



Hamilton

CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 9
COMMITTEE DATE: June 18, 2013	
SUBJECT/REPORT NO: Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096) (Ward 9)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Joe Muto (905) 546-2424 Ext. 7859
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning Application ZAC-11-073, by Norman and Isabelle Vartanian, Owners**, for a change in zoning to By-law No. 3692-92 from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-50(H)” Zone, with a Special Exception and Holding Provision, and by adding lands to Hamilton Zoning By-law No. 05-200 under the Conservation/Hazard Lands (P5, 452) Zone, with a Special Exception, as shown on Appendix “A” to Report PED13096, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule “A”, Map No. 11, of Zoning By-law No. 3692-92;

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- (c) That the draft By-law, attached as Appendix “C” to Report PED13096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (d) That the amending By-law be added to Schedule “A”, Map Nos. 1354 and 1406, of Zoning By-law No. 05-200; and,
- (e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan, and the Nash Neighbourhood Secondary Plan.

EXECUTIVE SUMMARY

The purpose of this application is to amend the City of Stoney Creek Zoning By-law No. 3692-92 and incorporate a portion of the subject lands into Hamilton Zoning By-law No. 05-200. The applicant is proposing the development of the lands for 42 townhouse condominium units on an internal private road. Also, a portion of the lands has been identified as environmentally significant and open space. In this regard, this portion of the property will be placed into a Modified Conservation/Hazard Lands (P5, 452) Zone in By-law No. 05-200, in order to recognize the documented natural heritage features and allow access to the development to cross the ESA and Battlefield Creek. The subject lands will be subject to further review through the Site Plan Control process.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform with the Growth Plan and the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the planned development in the immediate area and protects natural heritage features. Further, the proposal conforms with the Stoney Creek Official Plan and the Nash Neighbourhood Secondary Plan.

Alternatives for Consideration - See Page 25.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Amendment to the Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

In 2007, the applicant had appealed the Nash Neighbourhood Secondary Plan (Official Plan Amendment No. 131) in its entirety to the Ontario Municipal Board (OMB). In January 2008, the applicant's solicitor scoped the appeal to the subject lands only, as they objected to the then proposed land uses and policies which affected the development potential of the subject property (601 Upper Centennial Parkway). The appeal was settled between the applicant and the City, as identified in the OMB decision, dated August 24, 2009, which changed the land use designation on the subject lands from "Special Policy Area 'F'" to "Medium Density 1" and "Medium Density 2" in the Nash Neighbourhood Secondary Plan. A subsequent decision was issued by the OMB on November 12, 2009, identifying the site-specific Secondary Plan land use policies for the subject lands.

Proposal:

The applicant has applied for an amendment to rezone the lands in order to permit the development of 42 townhouse units on a condominium road, with associated visitor parking and landscaping (see Appendix "D"). An application to amend the Stoney Creek Zoning By-law is required to rezone the lands in order permit the proposed townhouse dwelling units. Several modifications to the standard zone provisions have been requested, and are discussed in detail below. Further, the applicant submitted various studies to support the proposed application, including an Environmental Impact Study (EIS). The EIS was reviewed by City staff, the Hamilton Conservation Authority, the Niagara Escarpment Commission (NEC), and the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). Their comments are also discussed in detail below. Through review of the EIS, natural heritage features were identified to be protected through a setback buffer. As a result, to protect the natural heritage features, including the buffer area, an amendment to Hamilton Zoning By-law No. 05-200 is included since Open Space zones are now regulated through this By-law.

Chronology:

March 31, 2010: FC-10-017 is discussed at Development Review Committee, and shortly thereafter a Formal Consultation Document is issued to the applicant identifying the requisite list of planning applications, studies, and reports necessary to deem any future Planning Act application(s) complete.

November 22, 2011: Application ZAC-11-073 is received with the requisite list of studies and reports.

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- December 5, 2011: The application is deemed complete and circulated to the relevant Departments and Agencies.
- December 12, 2011: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 metres of the subject lands.
- February 9, 2012: Environmental Impact Study (EIS) is reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG).
- June 14, 2012: EIS was revised to address ESAIEG's recommendations from the February 9, 2012 meeting. Additional recommendations are made by ESAIEG.
- October 15, 2012: NEC provides subsequent feedback on noise attenuation measures/vegetation screening outlined in the Viewshed Impact Assessment.
- March 26, 2013: The applicant provides a revised cross section, as per the Viewshed Impact Assessment, as well as a revised site plan concept to further address noise attenuation measures/vegetation screening.
- April 3, 2013: NEC is satisfied with revised cross section related to Viewshed Impact Assessment, and advises that they will provide further comment through the Site Plan Control process.
- May 31, 2013: Notice of Public Meeting is mailed to all residents within 120m of the subject lands.

DETAILS OF SUBMITTED APPLICATIONS:

- Location:** 601 Upper Centennial Parkway - in the former City of Stoney Creek) (see Appendix "A")
- Owners:** Norman and Isabelle Vartanian
- Agent:** MHBC Planning, Urban Design & Landscape Architecture (c/o David Aston)

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Property Size: Area: 2.19 hectares
 Frontage: 198m (along Upper Centennial Parkway)
 Depth: 219.68m (south property line)

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development "ND" Zone
<u>Surrounding Lands:</u>		
North	Open Space/Niagara Escarpment	Conservation/Hazard (P5) Zone
South	Open Space/Niagara Escarpment	Conservation/Hazard (P5) Zone
East	Upper Centennial Parkway and Single Detached Dwelling	Agricultural "A" Zone and Rural Residential "RR" Zone
West	Vacant/Open Space	Single Residential "R4-26" Zone, Modified and Conservation/Hazard Lands (P5) Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS
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Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by Planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. The subject lands are intended to be

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developed for residential purposes and are located adjacent to Upper Centennial Parkway. The proximity of the proposed sensitive land use to a road noise source triggers the requirement for a Noise Study. Staff notes that a Noise Study, titled *“Preliminary Environmental Noise Assessment Report Vartanian Property, Hamilton”* July 2010, and revised September 2010, prepared by MTE Consultants Inc., was submitted as part of the subject application. The preferred option in the Study suggested a noise berm located on City owned lands, which is consistent with the NEC’s mandate to ensure the natural state of the Escarpment viewshed. However, City staff was opposed to this option, as it proposed the berm on the City’s right-of-way.

Therefore, a third addendum was prepared, dated January 2013, which was reviewed by staff. The Study showed the option of noise walls to mitigate noise impacts on site. In addition to the noise walls, the provision of air conditioners for a couple of units would be required, as well as the inclusion of noise warning clauses. Staff has suggested, through our latest review, that some of the new noise fencing be removed to address the NEC Viewshed concerns and ensure that the noise berm be located completely on the applicant’s lands. Staff is of the opinion that all of these requirements can be implemented in the undertaking agreement through the Site Plan process and warning clauses registered on title through the future Draft Plan of Condominium Agreement.

As mentioned above, through discussion with the applicant and their consultants, the concept plan was revised to shift some units in order to build a berm on the property. A detailed Noise Study will need to be submitted at the Site Plan Control stage in order to address the exact location and height requirements for the berm. Staff advises that noise walls would still be required for Units 1 to 5, and for the side yard of Unit 6. NEC has been consulted with, and they concur with this approach, but they have advised that they will provide further comment through the Site Plan process.

In addition, Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The subject lands are located within the Felker’s Falls Escarpment Environmentally Significant Area (ESA # 53). An EIS was submitted with the application and reviewed by staff, HCA, NEC, and the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). They are all satisfied with the revised EIS and that there will be no negative impacts to any of the natural features or their ecological functions. The details of that review are further discussed below.

Based on the above, staff is satisfied that the proposed development is consistent with the PPS.

Places to Grow:

Places to Grow is formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005, by the Province of Ontario. The Plan's main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity to each other.

The subject lands are located outside of the Built Boundary and, therefore, considered to be Greenfield development. The Plan states that designated Greenfield areas will be planned, designated, and zoned in a manner that contributes to creating complete communities, which includes street configurations, densities, and urban form that supports walking, cycling, and transit. The Plan further identifies that density targets of not less than 50 residents and jobs combined per hectare should be a goal for all municipalities. The Plan also includes policies about building complete communities where residents can live, work, and play; and it provides direction with respect to sustainable living that is environmentally friendly. This proposal meets those policies.

Based on the foregoing, the proposal conforms to the Places to Grow Plan.

Niagara Escarpment Plan:

The subject lands are within the Niagara Escarpment Plan Area and designated "Urban Area" in the Plan. Through the Nash Neighbourhood Secondary Plan process, the NEC provided feedback, and policies were incorporated into the Secondary Plan, which addressed their mandate. Policy 13.3.18.12 (f) of the Secondary Plan states that development proposals within 150m of the Niagara Escarpment shall have a maximum height of two storeys, and that prior to the approval of a draft Zoning By-law, visual analysis shall be required to determine the maximum building height and minimum setbacks. The Niagara Escarpment Commission (NEC) has reviewed the *Viewshed Impact Analysis (VIA)*, prepared by *MHBC Planning, dated September 2010*, and the subsequent addendums to the VIA. In this regard, they are satisfied that their concerns will be addressed through the implementing Zoning By-law (see Appendix "B"), as well as through the future Site Plan Control process. Their comments are summarized in the Relevant Consultation section of this Report.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

However, Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

- “i) Will not adversely affect, degrade, or destroy any of the qualities which are the basis for the area’s designation;
- ii) Will not cause any significant impacts upon water quality and quantity; and,
- iii) Will not adversely affect the implementation of any resource protection policies or plans.”

Any proposed changes within or adjacent to an Environmentally Significant Area will require the submission of an Environmental Impact Statement and be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review. As noted above, the subject lands are located within the Felker’s Falls Escarpment Environmentally Significant Area (ESA # 53), and the City, HCA, NEC, and ESAIEG are all satisfied with the revised EIS and that there will be no negative impacts to any of the natural features or their ecological functions.

Based on the above, the proposed development conforms to the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan:

The subject lands were originally designated “Special Policy Area B”, but through Official Plan Amendment (OPA) No. 131 (Nash Secondary Plan), were redesignated “Residential” on Schedule “A” - General Land Use Plan in the Stoney Creek Official Plan. The “Residential” objectives of the Plan are to accommodate expected population growth and changing demands for residential development. Another objective of the residential designation is to provide a range of housing types and densities which vary in style and provide amenities for the local residents. Further, the proposed development meets the residential densities identified in the Plan, as discussed below. The subject lands will have access to full urban services and contribute to the provision of a full range of housing types appropriate for this neighbourhood.

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The subject lands are also identified as “Escarpment Natural Area”, “Class 1 - ESA” and “Class 4 - Open Space and Parks” on Schedule “B” - Stoney Creek Open Space and Natural Environment System (SCONES) of the Stoney Creek Official Plan. The “Open Spaces and Natural Environment System” policies in the Official Plan focus on the protection and preservation of ecologically unique and significant areas, which include Environmentally Significant Areas (ESA’s). It is also the objective of the “Open Space and Natural Environment System” policies to maintain biodiversity through the protection and connection of natural areas and opens spaces. The policies identify that an Environmental Impact Statement (EIS) is a requirement of development proposals within or adjacent to ESA’s, or for requests to adjust or eliminate ESA boundaries. The applicant submitted an EIS, which was reviewed by the City, the HCA, and the NEC. The EIS also went before ESAIEG. Based on the review, comments and recommendations from the City and agencies, the applicant revised the EIS, which subsequently went before ESAIEG for a second time. As a result, the ESA delineation and buffer setbacks established through this process are satisfactory to the above referenced agencies and the City. This is discussed further in the Analysis/Rationale For Recommendation section of this Report.

Section D of the Official Plan provides policies for the Servicing Strategy of Stoney Creek. The objectives of these policies are to ensure that all future and existing development can be effectively serviced with an adequate supply of water and suitable sewage disposal system, as well as to ensure that stormwater run-off is safely and effectively managed. In this regard, the implementing By-law has been drafted to incorporate a Holding (H) provision, which ensures that the intent of these policies is maintained.

Based on the above, the proposed development conforms to the Stoney Creek Official Plan, as it relates to servicing, as well as the “Residential” and “Open Spaces and Natural Environment System” land use designations.

Nash Neighbourhood Secondary Plan:

The subject lands are designated “Medium Density 1” and “Medium Density 2” on Schedule “A3-2” - Nash Neighbourhood Secondary Plan. Through the above referenced OMB decision, site specific provisions were established:

- “a) Future development approval shall provide for full municipal servicing connection and vehicular access to the Medium Density 1 lands east of the Hazard Lands;
- b) The location of such connection and access shall be to the satisfaction of the HCA and the City; and,

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- c) The said vehicular access shall be aligned with the crossing of the Hazard Lands approved by the HCA.”

The proposed development meets the residential policy objectives, as it relates to compact urban form and scale, suitable density, and focuses on a safe, healthy, and functional community. The proposal also creates a protected natural open space, which ensures the preservation and enhancement of significant environmental features such as the Niagara Escarpment and the ESA, and conserves the natural beauty and distinctive character of the Niagara Escarpment landscape.

With respect to the infrastructure policies of the Secondary Plan, all development shall proceed on the basis of full municipal services, as well as stormwater management, which shall be in conformity with the applicable stormwater management studies. In this regard, the implementing Zoning By-law has been drafted with a Holding (H) provision to ensure that these are addressed.

Based on the foregoing, the proposal conforms with the policies with respect to land use, infrastructure, and environmental protection identified in the Nash Neighbourhood Secondary Plan.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan (UHOP), which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its approval on March 10, 2011, but the decision has been appealed by a number of parties, including the owner/applicant, for these subject lands. At this time, the Urban Hamilton Official Plan is not in effect.

The subject lands are designated “Core Areas” and “Streams” in Schedule B - Natural Heritage System, “Key Natural Heritage Feature Significant Woodlands” in Schedule B-2 - Detailed Natural Heritage Features, “Local Natural Area Environmentally Significant Area” in Schedule B-6 - Detailed Natural Heritage Features, “Key Hydrogeologic Feature Streams” in Schedule B-8 - Detailed Natural Heritage Features, “Neighbourhoods” in Schedule E - Urban Structure, “Open Space” in Schedule E-1 - Urban Land Use Designations; and as “Low Density Residential 2h”, “Medium Density Residential 2”, “Floodplains”, “Area or Site-Specific Policy” in the Nash Neighbourhood Secondary Plan - Map B.7.5-1 in the Urban Hamilton Official Plan.

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The applicant's appeal of the UHOP, dated April 2011, relates to one overall concern:

Schedules B, B-2, and B-6 of the UHOP carry forward Natural Heritage designations on the subject lands. The applicant has identified this as a conflict with the land use policies of the Nash Neighbourhood Secondary Plan, which have been incorporated into the UHOP, and thereby impacts the proposed development capability of the lands, as identified in the Ontario Municipal Board order, dated November 12, 2009.

In regard to the on-going proceedings before the Ontario Municipal Board (OMB) and the applicant's appeal, a settlement between the City and the applicant was approved on May 8, 2013 by Council. That decision is in keeping with the Recommendations identified in this staff Report.

City of Hamilton Staging of Development:

The proposal is consistent with the criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides employment opportunities, and conforms with the land use policies of the City of Stoney Creek Official Plan. The application has been identified in the Staging Plan as Future Planned Residential Development.

RELEVANT CONSULTATION

The **Niagara Escarpment Commission** advises that the lands are designated "Urban Area" in the Niagara Escarpment Plan (NEP) and are outside the Niagara Escarpment Development Control Area. They advise that Part 1.7 of the NEP states that proposed uses may be permitted, subject to conformity with Part 2, Development Criteria, and the Development Objectives of Part 1.7, as incorporated into Official Plans and Secondary Plans. In this regard, the Nash Neighbourhood Secondary Plan is the policy document which incorporates the relevant Development Objectives.

The NEC reviewed the Planning Justification Report and the Viewshed Impact Assessment (VIA), which outlined the proposed development including the noise attenuation measures required to mitigate noise from Upper Centennial Parkway. The applicant's preferred attenuation measure involved a noise berm on the City's right-of-way, as it produced the least amount of impact from a Viewshed perspective. The NEC supported, in principle, the proponent's proposal to explore the option of planting vegetation on top of a higher berm to be located on the abutting Upper Centennial Parkway right-of-way. The NEC advised that this option had the potential to better minimize the development's visual impact on the Escarpment landscape.

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However, the City was opposed to this option, as it required the majority of the noise berm to be located on City-owned lands.

The applicant further revised their noise attenuation measures to ensure that the majority of the berm would be located on the applicant's lands. City staff and the NEC are satisfied with the conceptual plans, and satisfied that the details can be resolved at the Site Plan Approval stage.

The applicant has updated the VIA to adequately satisfy the NEC concerns raised through their initial and subsequent reviews. The NEC had advised that the proposed Zoning By-law Amendment must include maximum building heights using a roof peak metres-at-sea-level (masl) elevation, in conjunction with other visual mitigation measures determined by a revised VIA which, as revised, is now 196 masl. In this regard, the implementing By-law Amendment has been drafted to include a maximum building height of 196 masl and not more than 10m (see Appendix "B").

In addition to the above, the revised cross section for the VIA, in principle, satisfies the NEC's concerns (see Appendix "E"). However, the NEC will be circulated through the Site Plan Control process, and they have advised that they will provide further comment on the particular details of development at that time.

With regard to the proposed creek crossing for the access road and other matters relating to development setbacks from the creek valley and associated vegetation buffers, the City of Hamilton, in consultation with the Hamilton Conservation Authority, has also established this through the implementing Zoning By-law No. 05-200 (see Appendix "C").

Forestry and Horticulture Section, Maintenance and Operations Division (Public Works Department) advises the *September 26, 2010 Tree Management Plan/Study*, prepared by *Tree Frog Company*, is not acceptable. They advise that the submission must be brought into line with the information shown on the Draft Tree Compensation Report. Tree removals for the proposed new road access must be identified by species, d.b.h, and condition. They further advise that removal of all dead, dying, or dangerous trees must be part of the amended Tree Management Plan, submitted by a Landscape Architect or Certified Arborist. These concerns will need to be formally addressed at the Site Plan stage.

Forestry advises that the removal of edge trees to facilitate construction of the access road exposes interior trees, which are generally growing with a large upper crown and minimal lateral limbs to unaccustomed forces. These new edge trees are susceptible to blow-over, and to mitigate the hazard associated with the structural failure of these trees they should be inspected by a Certified Arborist to determine those trees with the

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greatest potential to fail. Before development can occur, the applicant will need to further address this through the Site Plan Control process.

The Forestry Division also reviewed the EIS, and advises that the EIS recommendations must be carried forward to the amended Tree Management Plan submission at Site Plan Control. They are as follows:

- a) Prepare a detailed Tree Saving and Management Plan for the trees within the 7.5m setback from top-of-bank and for those trees adjacent to road corridor crossing Battlefield Creek. The Plan should consider tree protection measures to be implemented prior to and during construction activity and for post-development conditions. The Plan should also assess the presence of hazard trees and recommendations for their removal, opportunities for restoration and/or enhancement, and the removal of invasive species, such as buckthorn.
- b) Tree clearing should occur between July 15 and March 31 to avoid the breeding bird season. Should trees be removed outside of the period recommended, a screening of bird habitat should be completed to verify that there are no nests that may require protection, in accordance with the Federal Migratory Bird Convention Act.
- c) Trees should be removed in accordance with the City of Hamilton's Tree Protection Guidelines.
- d) A Landscaping Plan should be prepared utilizing native plant materials, especially for lands within and adjacent to the Battlefield Creek Valley Corridor and those lands adjacent to the ESA and the pond along the southern boundary of the subject lands. The Landscaping Plan should explore opportunities for restoration and enhancement, and should consider including selective native plantings of host plants for butterflies known to frequent the surrounding area (e.g. the northern cloudy wing).
- e) The vegetative cover should be maintained for as long as possible, prior to construction.
- f) To limit the amount of site disturbance, prior to construction, the road corridor should be identified and flagged so that machine operators can easily recognize the construction limits.
- g) Consider installing tree protection fencing along corridor limits and around the trees within the corridor that may be retained before construction activities commence.

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- h) For trees that are to be retained within the buffer and in close proximity to construction activity and grading, it is recommended that no or minimal disturbance occur within 3m of the tree trunk. These trees should be identified, and fencing erected for these trees at a minimum 3m from the base, prior to construction activity.

The Forestry Division also advises that a Landscape Planting Plan will be required as a condition of Site Plan Control. They further advise that a review of the Draft Tree Compensation Plan shows information that will be of value in the creation of a Landscape Planting Plan for the subject lands. They advise that any reference to Ash species must be removed, and the tree species selection should take into account cultural requirements, cultivars (fruitless etc.), salt and heat tolerance, mature tree size, potential pest concerns, as well as the exposure of southwest prevailing winds. Species diversification must always be maintained, and the use of Carolinian species is encouraged whenever possible.

In summary, they advise that there are insignificant Municipal Tree Assets located on the road allowance of this proposed development, and they may be removed, as required. A Tree Management Plan must be amended to bring it into line with the actual proposed physical work for the site. The desire to retain and protect trees must take into account all the factors mentioned, such as grade changes within driplines. Trees which are proposed to be removed must be individually identified by species and condition; and d.b.h, trees to be retained are to be placed in polygons with species and diameter ranges provided. Edge Management must be provided for the area of the new road access and, as well, the presence of the Emerald Ash Borer must be considered. Lastly, a Landscape Planting Plan, prepared and signed by a Landscape Architect, will be required. This Plan, along with the amended Tree Management Plan, must be submitted for review and comment by the Forestry and Horticulture Section.

Based on the above, staff is satisfied that the Forestry concerns raised can be addressed through the Site Plan Control process.

Corridor Control Management (CCM) Division (Public Works Department) advised that they have no objection to the proposed development, and provides the following comments.

They recommend that a private sidewalk connection be provided between the municipal roadway at the westerly side of the property and the centre of the development area. Through the applicant's current concept Site Plan, they have provided a pedestrian connection.

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CCM also advises that any new or change in access requires the applicant/owner to apply for and receive an Access Permit from the Public Works Department. Prior to commencing any work within the road allowance, CCM recommends that the applicant/owner contact all the respective Utilities. Additional information regarding the Permit can be obtained from Johanna Black at 905-546-2424, Extension 4577. The permit fee is \$100.00 and prior to commencing any works, a Site Plan, approved by the City, must be submitted by the applicant.

All works within the municipal roadway road allowance must be completed by a contractor bonded by the City of Hamilton. They will require a minimum 1.2m clearance between an access and any adjacent tree, fire hydrant, or utility pole.

CCM requires minimum 5m x 5m visibility triangles between the access limits and the ultimate road allowance limits of Empire's future Street 'G' in the adjacent Draft Plan of Subdivision, known as "Victory Ridge", in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.70m above the corresponding perpendicular centreline elevation of the adjacent streets. A standard access for this type of development is 7.5m in width at the road allowance, with 6 metre curve radii. The width can reduce to 6.0m once on private property. They advise that these are minimum requirements and may need to be larger to accommodate garbage trucks and emergency vehicles.

Based on the foregoing, staff is satisfied that any remaining concerns can be adequately addressed through the Site Plan Control process.

Hamilton Conservation Authority, in their letters of January 9, 2012, and October 16, 2012, provide the following comments:

- 1) The HCA is in agreement with the extent of the Environmentally Significant Area (ESA) shown on the concept plan.
- 2) The HCA recommends that the extent of the area available for development should be the greater of the 15m vegetative protection zone measured from the bank full edge of the watercourse or the final meander belt width of 49m.
- 3) The HCA requests that the floodplain is contained in the 15m vegetative protective zone and/or the meander belt allowance. The final limits of the open space zone should incorporate the extent of the floodplain in the event its limits exceed the vegetative protective zone or the meander belt allowance.

**SUBJECT: Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway
- Nash Neighbourhood (Stoney Creek) (PED13096) (Ward 9)
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- 4) The HCA notes that the vegetative protection zone may be reduced in the area of the construction of the internal roadway and parking area for the development. They advise that increased plantings will be required in order to compensate for the removal of vegetation in this area as a result of the reduced setback.
- 5) The HCA, in principle, is in agreement with the 7.5m setback from the ESA along the west side of the development.

Based on the above, the extent of the development and the limit of the modified Multiple Residential Zone "RM3" Zone should be the greater of the 15m setback from the bank full edge of the watercourse, and the 49m meander belt width or the 7.5m setback from the surveyed edge of the Environmentally Significant Area. They advise that the extent of the floodplain must also be considered. The HCA concerns have been satisfied, as the proposed draft By-law incorporates the ultimate boundary, as requested through the modified Conservation/Hazard Lands (P5, 452) Zone (see Appendix "C").

Hamilton Municipal Parking System (HMPS) provides the following information:

HMPS has no concerns with the proposal as long as all parking requirements are met on site. They advise that all driveways and garages must be designed without encumbrances to ensure they can be used for parking purposes. They further advise that a plan showing details of all parking will be required as part of any formal Site Plan, or Draft Plan of Condominium application(s). In this regard, the proposed development meets the parent parking provisions outlined in Zoning By-law No. 3692-92 and, therefore, no modifications to parking are required.

The following Departments and Agencies had no comments or objections:

- Waste Management Division, Public Works Department.
- Recreation Division, Community Services Department.
- City of Hamilton Public Health Services (HPHS).
- Hamilton Street Railway.
- Horizon Utilities.
- Hydro One.

PUBLIC CONSULTATION:

In accordance with the provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 31 property owners within 120m of the subject lands on December 12, 2011, and a Public Notice sign was posted on the property on December 19, 2011. To date,

**SUBJECT: Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway
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no letters have been submitted by the public. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed changes in zoning have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform with Places to Grow Plan, as they represent an opportunity for growth in Settlement Areas.
 - (ii) They conform to the Hamilton-Wentworth Official Plan and Stoney Creek Official Plan.
 - (iii) The proposed development represents good planning by, among other things, providing an urban form consistent with that envisioned in the Nash Neighbourhood Secondary Plan.
 - (iv) The proposed development is considered to be compatible with the planned development in the immediate area.
 - (v) The proposed development protects natural heritage features and their ecological functions.
2. The applicant has requested minor amendments to City of Stoney Creek Zoning By-law No. 3692-92 and staff has proposed some additional modifications. The proposed modifications are discussed below:

Multiple Residential (Holding) “RM3-50(H)” Zone (See Appendix “B”):

Permitted Uses For Each Lot:

The applicant has identified street townhouses in the proposed site plan concept. However, the ultimate built form for the proposed development has not been finalized. In this regard, the Nash Neighbourhood Secondary Plan residential policies for “Medium Density 1” permit “*multiple dwellings, such as street and block townhouses, duplexes, triplexes, and quadraplexes*”. On this basis, as well as the maximum height restrictions as outlined in the VIA, staff recommends that street townhouses, townhouses, duplexes, triplexes, a home occupation, and uses, buildings, or structures accessory shall be permitted. Whereas the parent

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By-law permits maisonettes, street townhouses, townhouses, apartment dwellings, dwelling groups, a home occupation and uses, buildings or structures accessory to a permitted use, thereby deleting maisonettes, apartment dwellings, and dwelling groups. Staff is of the opinion that the proposed change of use will be more in keeping with the intent of the uses identified in the Secondary Plan. The applicant is satisfied with the list of permitted uses.

Maximum Height:

As noted above, the Visual Impact Analysis has identified a metre above sea level (masl) of 196m for the proposed buildings. This corresponds to a maximum height of 10m, whereas the By-law permits 11m. Modifying this requirement maintains the intent of the Secondary Plan and is considered good planning, as it provides a form of development which protects the natural Viewshed of the Niagara Escarpment.

Other Modifications:

Common Element Condominium Road:

A provision has also been included with respect to the potential tenure. In this regard, a provision has been included to allow a common element condominium road to be deemed a street for the purpose of the site-specific By-law.

Lot Boundary:

With respect to building setbacks, a special provision has been included which will deem the lot boundary to be the lot lines. Given the unique shape of the lot and configuration of the units, staff has suggested the inclusion of this provision. Other examples with this proposed provision have been approved in the past. The request is minor and supportable.

Minimum Rear Yard Setback:

An additional provision has been recommended by staff to ensure that future development will respect the intent of the Secondary Plan policies related to the Viewshed and the berm for noise attenuation. In this regard, a special setback has been established for the proposed units backing onto Upper Centennial Parkway. The By-law provision will provide for a minimum 12m setback in conjunction with a noise berm, whereas the required setback is 6m. Staff is of the opinion that this provision will ensure that an appropriate amount of space is

provided in order to establish the noise berm and protect the view of the Niagara Escarpment, and provide for a minimum rear amenity area.

Modification to Hamilton Zoning By-law No. 05-200 Conservation/Hazard Land (P5, 452) Zone (See Appendix “C”):

The parent Conservation/Hazard Land (P5) Zone has been included so as to recognize and maintain in perpetuity the Environmentally Significant Area and the Floodplain, as staked by the applicant’s Environmental Consultant, the City’s Natural Heritage Planner, and the Hamilton Conservation Authority. The single exception is the provision of one private road/pedestrian connection in order to provide servicing and access from the proposed development to Street “G” in the approved Draft Plan of Subdivision, known as “Victory Ridge”. This connection was identified through the OMB decision and, through the EIS, the general location was agreed upon by ESAIEG.

As identified in this Report, there was a detailed review of the environmental concerns and potential impacts from this proposed development given its proximity to the ESA. More specifically, the recommendations identified through ESAIEG. In this regard, the applicant has provided a survey of the ESA boundary limits, which will comprise the Zone boundary of the proposed Conservation/Hazard (P5, 452) Zone. As per the ESAIEG recommendation, an additional 7.5m setback from the ESA staked limits has also been included within the (P5, 452) Zone boundary.

3. Growth Management has advised that they have no objection to the proposed development subject to a Holding ‘H’ provision. They provided the following comments:

Sanitary Sewer Servicing:

The subject property is within the catchment area of the Centennial Parkway Sanitary Trunk Sewer. There will be adequate capacity in the sanitary trunk system to service the subject lands. A sanitary outlet will be provided within the Empire Communities development, known as “Victory Ridge”. Therefore, the subject lands must await the sanitary sewer outlet within the “Victory Ridge” Draft Plan of Subdivision. The Functional Servicing Report did not include a capacity provision in the Street ‘G’ system for the proposed development.

Minor Storm Sewer Servicing:

There are no piped systems available for surface and groundwater collection by direct connection. The Functional Servicing Report by MTE doesn't fully address the sizing of the minor system. Growth Management advises that the applicant is required to illustrate clearly the extent of the property which will contribute surface water and ground water to the proposed outlet and toward adjoining public or private properties, if applicable. Appropriate runoff coefficients are to be assigned for their consideration and records.

Stormwater Management:

On-site stormwater management will be required to control both quantity and quality storm runoff from the site. They advise that the Hamilton Conservation Authority comments have indicated that an oil/grit separator is not a suitable method for quality control for sites exceeding two hectares. Therefore, additional stormwater quality measures would be required.

Water:

There are no municipal watermains currently available to service the subject lands. The subject lands must await watermain servicing via the Empire Communities development to the west, known as "Victory Ridge".

Proposed Berm:

In principle, Growth Management has no concerns with the proposed berm along the east side of the proposed development to attenuate the noise emanating from Upper Centennial Parkway. However, the detailed design of the noise berm has not been finalized, and Growth Management advises that the final location of the noise berm and attenuation measures, including the proposed fencing and plantings, may impact the overall concept and unit yield. Growth Management is confident that this matter can be dealt with at the Site Plan Control stage.

In addition, a preliminary concept plan was provided in March 2013, and reviewed by Growth Management and Public Works staff. The concept plan illustrates that the top of the noise attenuation berm will be located within private property and plantings located on both public and private property, as identified in the VIA cross section (see Appendix "E"), in order to address visual impacts associated with the proposed development. Further, staff advises that that any plantings within the right-of-way (ROW) will be subject to an appropriate maintenance agreement should the plantings be required for visual impact

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purposes. Staff further advises that the minimum zoning specified under the parent Multiple Residential “RM3” Zone requires a 6.0m rear yard setback. In this regard, the proposed units backing onto the Upper Centennial Parkway ROW (easterly lot line) respect this minimum requirement (see Appendix “D”). However, the applicant is advised that an increased rear yard setback may also be required along the easterly lot line in order to accommodate the proposed noise attenuation berm and associated grading. In this regard, a special zoning provision (minimum rear yard setback of 12m) has been incorporated into the implementing Zoning By-law for those units backing onto Upper Centennial Parkway.

Road Access:

The subject lands have legal frontage on Upper Centennial Parkway, however, road access to Upper Centennial is unattainable due to the severe difference in grades between the subject lands and Upper Centennial Parkway. Access to the subject lands is intended to be from the proposed Street “G” within the approved draft plan of subdivision, known as “Victory Ridge”. The Empire Communities lands have not been developed to date and, therefore, access to the subject lands is currently unavailable.

Recommendations:

Growth Management advises that a Holding (H) provision be placed on the subject lands until such time that adequate roadway access, storm sewers (including provisions for stormwater management quantity and quality control measures), sanitary sewers, and water servicing are available to service the subject lands, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority. The implementing By-law has been drafted to include the Holding provision which, therefore, addresses Growth Management’s recommendation.

4. As noted above, the Nash Neighbourhood Secondary Plan provides policy text, which is intended to address the NEC’s mandate to protect the Niagara Escarpment from proposed development impacts. In this regard, a Viewshed Impact Analysis (VIA) was a requirement of submission, given the proximity of the proposed development to the Brow edge. The applicant submitted a VIA, which was prepared by MHBC and dated December 2011.

On January 19, 2012, the NEC provided their comments with respect to the proposed development. At that time, they advised that the VIA was premature pending the submission of a revised VIA, which would address their issues related to the proposed height of the townhouses and the preferred noise attenuation measure (berm and landscaping); and lastly, the VIA did not adequately address the Secondary Plan visual assessment requirements.

The applicant updated the VIA to address these matters. On October 12, 2012, the NEC provided subsequent correspondence with respect to the VIA. They advised that the only outstanding issue is confirmation from the City with respect to the berm location and the proposed plantings and, secondly, coordination of plantings between the proposed development and existing draft plan of subdivision, known as "Victory Ridge". With respect to these two items, the City is satisfied with the revised concept plan and location of the proposed units and further, provides clarification that the proposed noise berm can be accommodated on the subject lands without impact to the Viewshed (see Appendix "E"). In this regard, staff is of the opinion that the proposed berm design and location can be adequately addressed through the Site Plan Control and Draft Plan of Condominium processes as it relates to long term maintenance and liability. Further, with respect to plantings and landscaping, at the time of Site Plan Control, the NEC will be circulated again and, in conjunction with City staff and the HCA, will address the aspect of coordinated landscaping and plantings. On April 3, 2013, the City received confirmation from the NEC that this approach was acceptable.

5. As noted above, the applicant prepared a Noise Study to assess the potential impacts to the proposed development from the linear noise source (Upper Centennial Parkway). The original option to mitigate the noise, as well as protect the Niagara Escarpment Viewshed, as per the Secondary Plan policies, was to incorporate a noise berm along the easterly lot line. The applicant had proposed the berm entirely on the City's right-of-way. City staff was opposed to this option, as it would then become a long-term liability and maintenance issue. Through additional consultation with the City, the applicant revised their concept plan to provide the berm on the subject lands. In order to absolve the City of any liability, staff is satisfied that through the Site Plan undertaking, and the future Draft Plan of Condominium, the noise related issues can be mitigated, and any impact related to the City's right-of-way can be addressed accordingly. However, the overall unit yield may be impacted based on the proposed berm design and location.

6. As identified within the policy framework of the Nash Neighbourhood Secondary Plan, all lands being considered for development within 100m of an Environmentally Significant Area (ESA) will be required to submit an Environmental Impact Study (EIS) in order to assess potential impacts and determine the appropriate setback from the ESA. In this regard, the applicant submitted an EIS, prepared by Colville Consulting Inc., and December 2010, with their rezoning application. The application was circulated to the appropriate departments and agencies for review and input. On February 9, 2012, ESAIEG met to discuss the above noted EIS for the proposed development. Through this review, ESAIEG provided the following recommendations:

- 1) As part of the EIS, the applicant must clearly delineate the boundary of the ESA. The intent of the Nash Neighbourhood Secondary Plan was to identify the precise ESA and Significant Woodland boundaries, and to determine whether the proposal will impact their features and functions. The EIS does not provide this information. ESAIEG requested that the boundaries of the ESA (the current designated boundaries and requested amended boundaries, if appropriate), as well as the Significant Woodland, be clearly identified in the EIS, with the appropriate buffers. The applicant must provide justification (based on science and current policies) for the boundaries of the ESA and Significant Woodland and for the buffer widths.
- 2) ESAIEG would like the EIS Report to be revised to include a brief summary of the Hydrogeology Report, the Functional Servicing Report, and the Stormwater Management Report. Potential impacts to springs along the Niagara Escarpment and along the Upper Centennial Parkway road cut should be evaluated, and impacts to the bedrock exposure to the east of the site should be avoided or minimized. ESAIEG requires that EIS Reports integrate the information in these other technical reports to provide a complete assessment of the potential development impacts. The EIS Report provided to ESAIEG, dated December 2010, did not include these elements.

In April 2012, the applicant prepared an addendum to the original EIS to address the above noted recommendations from ESAIEG. These updates were presented to ESAIEG on June 14, 2012. Subsequent recommendations were made by ESAIEG, as follows:

SUBJECT: Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096) (Ward 9) - Page 24 of 25

- 1) That the boundary of the ESA must include all community species, as shown in the EIS, Battlefield Creek and its bank and valley vegetation, and the pond to the south of the Vartanian property. It was ESAIEG's opinion that the creek and valley slope vegetation are contiguous to and support habitat within the Felker's Falls ESA and contribute to its Significant Hydrological Function. The pond provides habitat for a variety of species, including one provincially significant species (Unicorn Clubtail, *Arigomphus villosipes*), and one locally uncommon species, Rainbow Bluet. Because it supports common, uncommon, and rare species, they advise that the pond provides a Significant Ecological Function and warrants inclusion in the ESA.
- 2) ESAIEG recommends retaining the pond in its current condition, as it contributes to the ecological function of the Felker's Falls ESA by providing habitat for a variety of species.
- 3) That a buffer of 15m be applied to the ESA/Significant Woodland and a buffer of 7.5m be applied to the portion of the ESA along Battlefield Creek. ESAIEG is satisfied with the 15m buffer proposed adjacent to the existing pond and the buffer proposed next to the exposed bedrock ANSI.
- 4) That the development limit identified in the EIS Report is acceptable with the inclusion of the 15m buffer from the significant woodland.
- 5) That the applicant shall redesign the concept plan to respect the required buffers and setbacks. No development or site alteration is permitted within the natural feature buffers (with the exception of the Battlefield Creek road crossing).
- 6) That the applicant stake and survey the limits of the ESA, and those limits be confirmed in the field by the City of Hamilton Natural Heritage Planner. The staked and surveyed limits will be shown on all future Site Plan concepts and Draft Plan of Condominium, and will be used to set the ESA buffer limits.

In August 2012, the applicant provided updates, as noted in the above ESAIEG recommendations. City staff, in conjunction with the other applicable agencies, provided clearance in October 2012, with respect to the EIS. Based on the above, the implementing Zoning By-law includes a minimum 7.5m buffer setback, thereby protecting the ESA and, therefore, there are no outstanding issues with respect to natural heritage (see Appendix "C").

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the applications be denied, the lands could be developed in accordance with the current Neighbourhood Development “ND” Zone provisions, which permits agricultural uses and one single detached dwelling or a greenhouse operation.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

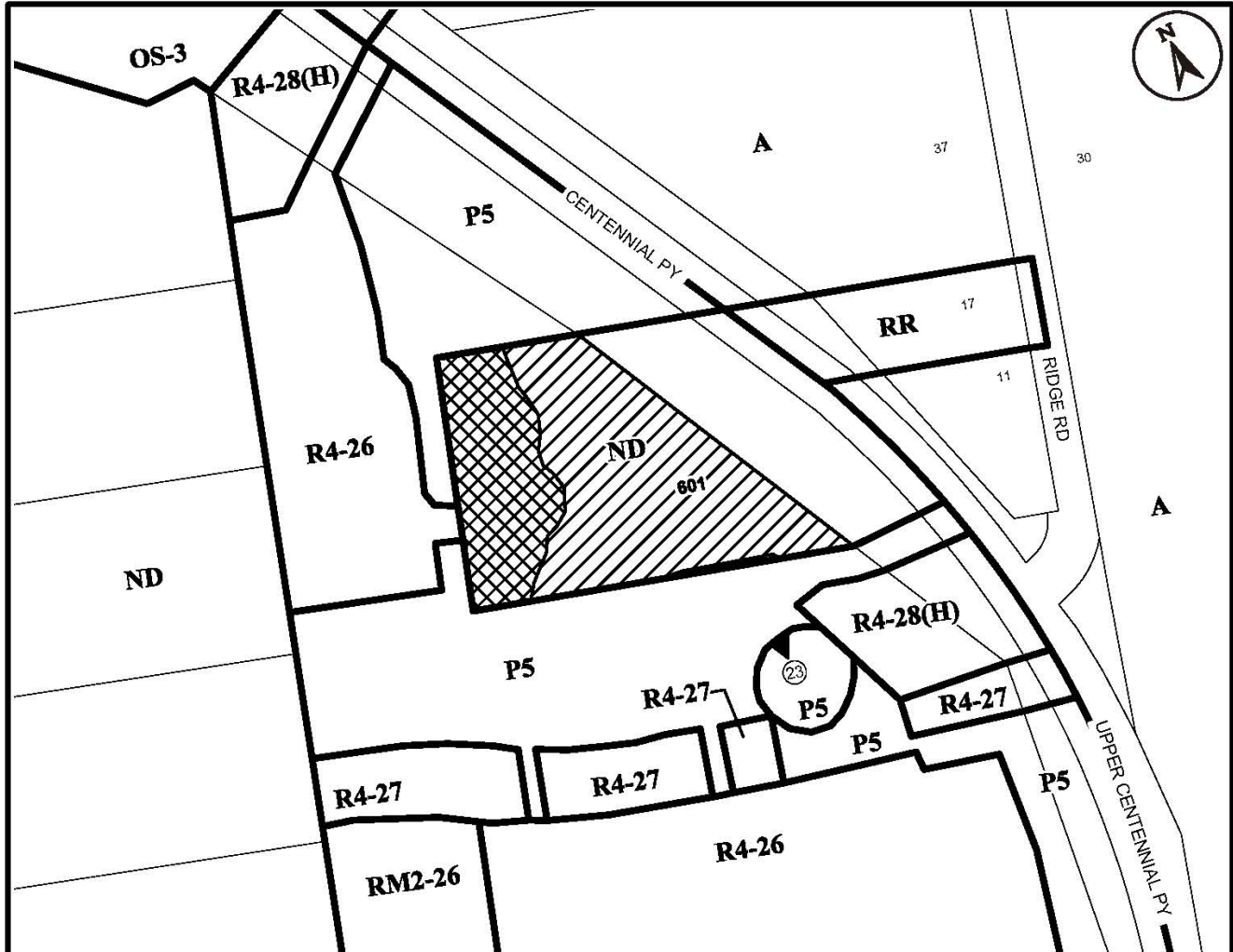
1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment (3692-92)
- Appendix “C”: Draft Zoning By-law Amendment (05-200)
- Appendix “D”: Conceptual Site Plan
- Appendix “E”: VIA Cross Section

:JM

Attachs. (5)



● Site of the Application



Ward 9 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-11-073

Date:
May 14, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JM/AL

Subject Property

601 Centennial Parkway

- Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential - Holding "RM3-50(H)" Zone
- Lands to be Zoned Conservation/Hazard Lands (P5, 452) Zone, Modified

Authority: Item [REDACTED]
Planning Committee
Report 13-[REDACTED] (PED13096)
CM: [REDACTED]
Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 601 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 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" 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 [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this B-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 11 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-50(H)" Zone; on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Sub-section 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, "RM3-50(H)", as follows:

"RM3-50(H)" 601 Upper Centennial Parkway, Schedule "A", Map No. 11

For the purposes of this By-law, a common element condominium road shall be deemed to be a street, and the lot boundary shall be deemed to be the lot lines for the "RM3-50(H)" Zone, including but not limited to, building setbacks.

Notwithstanding the "Permitted Uses For Each Lot" of Sub-section 6.10.2 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-50(H)" by this By-law, only the following shall be permitted:

- (a) Street Townhouses
- (b) Townhouses
- (c) Duplexes
- (d) Triplexes
- (e) A Home Occupation
- (f) Uses, buildings, or structures accessory to a permitted use

Notwithstanding the provisions of Sub-section 6.10.3, Paragraphs (f) and (j) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-50(H)" by this By-law, the following shall apply:

- | | | |
|-----|--|---------------------------------|
| (f) | Minimum Rear Yard Setback
Along Upper Centennial Parkway: | 12m in conjunction with a berm. |
| (j) | Maximum Building Height: | 196 masl not to exceed 10m. |

The (H) symbol may be removed by further amendment to this By-law at such time as the following condition has been satisfied:

- (a) That adequate roadway access is provided, and storm sewers (including provisions for stormwater management quantity and quality control measures), sanitary sewers, and water servicing are available to service the subject lands, to the satisfaction of the Senior Director of Growth Management, in consultation with the Hamilton Conservation Authority.

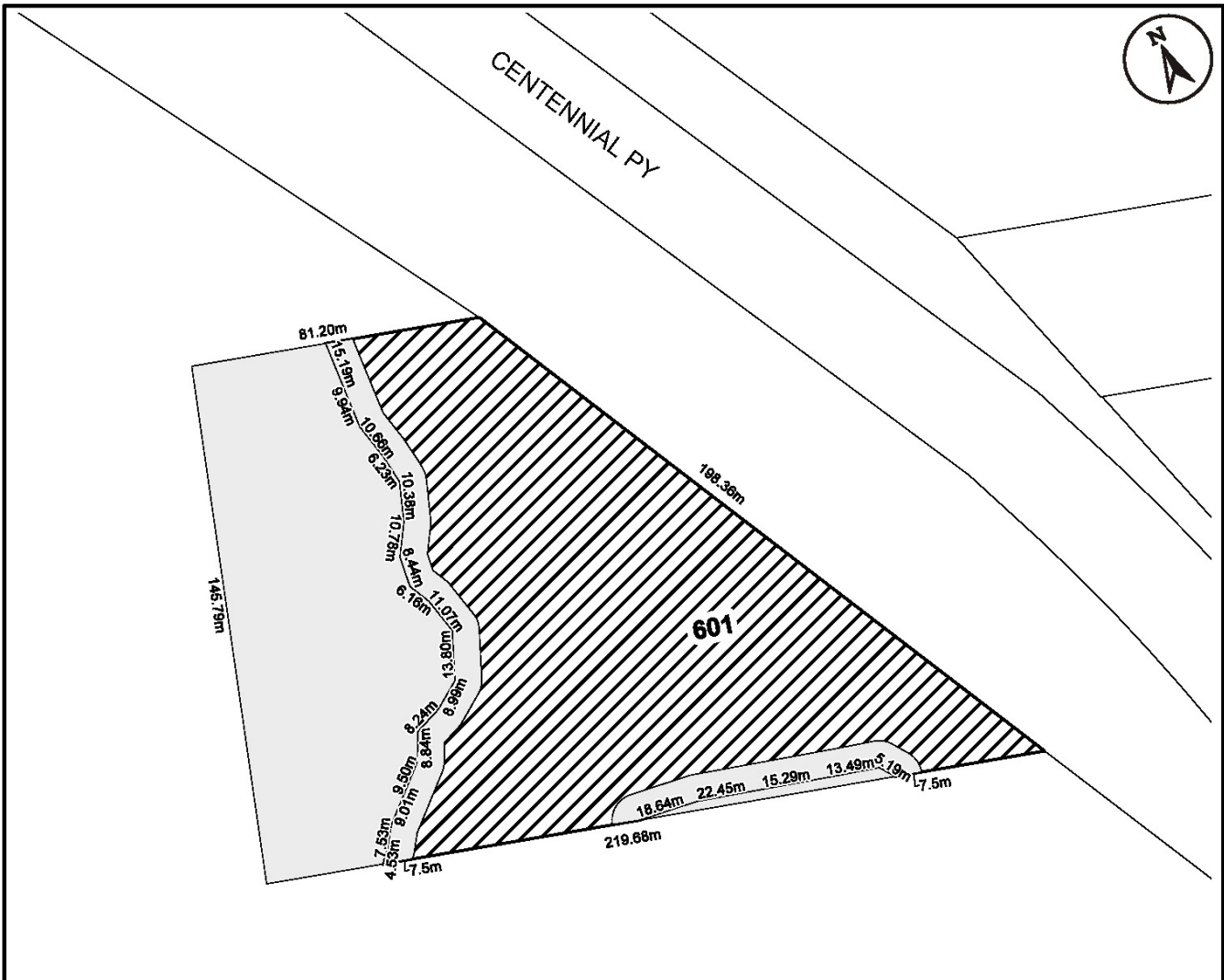
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-11-073



This is Schedule "A" to By-Law No. 13-

Passed the day of, 2013

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 13-_____

to Amend By-law No. 3692-92

Subject Property

601 Upper Centennial Parkway



Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential - Holding "RM3-50(H)" Zone



Refer to By-law No. 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-11-073

Date:
May 21, 2013

Planner/Technician:
JM/DB



Hamilton

Authority: Item [REDACTED]
Planning Committee
Report 13-[REDACTED] (PED13096)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW No. [REDACTED]

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 601 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 Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law conforms with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map Nos. 1354 and 1406 of Schedule "A", to Zoning By-law No. 05-200, is amended by incorporating the following:
 - (a) Conservation/Hazard Land (P5, 452) Zone boundaries for the lands comprised of "Block 1";

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

2. That Schedule "C" of By-law No. 05-200 is amended by adding an additional Special Exception, as follows:

"452. Within the lands zoned Conservation/Hazard Land (P5, 452) Zone, identified on Maps 1354 and 1406 of Schedule "A" and described as 601 Upper Centennial Parkway, the following special provisions shall apply:

Notwithstanding Section 7.5.1, the following shall apply:

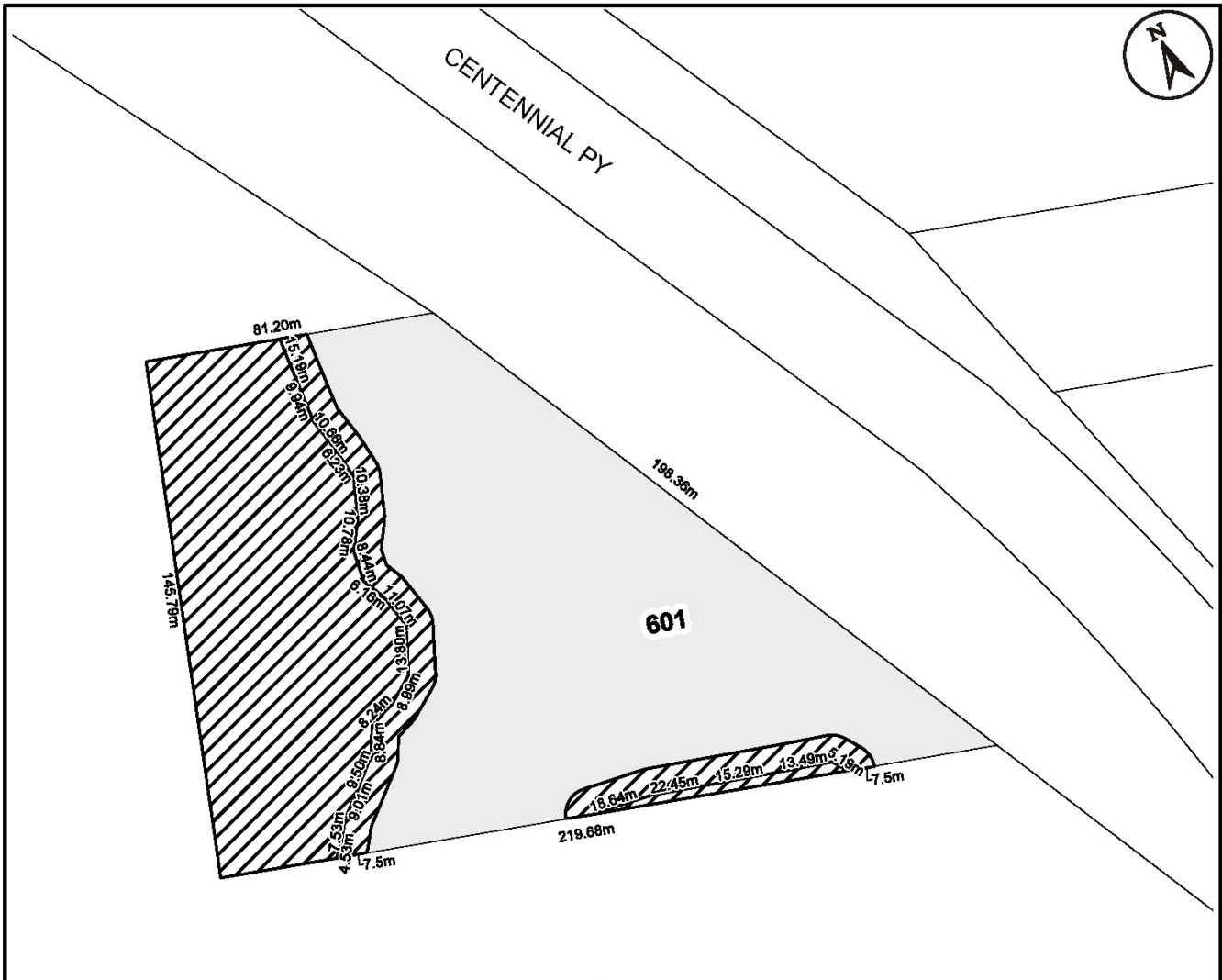
One private access for the purposes of servicing and a road/pedestrian crossing, which includes a bridge from the residential development located at 601 Upper Centennial Parkway to Street "G" of the approved "Victory Ridge" Draft Plan of Subdivision, the specific location and alignment shall be determined by the Senior Director of Growth Management in consultation with the Hamilton Conservation Authority."

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
4. That this By-law No. [REDACTED] shall come into force and be deemed to come into effect in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

R. Caterini
Clerk




This is Schedule "A" to By-Law No. 13-
Passed the day of, 2013


Mayor

Clerk

Schedule "A"
Map Forming Part of
By-law No. 13-_____
to Amend By-law No. 05-200
Map 1354 & 1406

Subject Property
601 Upper Centennial Parkway

 Lands to be Zoned Conservation/
Hazard Lands (P5, 452) Zone, Modified

 Refer to By-law No. 3692-92

Scale:
N.T.S.

File Name/Number:
ZAC-11-073

Date:
May 21, 2013

Planner/Technician:
JM/DB





