

**Authority:** Item 5, Planning Committee  
Report: 16-007 (PED16093)  
CM: April 27, 2016

**Bill No. 164**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 3 Shippee Avenue**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16-007 of the Planning Committee, at its meeting held on the 27<sup>th</sup> day of April, 2016, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 55;

**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: by changing from the Neighbourhood Development "ND" Zone to the Single Residential – One "R1-6(H)" Zone, Modified, Holding, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.2.7, "Special Exemptions" of Section 6.2, Single Residential - One "R1" Zone, of Zoning By-law No. 3692-92, be amended by further amending Special Exemption, Single Residential - One "R1-6", by adding the following:

**"R1-6(H)" Shippee Avenue at McCollum Road, Part of Lot 2, Broken Front Concession, Schedule "A" Map No. 4**

- (i) In addition to the uses permitted within the "R1-6" Zone, for the lands located at the northwest corner of Shippee Avenue at McCollum Road, the (H) Symbol may be removed by further amendment to this By-law at such time as the following matter has been completed:
    - a) That the Owner submits a water service assessment to the satisfaction of the City Public Works Department which tabularizes the expected occupancy and provides a water demand estimation, and needed fire flow calculation based on the "Water Supply for Public Protection, Fire Underwriters Survey, 1999".
    - b) That the Owner enters into an External Works Agreement with the City of Hamilton and registers it on title, to the satisfaction of the Senior Director of Growth Management. All costs associated with the works, including the cost of the Agreement preparation, securities etc. will be at the expense of the Owner. An administration fee for the City's review and supervision of the Owner's engineering services and administration of security in connection with the construction and installation of the Works will be required along with the signed copies of the External Works Agreement, in accordance with the City's current User Fee Schedule.
    - c) That the owner agrees to urbanize Shippee Avenue along the frontage of Block 151 R.P. 62M-950, including the road profile and installation of a sanitary and storm sewer (within the urbanized portion of the road) and shall demonstrate how the external lands to the north can be serviced with a suitable outlet, to the satisfaction of the Senior Director of Growth Management.
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 Single Residential - One "R1-6" Zone, Modified provisions, subject to the special requirements referred to in Section 2.

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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 8<sup>th</sup> day of June, 2016.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

CI-16-D  
ZAC-15-045

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This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 16-\_\_\_\_\_

to Amend By-law No. 3692-92

### Subject Property

Block 151 of Registered Plan 62M-950



Change in Zoning from Neighbourhood  
Development 'ND' Zone to Single Residential -  
One Holding 'R1-6(H)' Zone, Modified on lands  
located at 3 Shippee Avenue

Scale:  
N.T.S.

File Name/Number:  
ZAC-15-045 & PLC-15-030

Date:  
February 19, 2016

Planner/Technician:  
MS/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT