Density	100 units per hectare
	(k)	Maximum Lot Coverage	71 percent
	(l)	Minimum Privacy Area	Notwithstanding the yard requirements above, each maisonette unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling. The privacy area shall have a minimum area of 7.65 square metres and may comprise porches, decks, balconies, and verandas.
	(m)	Minimum Landscaped Open Space	10 percent.
6.10.5	(a)	Minimum Number of Parking Spaces	2 parking spaces for each dwelling unit, tandem parking is permitted.

3. That Subsection 6.12.6: "Special Exemptions" of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM5-12", as follows:

RM5-12 165 Upper Centennial Parkway, Schedule "A", Map No. 16

In addition to Section 6.12.2, notwithstanding the provisions of paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of Section 6.12.3, and notwithstanding the provisions of Section 6.12.4 (a), of the Multiple Residential "RM5" Zone, on those lands zoned "RM5-12" by this By-law, the following shall apply:

- | | | |
|--------|-----|---|
| 6.12.2 | (a) | Commercial uses permitted in Section 8.2.2 of By-law No. 3692-92 may be permitted on the ground floor. |
| 6.12.3 | (b) | Minimum Lot Frontage 50.0 metres |
| | (c) | Minimum Front Yard 4.5 metres |
| | (d) | Minimum Side Yard |
| | i) | Minimum Easterly Side Yard 4.5 metres for storeys 1 to 3 |
| | ii) | Minimum Westerly Side Yard 4.5 metres for storeys 1 to 3 |
| | (e) | Minimum Rear Yard 4.5 metres |
| | (f) | Increased Yards and Height |
| | i) | 6.0 metres for storeys 4 to 6 abutting a street |
| | ii) | 7.5 metres for storeys 7 to 12 abutting a street |
| | (g) | Maximum Lot Coverage 41 percent |
| | (h) | Maximum Residential Density 300 units per hectare |
| | (i) | Maximum Height 12 storeys or 43 metres |
| | (j) | Minimum Landscaped Open Space |
| | 1) | The landscaped area shall not be less than 12 percent of the lot area. |
| | 2) | A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. |
| | (k) | Minimum distance between residential buildings on the same lot - N/A |

- 6.12.4 (a) 1.0 parking spaces and 0.25 visitor parking spaces for each dwelling unit.
- (b) The required visitor parking space shall be maintained for the shared use between the commercial use(s) and residential use, have a sign legibly marking that the parking space is for the shared use of both commercial and residential visitor parking, and shall be maintained readily accessible for either use, free and clear of all obstructions.

4. That Subsection 6.10.6: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM3-61", as follows:

RM3-61 165 Upper Centennial Parkway, Schedule "A", Map No. 16

The following regulations apply to the "RM3-61" Zone, should the development proceed as a Standard Condominium:

Notwithstanding the provisions of Section 6.10.2, and the provisions of paragraphs (c), (h), (i), (l), and (m) 1. and 4. of Section 6.10.3, and in addition to the provisions of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-61" by this By-law, the following shall apply:

6.10.2 Permitted Uses For Each Lot

- (a) Townhouses

- 6.10.3 (c) Minimum Front Yard 3.0 metres, and 5.8 metres for a garage.

- (h) Minimum Distance Between Buildings on the Same Lot
- 12 metres, except 2.4 metres between end walls and 9 metres between an end wall and a rear wall.

- (i) Maximum Density 47 unit per hectare

- (l) Privacy Area – notwithstanding the yard requirements above, each townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have an area of 36 square metres.

- (m) Minimum Landscaped Open Space

1. Not less than 40% of the lot area shall be landscaped including privacy areas.

4. A landscaped strip having a minimum width of

4.5 metres, within which retaining walls are allowed in addition to swales, berms and fences, shall be provided and thereafter maintained adjacent to every portion of any lot that abuts Upper Centennial Parkway except for points of ingress and egress.

The following regulations apply to the “RM3-61” Zone, should the development proceed as Freehold Street Townhouse Units tied to a Common Element Condominium Road:

For the purposes of this By-law, a common element condominium road shall be deemed to be a street.

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (g) and (i) of Section 6.9.3 of Zoning By-law No. 3692-92, on those lands zoned “RM3-61” by this By-law, the following shall apply:

- (a) Minimum Lot Area
 - Interior Unit - 150 square metres
 - End Unit - 175 square metres
 - Corner Unit - 200 square metres
- (b) Minimum Lot Frontage
 - Interior Unit - 6.0 metres
 - End Unit - 7.0 metres
 - Corner Unit - 8.0 metres
- (c) Minimum Front Yard - 3.0 metres, except 5.8 metres for a garage
- (d) Minimum Side Yard
 - End Unit - 1.5 metres
 - Corner Unit - 2.4 metres
- (e) Minimum Rear Yard - 6.0 metres
- (i) Maximum Lot Coverage - N/A
- (g) Minimum Landscaped Open Space

A landscaped strip having a minimum width of 4.5

metres, within which retaining walls are allowed in addition to swales, berms and fences, shall be provided and thereafter maintained adjacent to every portion of any lot that abuts Upper Centennial Parkway except for points of ingress and egress.

5. That Subsection 8.2.4: "Special Exemptions" of Section 8.2 Local Commercial "LC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "LC-10", as follows:

LC-10 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 8.2.2 and Section 8.2.3 (i), and in addition to the provisions of Section 8.2.3 of the Local Commercial "LC" Zone, on those lands zoned "LC-10" by this By-law, the following shall apply:

- 8.2.2 (a) Artist Studio
- (b) Car Washing Establishment
- (c) Catering Service
- (d) Commercial School
- (e) Communications Establishment
- (f) Community Garden
- (g) Craftsperson Shop
- (h) Day Nursery
- (i) Dwelling Units in conjunction with a Commercial Use on the ground floor
- (j) Emergency Shelter
- (k) Financial Establishment
- (l) Laboratory
- (m) Medical Clinic
- (n) Microbrewery
- (o) Motor Vehicle Gas Bar
- (p) Motor Vehicle Service Station
- (q) Office

- (r) Personal Services
- (s) Repair Service
- (t) Restaurant
- (u) Retail
- (v) Social Services Establishment
- (w) Tradesperson's Shop
- (x) Urban Farm
- (y) Urban Farmers Market
- (z) Veterinary Service
- 8.2.3 (i) Maximum Building Height - 14.0 metres
- (n) Restriction of Residential Uses within a Building
 - i) Notwithstanding Section 8.2.2, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50 percent of the total gross floor area of all the building(s) within the lot.

6. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM3-60(H1)(H2)", as follows:

RM3-60(H1) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-60(H1)" by this By-law, the Holding "(H1)" symbol may be removed by City Council and thereby give effect to the "RM3-60" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the west to permit orderly development, and confirmation of an adequate level of engineering services to support the uses, to the satisfaction of the City's Director of Planning and Chief Planner, and the Senior Director of Growth Management.

RM3-60(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-60(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM3-60" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.

- 7. That Subsection 6.9.6: "Special Exemptions" of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM2-23(H1)(H2)", as follows:

RM2-23(H1) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM2-23(H1)" by this By-law, the Holding "(H1)" symbol may be removed by City Council and thereby give effect to the "RM2-23" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the west to permit orderly development, and confirmation of an adequate level of engineering services to support the uses, to the satisfaction of the City's Director of Planning and Chief Planner, and the Senior Director of Growth Management.

RM2-23(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM2-23(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM2-23" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property

(198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.

8. That Subsection 6.12.6: "Special Exemptions" of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM5-12(H2)", as follows:

RM5-12(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM5-12(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM5-12" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.
9. That Subsection 8.2.4: "Special Exemptions" of Section 8.2 Local Commercial "LC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "LC-10(H2)", as follows:

LC-10(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "LC-10(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "LC-10" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.
10. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemptions, "RM3-61(H2)", as follows:

RM3-61(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-61(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM3-61" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory

area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.

11. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM2-23" Zone, Modified, the Multiple Residential "RM3" Zone, the Multiple Residential "RM5" Zone, and the Local Commercial "LC" Zone subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of this By-law.
12. That this By-law No. 17- shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.
13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

UHOPA-15-07(R) / ZAC-15-015(R) / 25T-201503(R)



This is Schedule "A" to By-law No. 17-

Passed the day of, 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 3692-92

Scale:
N.T.S.

File Name/Number:
ZAC-15-015 (R) / HOPA-15-07 (R) / 25T-201503 (R)

Date:
Nov. 15, 2017

Planner/Technician:
RC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property

165 Upper Centennial Parkway

- Block 1 - Change in zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, to Multiple Residential "RM3-60 (H2)" Zone, Modified
- Block 2 - Change in zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, to Multiple Residential "RM5-12 (H2)" Zone, Modified
- Block 3 - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential "RM5-12 (H2)" Zone, Modified
- Block 4 - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential "RM3-60 (H2)" Zone, Modified
- Block 5 - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified, to Local Commercial "LC-10 (H2)" Zone, Modified
- Block 6 - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified, to Multiple Residential "RM3-61 (H2)" Zone, Modified
- Block 7 - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified to Multiple Residential "RM2-23 (H2)" Zone, Modified
- Block 8 - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified to Multiple Residential "RM2-23 (H1) (H2)" Zone, Modified
- Block 9 - Change in zoning from the Community Shopping Centre (Holding) "SC2-5 (H)" Zone, Modified to Multiple Residential "RM3-60 (H1) (H2)" Zone, Modified
- Block 10 - Change in zoning from the Neighbourhood Development "ND" Zone, Modified to Multiple Residential (Holding) "RM3-60 (H1) (H2)" Zone, Modified
- Block 11 - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential (Holding) "RM2-23 (H2)" Zone, Modified
- Block 12 - Change in zoning from the Neighbourhood Development "ND" Zone, to the Local Commercial (Holding) "LC-10 (H2)" Zone, Modified
- Block 13 - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential (Holding) "RM2-23(H1) (H2)" Zone, Modified
- Block 14 - Change in zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified to Multiple Residential (Holding) "RM2-23 (H1) (H2)" Zone, Modified

SCHEDULE 5

**Urban Hamilton Official Plan
Amendment No. 87**

The following text, together with:

Appendix "A" – West Mountain (Heritage Green) Secondary Plan – Land Use Plan –
Volume 2: Map B.7.6-1

attached hereto, constitutes Official Plan Amendment 87 to the Urban Hamilton Official Plan.

1.1 Purpose and Effect:

The purpose and effect of this Amendment is to amend Map B.7.6-1 – Land Use Plan of the West Mountain (Heritage Green) Secondary Plan of the Urban Hamilton Official Plan, by redesignating lands as follows:

1. "Institutional – Elementary School" to "Low Density Residential 3c"
2. "Institutional – Elementary School" to "Low Density Residential 2b"
3. "Utility" to "Low Density Residential 3c"
4. "Low Density Residential 2b" to "Utility"
5. "Low Density Residential 2b" to "Low Density Residential 3c"
6. "Medium Density Residential 3" to "Low Density Residential 3c"
7. "Medium Density Residential 3" to "Low Density Residential 2b"

2.0 Location:

Lands located at 198 First Road West and 165 Upper Centennial Parkway, in the former City of Stoney Creek, are affected by this Amendment.

3.1 Basis:

The intent of this Amendment is to permit a range of Low Density Residential uses comprised of townhouse units at approximately 40 to 60 units per net residential hectare; maisonettes up to 110 units per net residential hectare; and single detached and semi detached dwellings not exceeding 40 units per net residential hectare. The amendment also allows for a reconfiguration of the Utility designation to accommodate a resized Storm Water Management pond.

The basis for permitting this Amendment is as follows:

- The proposed amendment is in keeping with the policies of the Urban Hamilton Official Plan and West Mountain (Heritage Green) Secondary Plan to provide a

diversity of housing opportunities that are suitable for different segments of the population and higher density development in order to make the best use of urban lands, especially along a local road.

- The proposed development is considered to be consistent with, and complementary to, the planned and existing development in the immediate area.
- The proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

4.1 Actual Changes:

4.2 Text Changes:

Volume 2 – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan

4.1.1 Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan is amended by:

- (a) adding a new Area Specific Policy, as follows:

“Area Specific Policy – Area F

7.6.8.22 Notwithstanding Policy E.3.4.4 of Volume 1 and Policy B.7.6.2.2 b) ii) of Volume 2, for the lands located at 165 Upper Centennial Parkway, designated “Low Density Residential 3c”, and identified as “Area Specific Policy – Area F” on Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan, the permitted density shall be from 30 to 105 units per net residential hectare.”

4.1 Mapping Changes

Urban Hamilton Official Plan Volume 2 – Map B.7.6-1, West Mountain (Heritage Green) Secondary Plan

4.1.1 That Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan Land Use Plan be amended by redesignating the lands as follows:

1. "Institutional – Elementary School" to "Low Density Residential 3c";
2. "Institutional – Elementary School" to "Low Density Residential 2b";
3. "Utility" to "Low Density Residential 3c";
4. "Low Density Residential 2b" to "Utility";
5. "Low Density Residential 2b" to "Low Density Residential 3c";
6. "Medium Density Residential 3" to "Low Density Residential 3c";
7. "Medium Density Residential 3" to "Low Density Residential 2b";
- and,
8. Adding "Area Specific Policy – Area F" to lands designated "Low Density Residential 3c"

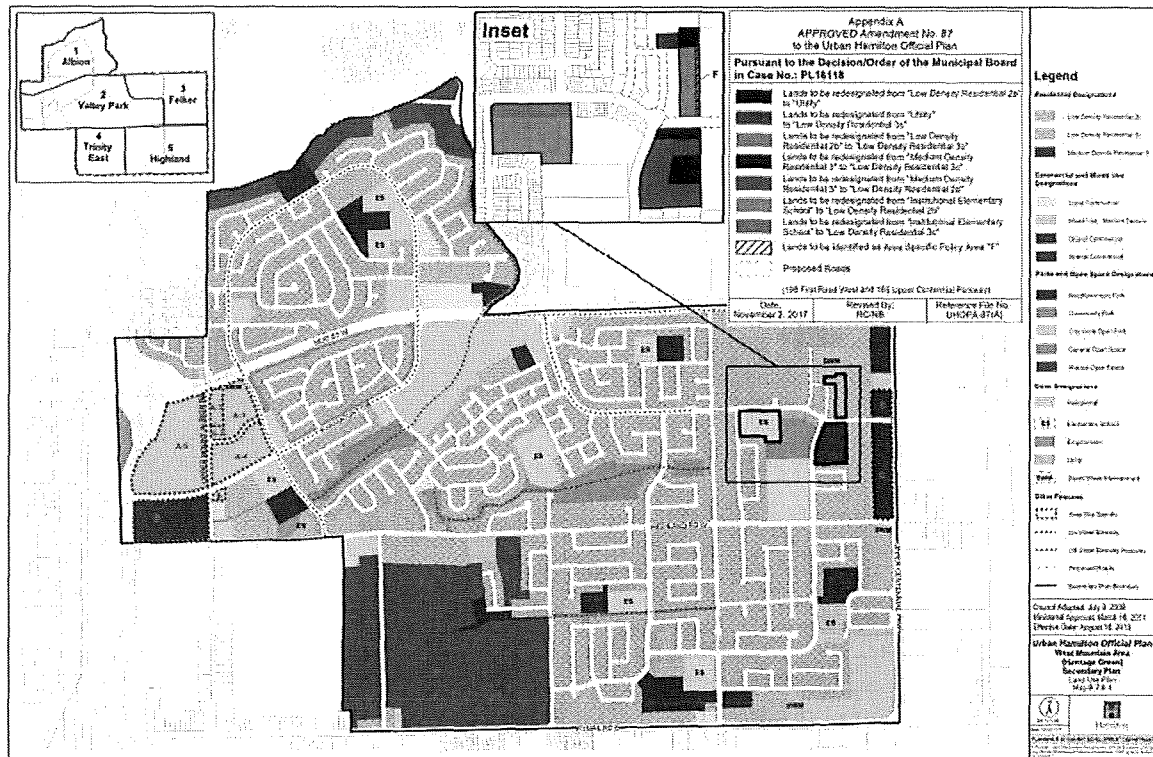
as shown on Appendix "A", attached.

5.0 **Implementation:**

An implementing Zoning By-Law Amendment and Draft Plan of Subdivision will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. __, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL161118.

Urban Hamilton Official Plan Amendment No. XX	Page 3 of 4	
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SCHEDULE 6

CITY OF HAMILTON

BY-LAW NO. XX

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 198 First Road West (Stoney Creek)

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

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Stoney Creek" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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;

WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 87;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) by removing from Stoney Creek Zoning By-law No. 3692-92, the lands comprised of "Block 1" and "Block 13";
 - (b) by adding to Stoney Creek Zoning By-law No. 3692-92 the Residential Multiple "RM2-23" Zone, Modified, on the lands comprised of "Block 2" and "Block 3";
 - (c) by adding to Stoney Creek Zoning By-law No. 3692-92 the Single Residential "R4" Zone, on the lands comprised of "Block 4";
 - (d) by changing the zoning from the Multiple Residential "RM4" Zone to the Residential "R5-10" Zone, Modified, on the lands comprised of "Block 5";
 - (e) by changing the zoning from the Multiple Residential "RM4" Zone to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 6";

- (f) by changing the zoning from the Multiple Residential "RM4" Zone to the Single Residential "R4" Zone, on the lands comprised of "Block 7";
- (g) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-60(H)" Zone, Modified, on the lands comprised of "Block 8";
- (h) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 9";
- (i) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60(H)" Zone, Modified, on the lands comprised of "Block 10";
- (j) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 11";
- (k) by changing the zoning from the Multiple Residential "RM4" Zone to the Multiple Residential (Holding) "RM2-23(H)" Zone, Modified, on the lands comprised of Block 12";
- (l) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-23(H)" Zone, Modified, on the lands comprised of "Block 14"; and,
- (m) by changing the zoning from the Multiple Residential "RM4" Zone to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 15";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.6.7: "Special Exemptions" of Section 6.6 Residential "R5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended as follows:

In addition to By-law No. 10-320 (OMB), the "R5-10" Zone shall be modified as follows:

- (a) Minimum Lot Area

2. Divided Semi-Detached Lot

Interior Lot

- 190 square metres

3. That Subsection 6.9.6: "Special Exemptions" of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended as follows:

In addition to By-law No. 10-320 (OMB), the following shall also apply:

RM2-23(H) 198 First Road West, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM2-23 (H)" by this By-law, the Holding "H" symbol may be removed by City Council and thereby give effect to the "RM2-23" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the east to permit orderly development, to the satisfaction of the City's Director of Planning and Chief Planner, and the Senior Director of Growth Management.
4. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM3-60(H)", as follows:

RM3-60(H) 198 First Road West, Schedule "A", Map No. 16

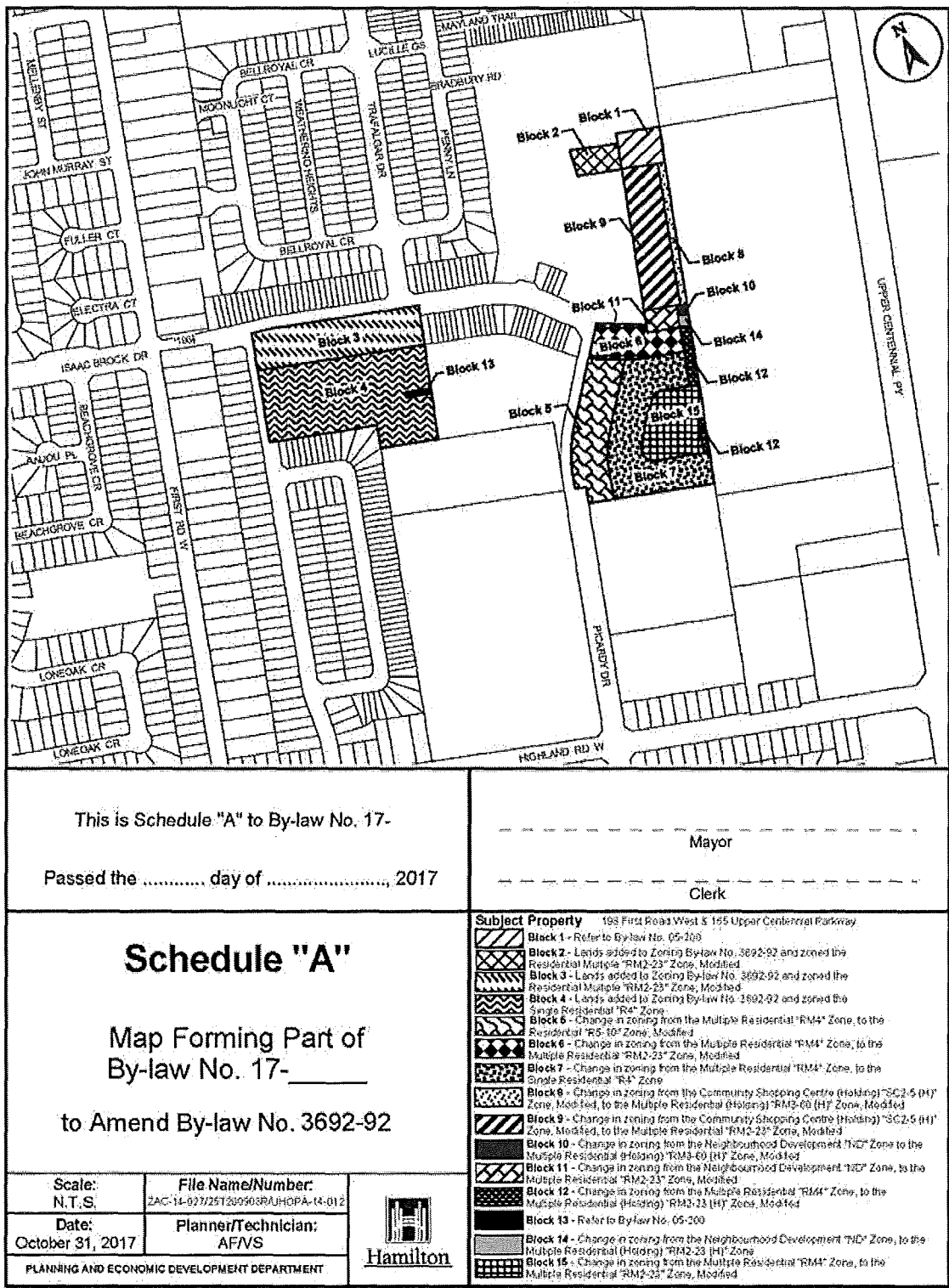
Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-60(H)" by this By-law, the Holding "H" symbol may be removed by City Council and thereby give effect to the "RM3-60" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the east to permit orderly development, to the satisfaction of the City's Director of Planning and Chief Planner, and the Senior Director of Growth Management.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R4" Zone, the Residential "R5-10" Zone, Modified, the Multiple Residential "RM2-23" Zone, Modified, and the Multiple Residential "RM3-60" Zone, Modified, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
6. That this By-law No. 17- shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk



SCHEDULE 7

CITY OF HAMILTON

BY-LAW NO. XX

To Amend Zoning By-law No. 05-200, Respecting Lands located at 198 First Road West and 165 Upper Centennial Parkway, Stoney Creek

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

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

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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. 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 Official Plan Amendment No. 87;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Map No. 16 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by deleting lands, the extent and boundaries of which are shown as "Block 1" on a plan hereto annexed as Schedule "A" to this By-law;
2. That Map No. 16 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 is amended by incorporating additional Conservation / Hazard (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as "Block 2" on a plan hereto annexed as Schedule "A" to this By-law;
3. That Map No. 16 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 is amended by rezoning lands from Neighbourhood Institutional (I1) Zone to Open Space (P4) Zone, the extent and boundaries of which are shown as Block "4" on a plan hereto annexed as Schedule "A" to this By-law; and,
4. That this By-law No. 17- shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.
5. 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*.

To Amend Zoning By-law No. 05-200
Respecting Lands located at 198 First Road West and 165 Upper Centennial Parkway
(Stoney Creek)

Page 2 of 3

PASSED this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

ZAC-14-027 / UHOPA-14-012 / 25T-200908R

To Amend Zoning By-law No. 05-200
Respecting Lands located at 198 First Road West and 165 Upper Centennial Parkway
(Stoney Creek)

Page 3 of 3



This is Schedule "A" to By-law No. 17-

Passed the day of, 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 05-200
Maps 1504, 1505, 1552 & 1551

Subject Property

198 First Road West & 165 Upper Centennial Parkway

Block 1 - Lands removed from By-law 05-200

Block 2 - Land added to By-law No. 05-200
and zoned Conservation / Hazard (P5) Zone

Block 3 - Refer to By-law No. 3692-92

Block 4 - Change in zoning from
Neighbourhood Institutional (I1) Zone to Open
Space (P4) Zone

Scale:
N.T.S.

File Name/Number:
ZAC-14-017/251200906RAUHO PA-14-012

Date:
October 19, 2017

Planner/Technician:
RC/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT