

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 10
COMMITTEE DATE: October 1, 2013	
SUBJECT/REPORT NO: Application for a Zoning By-law Amendment for Lands Located at 98 Shoreview Place (Stoney Creek) (PED13156) (Ward 10)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424 Ext. 4283
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Zoning By-law Application ZAC-12-042, by King-Tis Investments Limited, c/o Tom Weisz (Owner)**, for a change in zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM3-52" Zone, with a Special Exception, in order to permit the development of 72 townhouse units, for lands located at 98 Shoreview Place (Stoney Creek), as shown on Appendix "A" to Report PED13156, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED13156, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix "B" to Report PED13156, be added to Map No. "1" of former City of Stoney Creek Zoning By-law No. 3692-92;

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- (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan.

- (b) That upon finalization of the implementing By-law, the subject lands within the Lakeshore Neighbourhood Plan be redesignated from “Parkland/Open Space - Park” to “Medium Density Residential”.

EXECUTIVE SUMMARY

The purpose of the application is to amend Stoney Creek Zoning By-law No. 3692-92 to permit the development of 72 townhouse units (19 of which would front onto Shoreview Place), with the remaining townhouse units proposed on a condominium road. The proposed zoning will provide flexibility for all the units to form part of a Standard Form Condominium, or for all the units to be freehold with frontage on either Shoreview Place or a condominium road (although the units fronting Shoreview Place would still be tied to the common element condominium so that visitor parking would be able to be accessed). See Appendix “C” for a preliminary site plan of the proposed development.

A small number of modifications are proposed for the condominium townhouses, which are mostly to address the irregular shape of the subject lands, to address certain setbacks and landscaped open space, and to allow tenure flexibility.

The proposal can be supported, as it consistent with the Provincial Policy Statement, and conforms to Places to Grow, the Hamilton-Wentworth Official Plan, and implements the “Neighbourhoods” designation of the Urban Hamilton Official Plan and the “Residential” designation of the Stoney Creek Official Plan at a density permitted within these designations. It is compatible with the surrounding, proposed residential development for multiple residential uses on lands to the east and west.

Alternatives for Consideration - See Page 15.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

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 a Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The applicant has applied to change the zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM3-52” Zone in order to allow for 72 townhouse units (see Appendix “C” for a preliminary site plan).

In order to implement the proposal, a number of zoning modifications have been requested to the “RM3” Zone by the applicant to allow for tenure flexibility, and to address certain setbacks and landscaped open space provisions related to tenure and/or the irregular shape of the property.

Chronology:

January 18, 2012: Development Review Committee Meeting for Formal Consultation Application FC-11-138.

October 25, 2012: Zoning Application ZAC-12-042 was deemed complete.

November 2, 2012: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAC-12-042 sent to all property owners and residents within 120m of the subject lands.

November 9, 2012: Public Notice sign erected on the subject lands.

August 16, 2013: Ontario Municipal Board decision bringing the majority of the Urban Hamilton Official Plan into effect and deleting the majority of the policies of the Hamilton-Wentworth and Stoney Creek Official Plans.

September 13, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Applications:

Location: 98 Shoreview Place (Stoney Creek)

Owner/Applicant: King-Tis Investments Ltd. (c/o Tom Weisz)

Agent: IBI Group (c/o Sergio Manchia)

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Property Description: Area: 2.027 ha
 Frontage: 220m (along Shoreview Place)
 Depth: 73m (along westerly property line)

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Small Scale Institutional “IS” Zone
<u>Surrounding Lands:</u>		
North	Vacant(proposed future multiple residential development and open space corridor with waterfront trail)	Multiple Residential “RM3-40” Zone and Open Space (P4) Zone
South	North Service Road/Queen Elizabeth Way (QEW)	Small Scale Institutional “IS” Zone (Zoning limits to centreline of QEW) with industrial zoning on the south side of the QEW)
East	Vacant (east side of Millen Road overpass) (proposed for future mixed commercial and multiple residential uses)	Mixed-Use Commercial “MUC-5” Zone.
West	Vacant	Neighbourhood Park (P1) Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. It also implements Policies 1.1.3.2, 1.1.3.4, and 1.4.3 with respect to promotion of densities, which efficiently use land and resources and appropriate intensification and redevelopment.

Additionally, Policy 2.6.2 requires that development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. A Stage 1 and 2 Archaeological Report was submitted to the Ministry of Tourism and Culture, and the City of Hamilton. Upon review, City staff concurs with the findings of the Report, and the Provincial interest has, therefore, been satisfied.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a designated Greenfield area, as defined by Places to Grow. Policy 2.2.7.1 states that development will be designed to contribute to complete communities; to create densities and an urban form that supports walking; and that provides a diverse mix of land uses. Policy 2.2.7.2 also requires a minimum density target of not less than 50 residents per hectare (but measured over the entire designated Greenfield area of Hamilton). The proposed development is at approximately 35 units/ha, which would translate to more than 50 residents per ha. The subject lands will have sidewalks available (with internal sidewalks to be required at the Site Plan stage), and future commercial uses to the east will contribute toward a complete community being provided.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations. The following policies, among others, are applicable to the subject lands:

“E.3.2.3 The following uses shall be permitted on lands designated “Neighbourhoods” on Schedule E-1 - Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and housing with supports;

E.3.3 Residential Uses - General Policies

Three categories of residential land use are described in this section, but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

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E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

The “Neighbourhoods” designation permits a range of residential uses that are compatible with the existing character of established neighbourhoods. The proposed development is located on the periphery of the neighbourhood in proximity to a major road, in accordance with Policy E.3.3.1. The proposed townhouse units are in keeping with the planned residential character of the surrounding area, which is planned and/or approved for mostly medium to high density residential uses.

Hamilton-Wentworth Official Plan:

The subject property is designated “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. A compact urban form should also be promoted.

Therefore, based on the above, the proposal conforms to the Hamilton-Wentworth Official Plan. It should be noted that the majority of the Hamilton-Wentworth Official Plan is not longer in effect, but as the proposed change in the Zoning application was submitted prior to the Ontario Municipal Board decision on the Urban Hamilton Official Plan, the proposed development was evaluated against these policies.

Stoney Creek Official Plan:

The subject lands are designated “Residential” on Schedule “A” - General Land Use Plan, and identified as “Lakeshore Protection Area” on Schedule “B” - Stoney Creek Open Spaces, and Natural Environment System in the Stoney Creek Official Plan. The following policies, among others, are applicable to the subject lands:

“A.1.2.1 The primary uses permitted in areas designated on Schedule "A" as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Sub-section, Sub-sections A.13, F.3, and other relevant policies of this Plan.

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- A.1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged, subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, A.1.2.21, and other policies of the Plan.
- A.1.2.12 The Residential Densities within the respective “Residential” land use designations identified by the SECONDARY PLANS shall be as follows:
- b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly townhouse dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.
- A.1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing, and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:
- a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;
 - b) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing and/or expected development of the surrounding area. In this regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;
 - c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses, where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,
 - d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.
- A.1.2.19 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:

- a) Provision and maintenance of adequate off-street parking;
- b) Provision, improvement and/or maintenance of on-site landscaping; and,
- c) The provision and maintenance of adequate separation distances, and the placement of buffering features between residential uses of differing densities, as well as other land uses.

A.13.4.4 All development within the Lakeshore Area must be in keeping with the objective of protecting the shoreline against flooding and erosion. In this regard, when waterfront properties are developed or redeveloped, onshore protection structures, designed by a competent professional, shall be required to combat erosion, in accordance with the provisions of Sub-section B.3 of this Plan. On existing lots, individual homeowners shall be encouraged to construct onshore protection when applying for Building Permits.

D.3.1.2.13 New private roads shall not be established unless such are contained within a Plan of Condominium registered under the Condominium Act. The long term goal of Council shall be the incorporation of all private roads into the Public Road System after they have been widened and upgraded to Municipal standards. However, prior to such improvements, there has to be a demand to upgrade the road in either a request for new development, a petition from the residents, or as a requirement of the Municipality. If the road is to be upgraded by private initiative, all costs are to be borne by the proponents.”

The proposed townhouse development is permitted in the “Residential” designation. While there is no Secondary Plan for this area, the proposed density of approximately 35 units/ha would have conformed to the planned density range for medium density residential uses (30 to 49 units/ha). The proposed development is surrounded by open space and other planned multiple residential development parcels, and the proposed townhouse design is compatible with these uses. It is not located on the Lake Ontario shoreline and, therefore, there is no impact to Lake Ontario. The new private road will be a condominium road, which implements Policy D.3.1.2.13.

