

Authority: Item 14, Planning Committee
Report 18-014
CM: September 26, 2018
Ward: 9

Bill No. 298

CITY OF HAMILTON

BY-LAW NO. 18-298

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 50 Green Mountain 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";

AND 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 Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 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 the Council of the City of Hamilton, in adopting Item 14 of Report 18-014 of the Planning Committee at its meeting held on the 26th day of September 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Map No. 4 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 Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-65 (H)" Zone, Modified, on the lands the extent and boundaries of which are shown on a Plan hereto annexed as Schedule "A":

2. That Subsection 6.10.7, “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “RM3-65 (H)”, as follows:

RM3 – 65 (H)

Notwithstanding the provisions of Part 2 “Definitions”, Section 6.10.3 “Zone Regulations”, Paragraphs (c), (d), (h), (i), (j), (k) and (m) 1.:

REGULATIONS

- (a) Minimum Front Yard: 4.5 metres to end wall of unit
6.0 metres to rear wall of unit
- (b) Minimum Side Yard: 4.5 metres to end wall of unit
7.0 metres to rear wall of unit
- (c) Minimum Distance Between Buildings on the Same Lot: 2.6 metres (Between End Walls)
- (d) Maximum Density: 49 units per net hectare
- (e) Maximum Building Height: 12.5 metres (Maisonettes)
- (f) Maximum Lot Coverage: 37 percent
- (g) Minimum Landscaped Open Space: 30 percent
- (h) For the purpose of this By-law, a parkette of 600 square metres shall be provided within the subject development.
- (i) For the purpose of this By-law, the lot line abutting Green Mountain Road West shall be deemed to be the front lot line.
- (j) For the purpose of the definitions contained in Part 2 and the regulations contained in Sections 4.10, 4.13, 4.19, 6.1 and 6.10 of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of the “RM3-65 (H)” Zone, shall be deemed to be the lot lines for this purpose, and the regulations of the “RM3-65 (H)” Zone shall be from the boundaries of this zone, and not from the individual property boundaries of the dwelling units created by registration of a draft plan of subdivision / condominium plan or created by Part Lot Control.

- (k) For the purpose of this By-law, a Private Common Element Condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the common element condominium road are permitted within the common element condominium road.
3. Notwithstanding the provisions of Section 3.8 “Holding Zones”, on those lands zoned “RM3-65(H)” of this By-law, the Holding Provision “RM3-65(H)” (Multiple Residential) Zone, Modified, be removed conditional upon:
- a) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
 - b) The Owner entering into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring analysis for a period of five (5) years including sufficient securities to the satisfaction of the Manager of Development Approvals.
 - c) The Owner submitting an updated Traffic Impact Study (“TIS”) to the satisfaction of the Manager of Transportation Planning.
4. 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 “RM3” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
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*.

PASSED this 26th day of September, 2018.

F. Eisenberger
Mayor

J. Pilon,
Acting City Clerk

ZAC-17-077



This is Schedule "A" to By-law No. 18- Passed the _____ day of _____, 2018	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 3692-92</h3>	Subject Property 50 Green Mountain Road West Change in zoning from Neighbourhood Development Zone "ND", to Multiple Residential - Holding "RM3-65-H" Zone, Modified
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Scale: N.T.S.	File Name/Number: ZAC-17-077	
Date: August 8, 2018	Planner/Technician: GZ/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		