

**From:** Viv Saunders  
**Sent:** June-19-14 2:11 PM  
**To:** Gallagher, Mary  
**Subject:** Bill No. 117 - 257, etc Millen Road, Stoney Creek, Ontario

Dear Honourable Mayor and City Council:

We are making a request of Council to repeal the bylaw as written based on the fact that the final by-law had changes made to it that were NOT Council approved.

I've attached the 2 by-laws. The one that was before you and was deliberated on during your Council meeting and the one that was passed. Please note: Item (a) was added. Item (c) was changed. Item (i) was changed. Item (m) 3 was added (although for item m3 the minutes reflect this change however the actual motion made by Councillor Whitehead did not appear to include this).

As well, in corresponding with some of council, varying opinions have been expressed as to what council thinks the bylaw states, what council thought they approved, and what council actually adopted. Some of you seem to be under the impression that the revisions suggested by IBI Group in their March letter have been incorporated into the by-law. Staff have confirmed to us that no additional conceptual plans have been submitted since prior to the Public Meeting.

Planning Staff have advised that they believe the change to the front yard set-back (item c) was required due to an oversight in the original review.. Our attempts (since May 28<sup>th</sup>) to be provided with an explanation for the other changes have gone unanswered.

It is our understanding that changes should not have been made without Council approval. Council can't deliberate, vote, and approve a by-law written one way, and then adopt an amended by-law without a motion, vote and approval to change that by-law.

We are respectfully requesting the by-law be repealed.

In addition, the change to item (i) has changed the density from medium density to high density as per UHOP definition of High Density.

We are also requesting that Council consider requesting Staff to complete a recommendation (Staff Report) based on the fact that the revised calculation for the net residential units is now clearly High Density . This again might have been an oversight when calculating gross versus net during the Public process but those types of oversights shouldn't occur. One would think the density calculation is the one of the first steps in reviewing an application since it forms the basis for whether the OP / Zoning amendment is supportable. During the public process, all correspondence referred to this as medium density, which it clearly is not.

Please note that previous correspondence has already been sent to Chris Murray, Jason Thorne, Steve Robichaud and Peter Delullio. Presumably this is an unique situation and perhaps Council needs to provide direction since we think we're unable to involve our local councillor?

Clearly what has transpired is not in keeping with the Procedural By-laws that govern the city nor any of the planning regulations or principles.

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As well, consideration should be given to holding another Public Meeting (one in which the public and council is provided with accurate and factual information). Everyone is very confused at this point. As much as I can appreciate Council's reluctance to rehash issues already discussed, in looking at how this whole process has unfolded, it is just the right thing to do.

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Sincerely,

Viv Saunders  
(on behalf of Lakewood Beach Community Council/Poplar Park Neighbourhood)

**Authority:** Item [REDACTED]  
Planning Committee  
Report 14-[REDACTED] (PED14042)  
CM: [REDACTED]  
**Bill No.** [REDACTED]

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**CITY OF HAMILTON**

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**BY-LAW NO. [REDACTED]**

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**To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property  
Located at 257, 259 and 261 Millen Road (Stoney Creek)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 14-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of OPA No. [REDACTED].

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

1. That Map No. 6 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 Single Residential "R2" Zone to the Multiple Residential "RM3-53" Zone, Modified, the lands comprised of "Block 1";
- (b) by adding lands from Zoning By-law No. 05-200 to the Multiple Residential "RM3-53" Zone, Modified, the lands comprised of "Block 2";

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, "RM3-53", as follows:

**"RM3-53" 257, 259 and 261 Millen Road, Schedule "A", Map No. 6**

Notwithstanding the provisions of Sub-section 6.10.3, Paragraphs (c), (i) and (m) (2.) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-53" by this By-law, the following shall apply:

- (c) Minimum Front Yard: 6.35 m. to the building.
- (i) Maximum Density: 100 units per ha.
- (m) Minimum Landscaped Open Space:

- 2. Not less than 22 per cent of the lot area for apartments shall be landscaped with at least 22 per cent of the required area being located in a yard other than the front yard.

Notwithstanding the provisions of Sub-section 6.10.5, Paragraphs (a)(2.), (b), (d) and (e) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-53" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces:
  - 2. 1.0 parking space and 0.35 visitor parking spaces for each one bedroom dwelling unit other than a townhouse or maisonette.
- (b) No common parking space shall be located closer than 1.5 m. from a Zone for single detached, semi-detached or duplex dwellings.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 m. to northerly lot line, and 2.0 m. to the westerly lot line.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 m. to the building on the same lot.

Notwithstanding the Parking Regulations in Section 4.10.3 (a), Dimensions of Parking Spaces, no parking space shall be less than 2.6 m. in width x 5.5 m. in length, unless otherwise provided for in this By-law.

Notwithstanding the Loading Regulations in Section 4.9.2, Schedule of Required Loading Spaces, no loading space shall be required.

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], 2014.

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R. Bratina  
Mayor

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R. Caterini  
Clerk

ZAC-12-001  
OPA-12-001



<p>This is Schedule "A" to By-Law No. 14-</p> <p>Passed the ..... day of ....., 2014</p>	<p>-----</p> <p style="text-align: center;">Clerk</p> <p>-----</p> <p style="text-align: center;">Mayor</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-Law No. 14-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p>		<p><b>Subject Property</b></p> <p>257, 259, &amp; 261 Millen Road</p> <p> <b>Block 1:</b> Change in Zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-53" Zone, Modified</p> <p> <b>Block 2:</b> Lands to be removed from By-law No. 05-200 and zoned Multiple Residential "RM3-53" Zone, Modified</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-12-001 &amp; OPA-12-001</p>	
<p>Date: February 18, 2014</p>	<p>Planner/Technician: JM/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		<p><b>Hamilton</b></p>

**Authority:** Item 5  
Planning Committee  
Report 14-004 (PED14042)  
CM: March 26, 2014  
**Bill No. 117**

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**CITY OF HAMILTON**

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**BY-LAW NO. 14-117**

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**To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 257, 259 and 261 Millen Road (Stoney Creek)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 14-004 of the Planning Committee, at its meeting held on the 18<sup>th</sup> day of March, 2014, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of OPA No. 16.

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

1. That Map No. 6 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 Single Residential "R2" Zone to the Multiple Residential "RM3-53" Zone, Modified, the lands comprised of "Block 1";
- (b) by adding lands from Zoning By-law No. 05-200 to the Multiple Residential "RM3-53" Zone, Modified, the lands comprised of "Block 2";

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, "RM3-53", as follows:

**"RM3-53" 257, 259 and 261 Millen Road, Schedule "A", Map No. 6**

Notwithstanding the provisions of Sub-section 6.10.3, Paragraphs (a), (c), (i) and (m) 2. & 3., of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-53" by this By-law, the following shall apply:

- (a) Minimum Lot Area 3,800 square metres
- (c) Minimum Front Yard: 5.8 m. to the building.
- (i) Maximum Density: 104 units per ha.
- (m) Minimum Landscaped Open Space:
  - 2. Not less than 22 per cent of the lot area for apartments shall be landscaped with at least 22 per cent of the required area being located in a yard other than the front yard.
  - 3. Not less than 1.5 metres of landscaped strip, which shall include a minimum 2 metre high fence with trees beside the fence, shall be provided along the north, south and west property lines.

Notwithstanding the provisions of Sub-section 6.10.5, Paragraphs (a)(2.), (b), (d) and (e) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-53" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces:
  - 2. 1.0 parking space and 0.35 visitor parking spaces for each one bedroom dwelling unit other than a townhouse or maisonette.
- (b) No common parking space shall be located closer than 1.5 m. from a Zone for single detached, semi-detached or duplex dwellings.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 m. to northerly lot line, and 2.0 m. to the westerly lot line.



- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 m. to the building on the same lot.

Notwithstanding the Parking Regulations in Section 4.10.3 (a), Dimensions of Parking Spaces, no parking space shall be less than 2.6 m. in width x 5.5 m. in length, unless otherwise provided for in this By-law.

~~Notwithstanding the Loading Regulations in Section 4.9.2, Schedule of Required Loading Spaces, no loading space shall be required.~~

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** this 14th day of May, 2014.

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R. Bratina  
Mayor

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R. Caterini  
City Clerk

ZAC-12-001  
OPA-12-001



This is Schedule "A" to By-Law No. 14-

Passed the ..... day of ....., 2014

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Clerk


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Mayor


**Schedule "A"**


Map Forming Part of  
By-Law No. 14-\_\_\_\_\_

to Amend By-law No. 3692-92

**Subject Property**  
257, 259, & 261 Millen Road

 **Block 1:** Change in Zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-53" Zone, Modified

 **Block 2:** Lands to be removed from By-law No. 05-200 and zoned Multiple Residential "RM3-53" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-12-001 & OPA-12-001	 <b>Hamilton</b>
Date: February 18, 2014	Planner/Technician: JM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		