Based on the above, the proposed development would conform to the policies of the Stoney Creek Official Plan. It should be noted that the majority of the Stoney Creek Official Plan is no longer in effect, but as the proposed change in Zoning application was submitted prior to the Ontario Municipal Board decision on the Urban Hamilton Official Plan, the proposed development was evaluated against these policies.

Neighbourhood Plan:

The subject property is designated “Parkland/Open Space - Park” in the Lakeshore Neighbourhood Plan. It should be noted that this Neighbourhood Plan is not an approved Neighbourhood Plan, and is for information only. This designation reflects a planned Park, prior to the lands being acquired many years ago by the Hamilton-Wentworth District School Board. When the lands were declared surplus by the School Board, they were not purchased by the City of Hamilton for a Park but, instead, sold for residential development to implement the underlining “Residential” designation of the Stoney Creek Official Plan. A redesignation to “Medium Density Residential” in the Lakeshore Neighbourhood Plan would thus be prudent to reflect the proposed development. Policy F.1.2.8 of the Urban Hamilton Official Plan permits amendments to a Neighbourhood Plan evaluated against Policies F.1.1.3 and F.1.1.4. In this regard, the proposed amendment does not conflict with these policies, as it reflects the planned multiple residential development of the subject lands upon the lands being surplus by the Hamilton-Wentworth District School Board.

RELEVANT CONSULTATION

The following Departments and Agencies had no Comments or Objections:

- Operations and Waste Management Division, (Public Works Department).
- Forestry and Horticulture Division, (Public Works Department)
- Taxation Division, (Corporate Services Department).
- Hamilton Municipal Parking System.
- Hamilton Conservation Authority.
- Horizon Utilities.
- Bell Canada.

The following Departments and Agencies submitted the following comments:

Traffic Engineering Section (Public Works Department) has advised that at the Site Plan Control stage of development, an additional road widening dedication will be required at the corner of Shoreview Place and Millen Road to improve sitelines. Street parking will also not be permitted on Shoreview Place. Additional comments pertain to minor alterations at the Site Plan Control stage of development.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 31 property owners within 120m of the subject property on November 2, 2012, requesting public input on the application. A Public Notice sign was also posted on the property on

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November 9, 2012, and Notice of the Public Meeting was given, in accordance with the requirements of the Planning Act. To date, no comments have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms to the Hamilton-Wentworth Official Plan;
 - (iii) It conforms with and implements the “Neighbourhoods” designation of the Urban Hamilton Official Plan;
 - (iv) It conforms with and implements the “Residential” designation of the Stoney Creek Official Plan; and,
 - (v) The proposal is compatible with the planned, multiple residential development in the surrounding neighbourhood, and contributes to creating a complete community due to substantial public open space and local commercial uses being proposed in the area.
2. When the initial Zoning Application was made, the subject lands had a municipal address of 360 Frances Avenue. Through the Green Millen Shore Estates Subdivision, the east side of Frances Avenue will terminate in a cul-de-sac just west of the subject lands, and will not connect through to the existing stretch of Frances Avenue that extends easterly from Green Road. Therefore, the City of Hamilton has recently changed the name of the easterly stretch of Frances Avenue to Shoreview Place, and has assigned the new municipal address of 98 Shoreview Place to the subject lands, instead of 360 Frances Avenue.
3. The proposed development consists of 72 townhouse units, of which 19 units will have frontage on Shoreview Place. The units remaining will front onto a private condominium road. Thirty-six visitor parking spaces are proposed off the condominium road. Each unit will have 2 parking spaces (1 in an attached garage and 1 in the driveway in front of the garage). The amount of parking provided (both required parking/unit and visitor parking) meets the Zoning By-law requirement of 2 parking spaces per unit, plus 0.5 visitor parking spaces per unit. As noted above, Hamilton Municipal Parking System has no concerns over the amount of parking provided. All of the units/lots will be able to access the visitor parking spaces.

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Private sidewalks will link the internal private road to sidewalks on Shoreview Place. In addition to the proposed 6m rear yards for private amenity area, an additional 14m setback to the North Service Road is provided, in accordance with Ministry of Transportation (MTO) setback requirements from the Queen Elizabeth Way (QEW). A 3.0m to 3.5m noise barrier is proposed along the southerly lot line. At the Site Plan Control stage of development, the final design and location of the noise barrier will be determined.

4. The applicant, at this time, is proposing to either develop the entire 72 units as a Standard Form Condominium (a traditional block townhouse development) or all 72 units being in freehold ownership (with frontage on either Shoreview Place or the condominium road). In either case, the 19 units having frontage on Shoreview Place are proposed to be tied to the condominium so that the purchaser of either the condominium unit or the lot can access the visitor parking spaces off of the condominium road. Therefore, the implementing By-law contains provisions that will allow the development to be constructed as a standard block townhouse development (with Standard Form Condominium tenure, if proposed) or as individual street townhouse lots with either Shoreview Place or condominium road frontage. A future application for a Draft Plan of Condominium (either Standard Form or Common Element) will be made to establish the condominium tenure. Should the applicant choose to create freehold lots, then a future application to remove Part Lot Control will be made, as the subject property constitutes a block in a Registered Plan of Subdivision (Block 16, Plan M-101 - "South Shore Estates").
5. The subject lands are not located within an Environmentally Significant Area (ESA). However, due to the proximity to the Community Beach Ponds ESA to the west, the applicants were required to submit an Environmental Impact Study (EIS). Through the review of the EIS, and subsequent addendums to address additional study requirements and questions from City staff, it has been concluded that the proposed development will not impact the nearby ESA. The main outstanding environmental issue that relates to this development is that a locally uncommon species (Pointed Broom Sedge) is located on the property. The applicant has proposed to transplant it to an appropriate habitat within the ESA itself. Staff has agreed to this approach, and through the subsequent Site Plan Control stage of development, a three phased work plan will be secured. An initial report on the transplant plan pertaining to the exact location of the sedge plants on the subject lands, and requested transplant locations, must be submitted with the future Site Plan Control Application. Submission of a Tree Protection Plan, to address on-site trees being removed and/or protected, will also be required as a standard condition of Site Plan Control.

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6. Through the review of the Urban Design Brief for the proposed development, staff has provided additional comments to the applicants. These comments pertain to:
- Ensuring the 14m MTO setback area is appropriately landscaped;
 - Due to the grade separation between the subject lands and Millen Road, that appropriate landscaping and fencing features in this area to mitigate the back-lotting design proposed must be finalized;
 - High quality rear elevations must be provided for the easterly and southerly units that back onto Millen Road and the North Service Road;
 - Implementation of gateway features.

The applicant has advised that all of these matters will be addressed at the Site Plan Control stage of development, and there are no issues with implementing these requested improvements.

7. Townhouses are subject to Site Plan Control, in accordance with Site Plan Control By-law No. 03-294 (except for street townhouses in a Registered Plan of Subdivision). Since the proposed development is for block townhouses (regardless of whether future tenure may be freehold units), the development is subject to Site Plan Control. Even the townhouses fronting Shoreview Place are subject to Site Plan Control, as they will be tied to the condominium to allow access to the visitor parking. Matters such as grading, drainage, servicing, landscaping, tree preservation, driveway locations, fencing, and architectural design will be addressed at the Site Plan Control stage of development. Dedication of the daylight triangle at Shoreview Place and Millen Road, as well as a possible road widening off Millen Road, will be taken at the Site Plan Control stage of development. A Millen Road widening may impact the final design of the development, and result in a small number of units being lost if the easterly three townhouse buildings are subsequently moved westerly to make room for the widening.
8. Actual construction of Shoreview Place is being approved through a related Draft Plan of Subdivision, "Green Millen Shore Estates" (25T-200809). This construction must occur in order to provide for vehicular access to the subject lands, as well as municipal sidewalks. The Shoreview Place road allowance already contains the municipal sewers and water to service the subject lands. However, should the applicant for the proposed development wish to proceed in advance of the roadway construction secured through 25T-200809, it would have to be constructed by the applicant and secured as a future condition of Site Plan Control through an External Works Agreement.

9. In order to implement the development, as proposed (see Appendix “C”), a number of zoning modifications are required, mostly to reflect the condominium tenure and the irregular shape of the property. A review of the required modifications is as follows:

Technical Interpretation Modifications:

As the shortest lot line abutting a street is Millen Road, the Zoning By-law deems this to be the front lot line. However, the proposed development functions with Shoreview Place as a front yard; the yard abutting the North Service Road as a rear yard; the westerly property line as a side yard; and the easterly property line abutting Millen Road functions also as a side yard (technically considered a flankage yard). Therefore, to make the entirety of the By-law more consistent with the orientation of the development, for the purposes of this development, the lot line abutting Shoreview Place will be deemed to be a front lot line, and all of the lot lines abutting Millen Road as flankage lot lines (which will by default ensure that the lot line abutting the North Service Road is a rear lot line and the westerly lot line is a side lot line).

Minimum Front Yard:

The proposed development provides a minimum 6m front yard setback from Shoreview Place for the units that abut that street. The Zoning By-law requires a 6m setback for street townhouses, but 7.5m for block townhouses. As the proposal may be built as one block townhouse development with a Standard Form Condominium tenure, a modification is required, as the units facing Shoreview Place provide a 6m front yard setback. This reduction can be supported, as there is still sufficient room for the required parking spaces in the front of the attached garages, and the built form will function as a street townhouse, despite the possible block townhouse condominium tenure.

Minimum Side Yard:

Block townhouse zoning requires a minimum 6m side yard setback (7.5m for a flankage yard). The westerly lot line abutting an open space area and the easterly lot line abutting Millen Road are the two side yards for this development. The applicant is proposing a 3m setback from the westerly side lot line and an approximate 6m setback from the easterly side lot line (which is a flankage yard). A reduction to 3m in the implementing By-law can be supported, as the proposed development does not abut any residential use, the 3m still provides sufficient room to convey drainage, if necessary, and all required 4.5m privacy areas with additional 1.5m landscaped strips are being provided, except for possibly one unit (see below for discussion). Due to the grade differential between Millen

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Road and the subject lands, and the wide boulevard in that area, a reduction on the east property line also has no impact on the Millen Road streetscape.

Distance Between Buildings on the Same Lot:

The “RM3” Zone requires 15m between two front or two rear facades (but only 3m between two end walls, and 9m between an end wall and a rear wall). This 15m setback, and the 3m setback between end walls, is provided for all units, except between the end walls of the units fronting Shoreview Place and the two parallel townhouse buildings behind these units where 12m is provided, which is made up of each unit corresponding 6m rear yard amenity areas. As the reduction is only from 15m to 12m, only applies to a small number of units, and still provides sufficient rear amenity areas and setbacks between units, the reduction can be supported.

Location of Parking Spaces:

One of the visitor parking areas is located partially in the required 6m front yard off Shoreview Place, whereas the By-law only allows 1 parking space per unit to be in the front yard. All of the units with frontage directly on Shoreview Place have their second parking space in their respective driveways in the front yard, which is permitted. Since the visitor parking is required by the By-law, a modification to allow visitor parking in a front yard is required. The modification can be supported, as it is only a small portion of 1 parking space in the front yard, and there is ample space remaining for streetscape plantings to provide a buffer between the parking space and Shoreview Place.

Modification to Permit Frontage on a Condominium Road:

A Common Element Condominium road shall be deemed to be a street. This modification is a technicality in order to allow flexibility should the proposal be developed as a Common Element Condominium (freehold townhouse lots on a condominium road) instead of as a block townhouse (Standard Form Condominium). However, it should be noted that 19 of the units (or future lots) still have frontage on a public road (Shoreview Place).

Modification to Allow Common Element Condominium Tenure:

Should the applicant propose to develop the subject lands for freehold townhouses on individual lots tied to a Common Element Condominium instead of as a block townhouse development (condominium units as part of a Standard Form Condominium) under the “RM3” Zone, the requirements of the “RM2” Zone would apply for street townhouses. However, it is a standard procedure where zoning review and approval has already been granted, and where the

development is approved under a Site Plan Control application, where the built form is not altered by the creation of the individual lots, to include in the implementing By-law a clause that will note that for the purposes of the By-law regulations, zoning review shall be done based on the exterior property boundary of 98 Shoreview Place, not any individual lot lines created through a future Part Lot Control Application.

Modification to Minimum Landscaped Open Space:

The Zoning By-law requires 50% of the lot area to be landscaped, which includes the privacy areas. The applicant is proposing 47% of the lot to be landscaped. This modification can be supported, as the reduction is minor, all required privacy areas are provided, and each unit includes a 6m rear yard amenity area. To allow for flexibility due to the potential of a future road widening, the implementing By-law will allow for 45% landscaped open space.

Finally, as a future condition of Site Plan Control, a daylight triangle dedication will be taken at the corner of Millen Road and Shoreview Place (just to the east of Unit 41 on Appendix "C"). If this dedication is taken, Unit 41 will have enough of a yard remaining to provide the required 3m side yard setback and 4.5m privacy area, but there would not be room for the required 1.5m landscape strip between the privacy area and the property line. The implementing By-law will exempt only this unit from providing the landscaped strip. This can be supported, as the modification would only apply to one unit and there is substantial landscaped open space contained within the boulevard.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands could be developed in accordance with the current Small Scale Institutional "IS" Zone provisions, which permit a range of institutional uses such as churches, schools, public uses, and residential care facilities.

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:

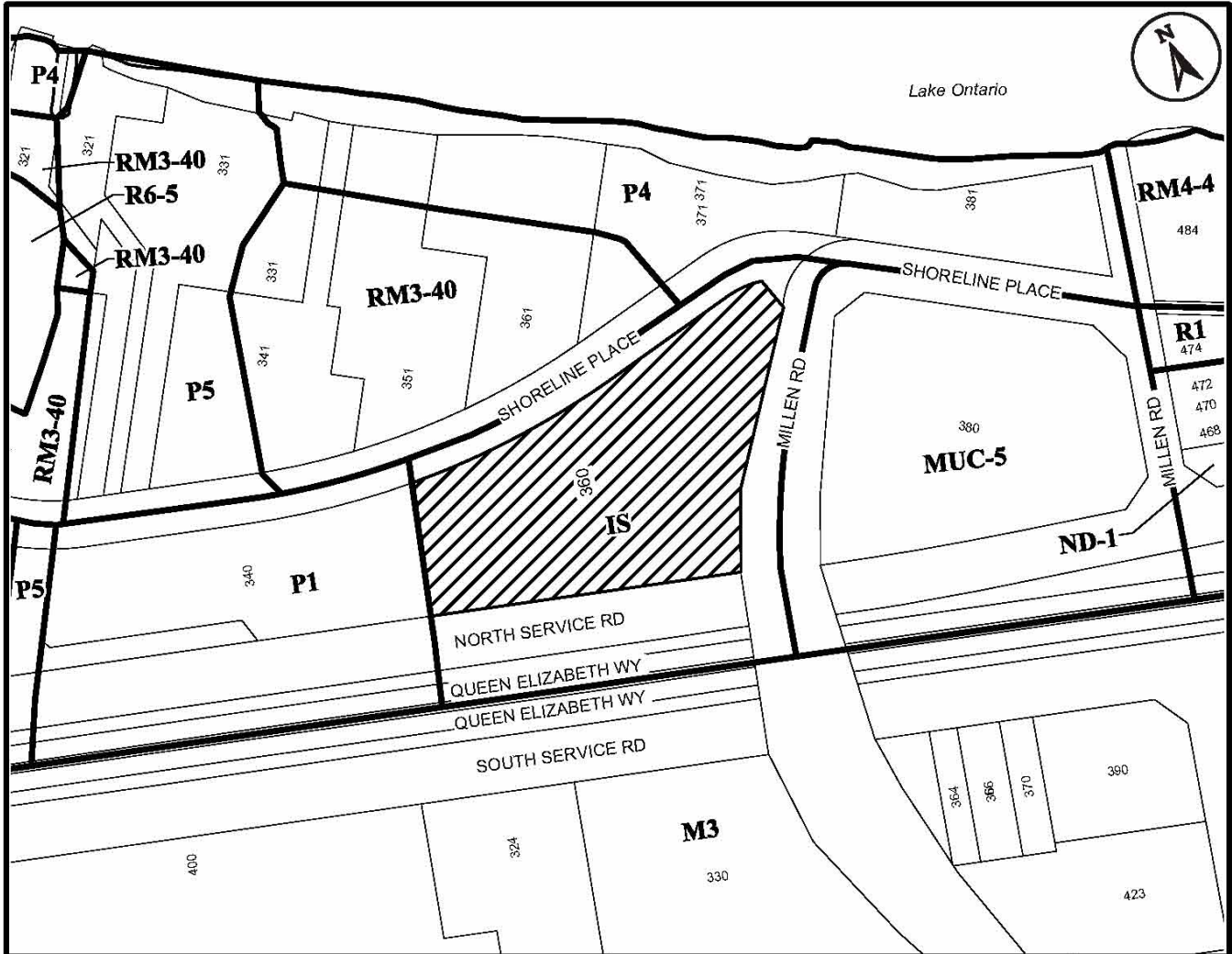
1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

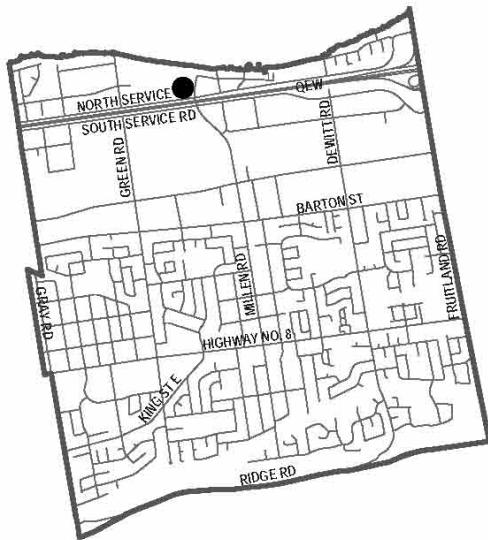
- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Preliminary Site Plan

:GM

Attachs. (3)



● Site of the Application



Ward 10 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-12-042

Date:
August 2, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/NB

Subject Property

360 Frances Avenue, Stoney Creek

Changing in Zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM3-51" Zone

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13156)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 98 Shoreview Place

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

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

1. That Map No. 1 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM3-52" Zone, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Sub-section 6.3.7, “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption “RM3-52”, as follows:

“RM3-52” - 98 Shoreview Place, Schedule “A”, Map No. 1

For the purpose of this By-law, a Common Element Condominium road shall be deemed to be a street, and that visitor parking for the dwelling units fronting the common element condominium road are permitted within the common element condominium road.

For the purposes of this By-law, the property line abutting Shoreview Place shall be deemed to be a front lot line; all property lines abutting Millen Road 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 westerly property line shall be deemed to be a side yard.

For the purpose of the regulations contained in Sections 2, 4, and 6 of Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of 98 Shoreview Place (Block 16, Plan M-101 - “South Shore Estates”) shall be deemed to be the lot lines for this purpose, and the regulations of the “RM3-52” Zone, including, but not limited to, lot area, lot frontage, building setbacks, separation distances, maximum density, lot coverage, landscaped areas, parking requirements, and accessory buildings, etc., shall be from the boundaries of Block 16, and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), and (m) of Section 6.10.3, “Zone Regulations”, on those lands zoned “RM3-52” by this By-law, the following shall apply:

- | | | | |
|-----|--|---|--|
| (c) | Minimum Front Yard | - | 6m. |
| (d) | Minimum Side Yard for
Maisonettes, Townhouses, and
Dwelling Groups | - | 3m. |
| (f) | Minimum Rear Yard for
Maisonettes, Townhouses,
and Dwelling Groups | - | 14m. |
| (h) | Minimum Distance Between
Buildings on the Same Lot | - | 12m, except 3m between end
walls and 9m between an end wall
and a rear wall. |

(m) Minimum Landscaped Open Space

1. - Not less than 45 percent of the lot area for maisonettes, townhouses, and dwelling groups shall be landscaped, including privacy areas.
3. - Sub-section 6.10.3(m)3 shall apply, except that at the intersection of two or more roads, a 1.5m landscaped strip is not required adjacent to the hypotenuse of the daylight triangle.

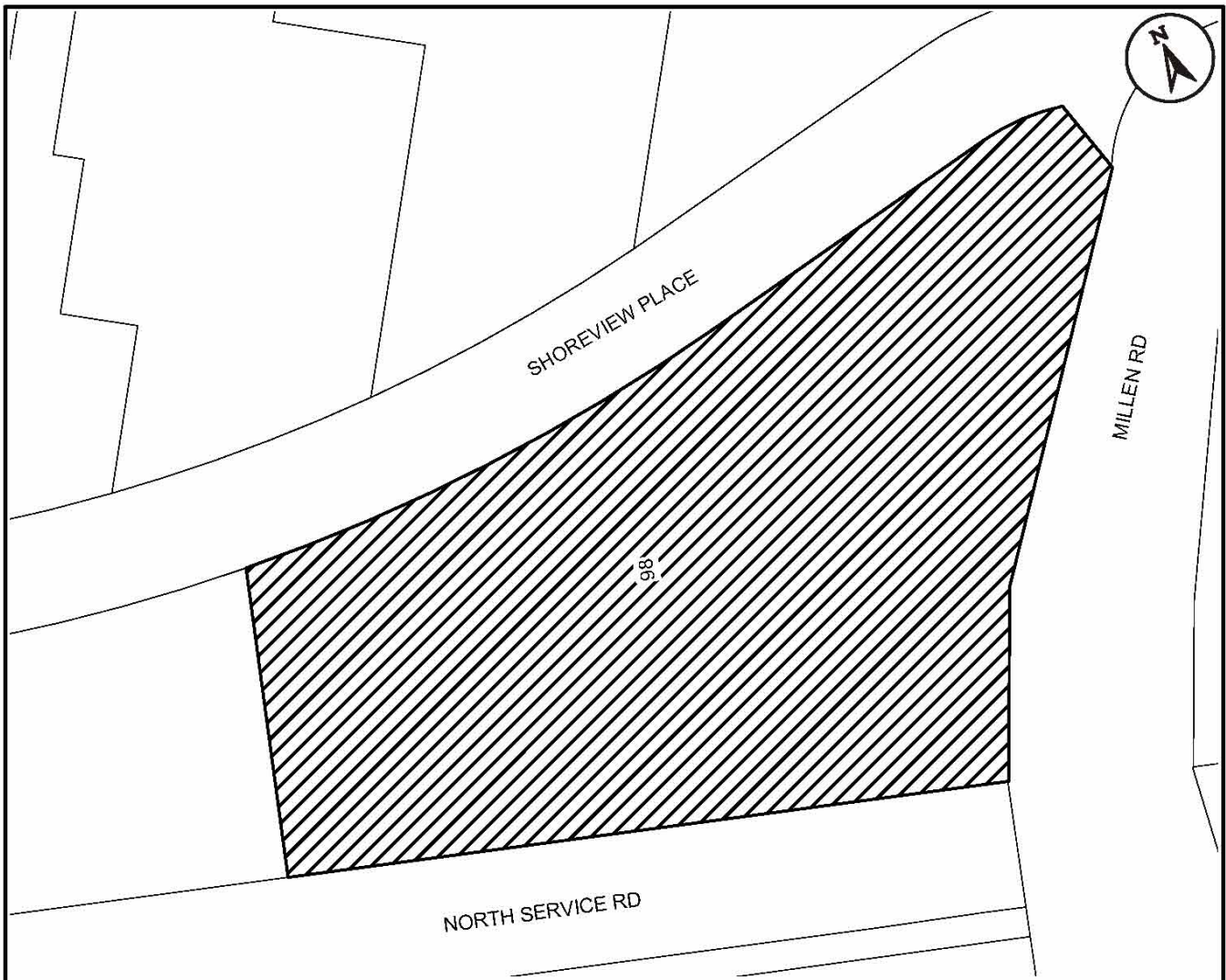
Notwithstanding the provisions of Paragraph (c) of Section 6.10.5, "Regulations for Parking", on those lands zoned "RM3-52" by this By-law, the following shall apply:

- (c) For maisonettes or townhouses, only one of the required parking spaces per unit may be provided in the required front yard, except that visitor parking shall also be permitted in the required front yard.
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 "RM3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
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

Rose 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. 3692-92

Subject Property

98 Shoreview Place, Stoney Creek

 Changing in Zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM3-51" Zone

Scale:
 N.T.S.

File Name/Number:
 ZAC-12-042

Date:
 August 2, 2013

Planner/Technician:
 GM/NB



Hamilton

Appendix "C" to Report PED13156 (Page 1 of 1)

