

Authority: Item 4, Planning Committee
Report: 22-002 (PED20002(a))
CM: February 9, 2022
Ward: 10

Bill No. 040

CITY OF HAMILTON

BY-LAW NO. 22-040

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Meeting 22-002 of the Planning Committee at its meeting held on the 9th day of February, 2022, 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. 144.

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"; and,

2. 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

1. 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 lot lines, the southerly property line abutting North Service Road shall be deemed to be a rear lot line; and the easterly property line shall be deemed to be a side lot line;
2. 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, only the following uses shall be permitted:
 - (a) Maisonettes;
 - (b) Townhouses;
 - (c) Apartment Dwellings;
 - (d) Dwelling Groups;
 - (e) A Home Occupation; and,
 - (f) Uses, buildings or structures accessory to a permitted use;
3. Notwithstanding the provisions of Paragraphs (d), (e), (f), (g), (i) and (j) of Section 6.10.3 of the Multiple Residential “RM3” Zone, and notwithstanding Section 4.13.1 Daylight Triangles, on those lands zoned “RM3-69(H)” Zone, Modified, Holding by this By-law, the following shall apply:
 - (a) Minimum Yard Regulations for Maisonettes, Townhouses and Dwelling Groups:
 - i) Side Yard - 7.5 metres;
 - ii) Flankage Side Yards - 7.5 metres; and,
 - iii) Rear Yard – 14.0 metres (setback from a Provincial Highway right of-way);
 - (b) Minimum Yard regulations for Apartment Dwellings:
 - i) Side Yard – 30.0 metres;
 - ii) Flankage Side Yards - 7.5 metres; and,

- iv) Rear Yard – 14.0 metres (setback from a Provincial Highway right-of-way);
 - (c) Residential Density: 50 to 99 dwelling units per hectare;
 - (d) Building Height:
 - i) Maisonettes and Townhouses -
 - 1. Maximum 11 metres;
 - ii) Apartment Dwellings –
 - 1. Maximum 7.5 metres façade height for any portion of a building along a street line; and,
 - 2. A building height above 7.5 metres may be equivalently increased as the yard increases beyond the minimum yard regulations established in subsection 3 (b), to a maximum of 33.0 metres;
4. 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:
- (a) The minimum total of all the amenity areas for apartment dwellings shall be 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 dwelling, and such inside area shall not be less than 93 square metres.
- 5. Section 6.10.4 shall not apply;
 - 6. Section 6.10.5, Regulations for Parking, of the Multiple Residential “RM3” Zone, shall apply to lands zoned “RM3-69(H)” Zone;
 - 7. 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 Traffic Impact Study has been submitted and implemented by the applicant to the satisfaction of the of the Manager of Transportation Planning, City of Hamilton;
 - (b) That the Applicant / Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
 - (c) That the proponent shall carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
 - (d) 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 Traffic Impact Study recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton; and,
 - (e) 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;
8. 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; and,

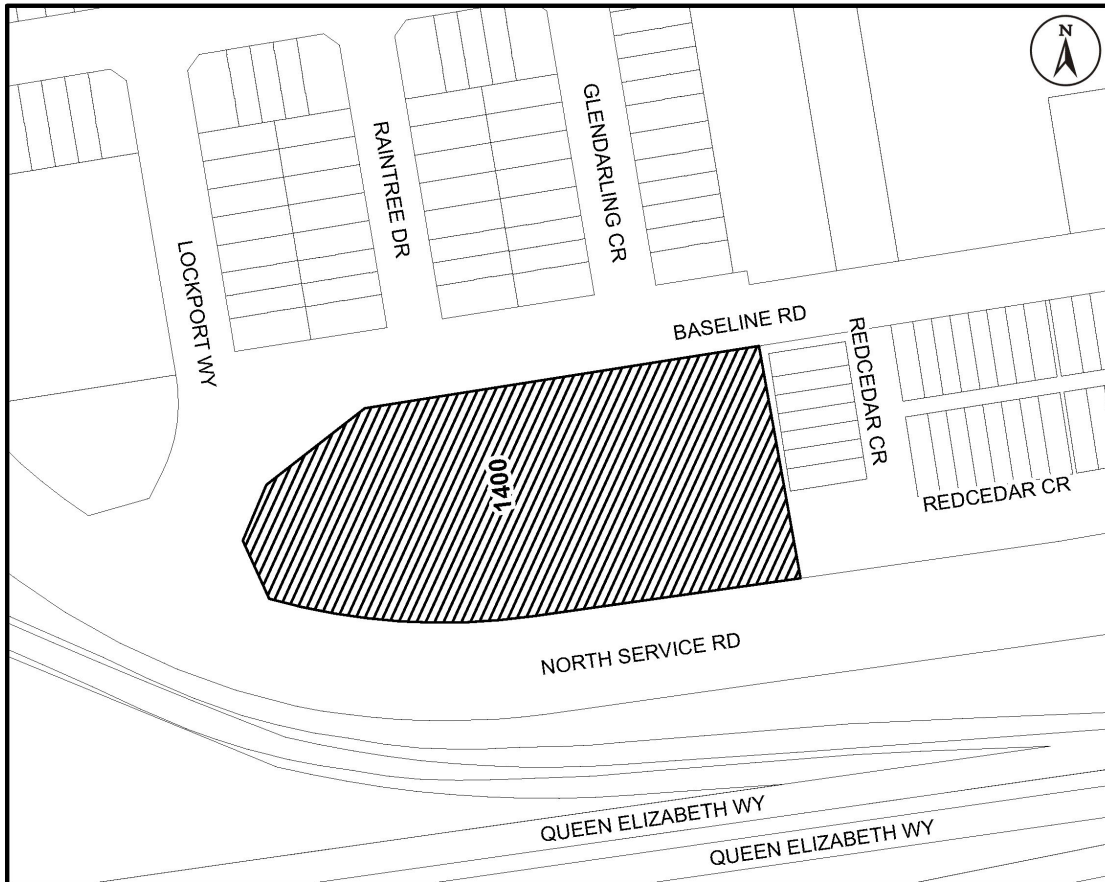
9. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 23rd day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-A



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| <p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the day of, 2022</p> | <p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</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. 22-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p> | <p>Subject Property</p> <p>1400 Baseline Road, Stoney Creek</p> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <p style="font-size: small; margin: 0;">Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding</p> </div> |
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| Scale: N.T.S | File Name/Number: CI-20-A | |
| Date: January 4, 2022 | Planner/Technician: AM/VS | |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | | |