



City Hall, 71 Main Street West
Hamilton, Ontario,
Canada L8P 4Y5
www.hamilton.ca

City Clerk's Office
Phone: 905.546-2424 ext 4605 Fax: 905.546-2095
Email: Lisa.kelsey@hamilton.ca

Hamilton

July 7, 2022

Nicole Cimadamore
256 First Road West Inc.
3170 Harvester Rd #200
Burlington, ON L7N 3W8

Scott Beedie
Urban Solutions Planning & Land Development Consultants Inc.
Studebaker Place, Unit 1
Hamilton, ON L8L 0C8

**Re: Passage of Zoning By-law 22-131
250-256 First Road West, Stoney Creek**

Please find enclosed a copy of the Statutory Declaration and By-law for the above-mentioned property. The By-law is now final and binding.

Yours truly,

A handwritten signature in black ink, appearing to read "Lisa Kelsey".

Lisa Kelsey
Legislative Coordinator
Planning Committee

Attachments

Copies to:

Steve Robichaud
Heather Travis
Nada Belair
Christine Newbold
David Janaszek
MPAC
Charlie Toman

ZAC-20-026

DOMINION OF CANADA)
Province of Ontario)
)
)

**IN THE MATTER OF By-law No. 22-131
AND IN THE MATTER OF Section 34(22)
of the *Planning Act*, R.S.O. 1990, c. P.13.
250-256 First Road West, Stoney Creek**

TO WIT:

I, **Lisa Kelsey**, Legislative Coordinator, City Clerk's Office, of the City of Hamilton, **DO SOLEMNLY DECLARE:**

1. That Notice of a Public Meeting for the purpose of informing the public in respect of the proposed Zoning By-law amendment was given on the 6th day of May, 2022 as prescribed by law.
2. That By-law Number 22-131 was passed on the 8th day of June, 2022.
3. That written Notice of the Passing of the said By-law was given in accordance with Section 34(18) of the *Planning Act* on the 15th day of June, 2022.
4. That no Notice of Appeal was filed under Section 34(19) of the *Planning Act* on or before the 5th day of July, 2022, being twenty days from the day of the notice given of the passing of the said By-law.
5. That Section 24(2) of the *Planning Act* does not apply in that the Council did not adopt an amendment to the Official Plan and said By-law conforms to the Official Plan.
6. That, in accordance with Section 34(21) of the *Planning Act*, I verily believe that the By-law is deemed to come into force on the day it was passed.

AND I MAKE THIS solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the
City of Hamilton

)
) 

this 7th day of July, 2022.


A Commissioner, etc.

Stephanie Ann Paparella,
a Commissioner, etc.,
Province of Ontario, for the City of Hamilton.
Expires June 12, 2024

ZAC-20-026

Authority: Item 6, Planning Committee
Report 22-009 (PED22097)
CM: June 8, 2022
Ward: 9

Bill No. 131

**CITY OF HAMILTON
BY-LAW NO. 22-131**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 250-256 First Road West**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 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 6 of Report 22-009 of the Planning Committee, at its meeting held on the 8th day of June, 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.

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 "RM3-70(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 6.10.7 "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, "RM3-70(H)" Zone, Modified, Holding, as follows:

**“RM3-70(H)” Zone, Modified, Holding, 250-256 First Road West, Schedule
“A”, Map No. 16**

- a) For the purposes of this By-law, First Road West shall be deemed to be the front lot line;
- b) A maximum of four dwelling units shall be permitted to have minimum dwelling unit width of 5.8 metres and a maximum of 21 dwelling units shall be permitted to have a minimum dwelling unit width of 5.9 metres;
- c) Notwithstanding the provisions of Paragraphs (c), (d), (f), (i), (k), (l), (m) (1), (m) (3) and (m) (4) of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
 - a. Minimum Yard Regulations for Maisonettes, Townhouses and Dwelling Groups:
 - i) Front Yard – 1.5 metres
 - ii) Side Yard - 1.5 metres
 - iii) Flankage Side Yard – 1.5 metres
 - iv) Rear Yard – 6.0 metres
 - b. Maximum Density: 45 units per hectare.
 - c. Maximum Lot Coverage: 40%
 - d. Minimum Landscaped Open Space:
 - i) A landscaped strip shall have a minimum width of 1.5 metres along First Road West and Mud Street West, except 4.0 metres abutting a daylight triangle;
 - ii) A minimum landscaped open space of 30% of the lot area shall be provided;
 - e. Minimum Privacy Area for Maisonettes, Townhouses and Dwelling Groups: Each maisonette and townhouse unit shall have at least one area which serves as a privacy area and shall have a minimum depth of 4.0 metres;
- d) In addition to the provisions of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
 - (a) The minimum setback to a dwelling from a condominium road shall be 3.5 metres;

- (b) The minimum setback to a garage from a condominium road shall be 6.0 metres;
- e) Notwithstanding Section 6.10.5 (a) (1) and (1) (e) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-70(H)" Zone, Modified, Holding by this By-law, the following shall apply:
 - a. Regulations for Parking:
 - i) 2 parking spaces and 0.45 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces;
 - ii) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1 metre to any dwelling unit located on the same lot;
 - f) Notwithstanding Section 4.19.1(d), an unenclosed porch and deck may project into the northerly side yard abutting the Mud Street West street line and the southerly side yard to a maximum of 1.5 metres.
 - g) On those lands zoned "RM3-70(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:
 - i. That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands to the satisfaction of the Director of Growth Management.
 - ii. It is demonstrated that development of the subject lands will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill, to the satisfaction of the Director of Planning.
- 3. 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 "RM3-70(H)" Zone, Modified, Holding provisions, subject to the special requirements referred to in Sections 2 of this By-law.
- 4. 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*.

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 250-256 First Road West

PASSED this 8th day of June, 2022.



B. Johnson
Acting Mayor



A. Holland
Clerk

ZAC-20-026

<p>This is Schedule "A" to By-law No. 22-131 Passed the <u>8</u> day of <u>June</u>, 2022</p>	<p><i>Brenda Ohno</i> Mayor <i>W. Holland</i> Clerk</p>				
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 22-<u>131</u></p> <p>to Amend By-law No. 3692-92</p>	<p>Subject Property 250 - 256 First Road West</p> <p> Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding</p>				
<table border="1"> <tr> <td>Scale: N.T.S</td> <td>File Name/Number: ZAC-20-026</td> </tr> <tr> <td>Date: April 11, 2022</td> <td>Planner/Technician: CT/AL</td> </tr> </table>	Scale: N.T.S	File Name/Number: ZAC-20-026	Date: April 11, 2022	Planner/Technician: CT/AL	
Scale: N.T.S	File Name/Number: ZAC-20-026				
Date: April 11, 2022	Planner/Technician: CT/AL				
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT					