

Authority: Item _____, Planning Committee
Report: PED20002
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1400 Baseline Road (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13 of Meeting #19-008 of the Planning Committee at its meeting held on the 14th day of May, 2019, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

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

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 by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

1. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exemption, "RM3-69(H)" Zone, Modified, Holding, as follows:

"RM3-69(H)" Zone, Modified, Holding, 1400 Baseline Road, Schedule "A", Map No. 4

For the purposes of this By-law, the property line abutting Baseline Road shall be deemed to be a front lot line; all property lines abutting Lockport Way shall be deemed to be a flankage yard; the southerly property line abutting North Service Road shall be deemed to be a rear yard; and the easterly property line shall be deemed to be a side yard.

Notwithstanding the permitted uses of Subsection 6.10.2 of the Multiple Residential "RM3" Zone, those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, may only be used for Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use.

Notwithstanding the provisions of Paragraphs (d), (e), (g), (i) and (j) of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the following shall apply:

- (a) Minimum Side Yard – 7.5 metres
- (b) Setback from a Provincial Highway Right-of-Way – All buildings, structures, required parking areas and storm water management facilities located on a property shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.
- (c) Maximum Residential Density - 99 dwelling units per hectare
- (d) Maximum Building Height –
 - For Townhouses – 11 metres
 - For Apartment Dwellings –

1. Maximum 7.5 metres for any portion of the building along a front or side lot line; and,
2. equivalently increased as yard increases beyond the minimum front or side yard requirements established in subsection d) of this By-law, to a maximum of 33.0 metres.

In addition to the provisions of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the following shall apply:

1. The minimum total of all the amenity areas shall be as set forth in the following table:

Type of Dwelling Unit	Minimum Amenity Area
Bachelor Unit	1.5 square metres per unit
One Bedroom Unit	2 square metres per unit
Two Bedroom Unit	3 square metres per unit
Three Bedroom Unit	4 square metres per unit
Four Bedroom Unit	4 square metres per unit

Not less than 10 percent of the total of the amenity areas shall be provided inside the applicable apartment building, and such inside area shall not be less than 93 square metres.

2. Section 6.10.4 shall not apply.
3. Notwithstanding the provisions of Paragraph (a) of Section 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the following shall apply:

The Minimum Number of Parking Spaces shall be:

- a. 2 parking spaces and 0.25 visitor parking spaces for each townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces;
- b. 1.0 parking spaces and 0.25 visitor parking spaces for each bachelor, one bedroom, or two bedroom apartment dwelling unit.
- c. 1.5 parking spaces and 0.25 visitor parking spaces for each apartment dwelling unit having three or more bedrooms.

4. On those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the "H" symbol may be removed by way of an amending Zoning By-law, from all of the lands subject to this provision when the following conditions have been satisfied:
 - a. That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows and for the City's downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
 - b. That a Traffic Impact Study has been submitted and implemented to the satisfaction of the of the Manager of Transportation Planning, City of Hamilton; and,
 - c. That the owner/applicant enters into and registers on title all applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report and Traffic Impact Study recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

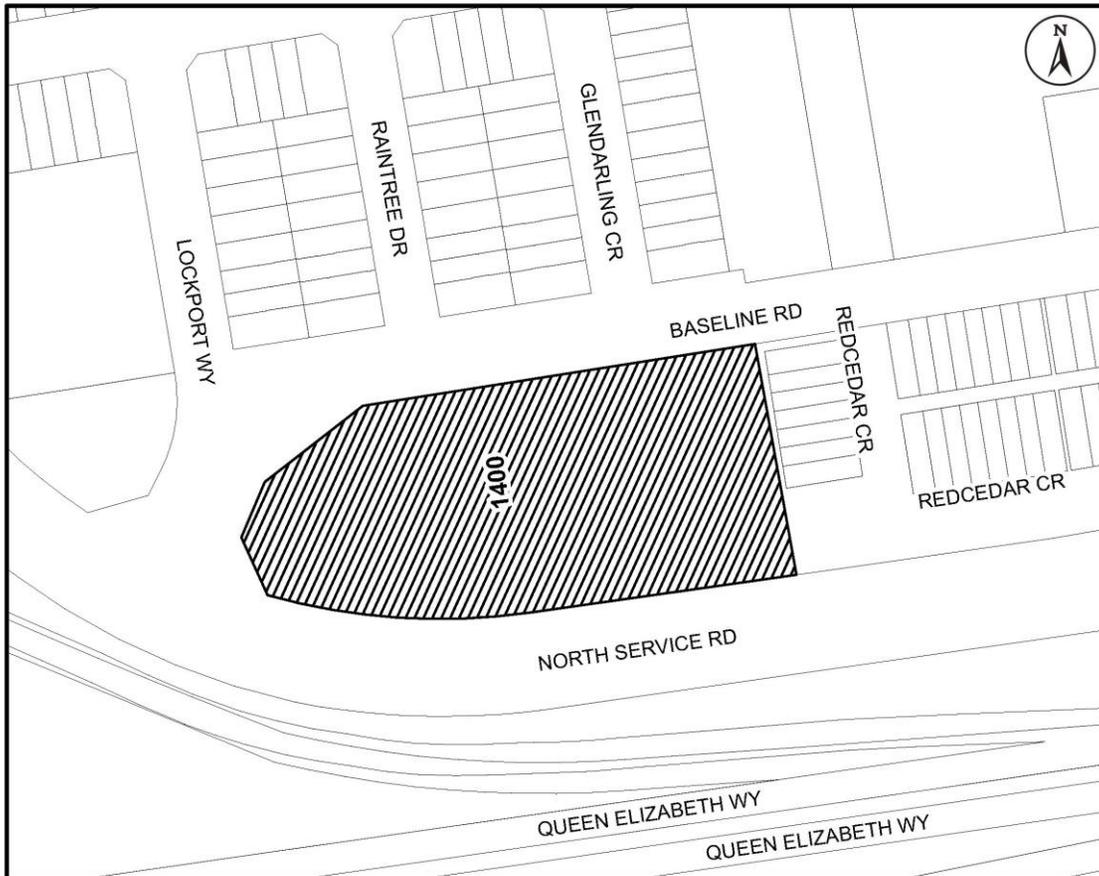
5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3-69(H)" Zone, Modified, Holding provisions, subject to the special requirements referred to in Section 2 of this By-law;
6. 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 _____ day of _____, 2021.

F. Eisenberger
MAYOR

A. Holland
CLERK

CI-20-A



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>----- Mayor</p> <p>----- Clerk</p>
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<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 21- _____</p> <p>to Amend By-law No. 3692-92</p>	<p>Subject Property 1400 Baseline Road, Stoney Creek</p> <p> Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding</p>
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Scale: N.T.S	File Name/Number: CI-20-A	
Date: November 17, 2020	Planner/Technician: MH/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: CI-20-A

Date: 01/12/2021

Ward(s) or City Wide: Ward 10

Prepared by: Alissa Mahood

Phone No: 1251

For Office Use Only, this doesn't appear in the by-law