

Authority: Item 15, Economic Development and
Planning Committee
Report: 08-016 (PED08196)
CM: September 10, 2008

Bill No. 203

CITY OF HAMILTON

BY-LAW NO. 08-203

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 4 Second Street North

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 15 of Report 08-016 of the Economic Development and Planning Committee at its meeting held on the 10th day of September, 2008, 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 Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 5 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by changing the zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential (Holding) "RM2-15(H)" Zone,

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.

2. That Subsection 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "RM2-15(H)", as follows:

"RM2-15(H)" Second Street North, Schedule 'A', Map No. 5

Notwithstanding the provisions of Paragraphs (a), (b) (c), (d), (h) and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-15" by this By-law, the following shall apply:

- | | | |
|-----------------------------|---|---|
| (a) Minimum Lot Area | | |
| Interior Unit | - | 145 square metres |
| End Corner | - | 180 square metres |
| (b) Minimum Lot Frontage | | |
| Interior Unit | - | 5.0 metres |
| End Unit | - | 6.0 metres |
| (c) Minimum Front Yard | - | 6.0 metres to the face of an attached garage and 4.5 metres to the face of the dwelling |
| (d) Minimum Side Yard | - | 1.25 metres |
| (h) Maximum Building Height | - | 13 metres |
| (i) Maximum Lot Coverage | - | 56% |

In addition to the foregoing, on those lands zoned "RM2-15", a minimum front yard landscaped area of 40% for an interior unit and 50% for an end unit, including a walkway of not more than 0.6 metres in width, shall be provided and maintained.

On those lands zoned "RM2-15(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

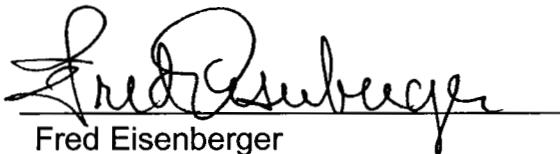
- (i) That the owner/applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton, and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
- (ii) (a) That the owner/applicant submits and receives approval of a servicing study, to the satisfaction of the Director of Development Engineering; and,

- (b) That the Owner/applicant enters into and registers an applicable development agreement(s) and posting of appropriate securities to ensure the implementation of the study's recommendation(s) to the satisfaction of the Director of Development Engineering.

City Council may remove the 'H' symbol and, thereby give effect to the "RM2-15" Zone, by enactment of an amending By-law once the above conditions have been fulfilled.

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 "RM2" Zone, subject to the special requirements referred to in Section 2.
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.

PASSED and ENACTED this 10th day of September, 2008.



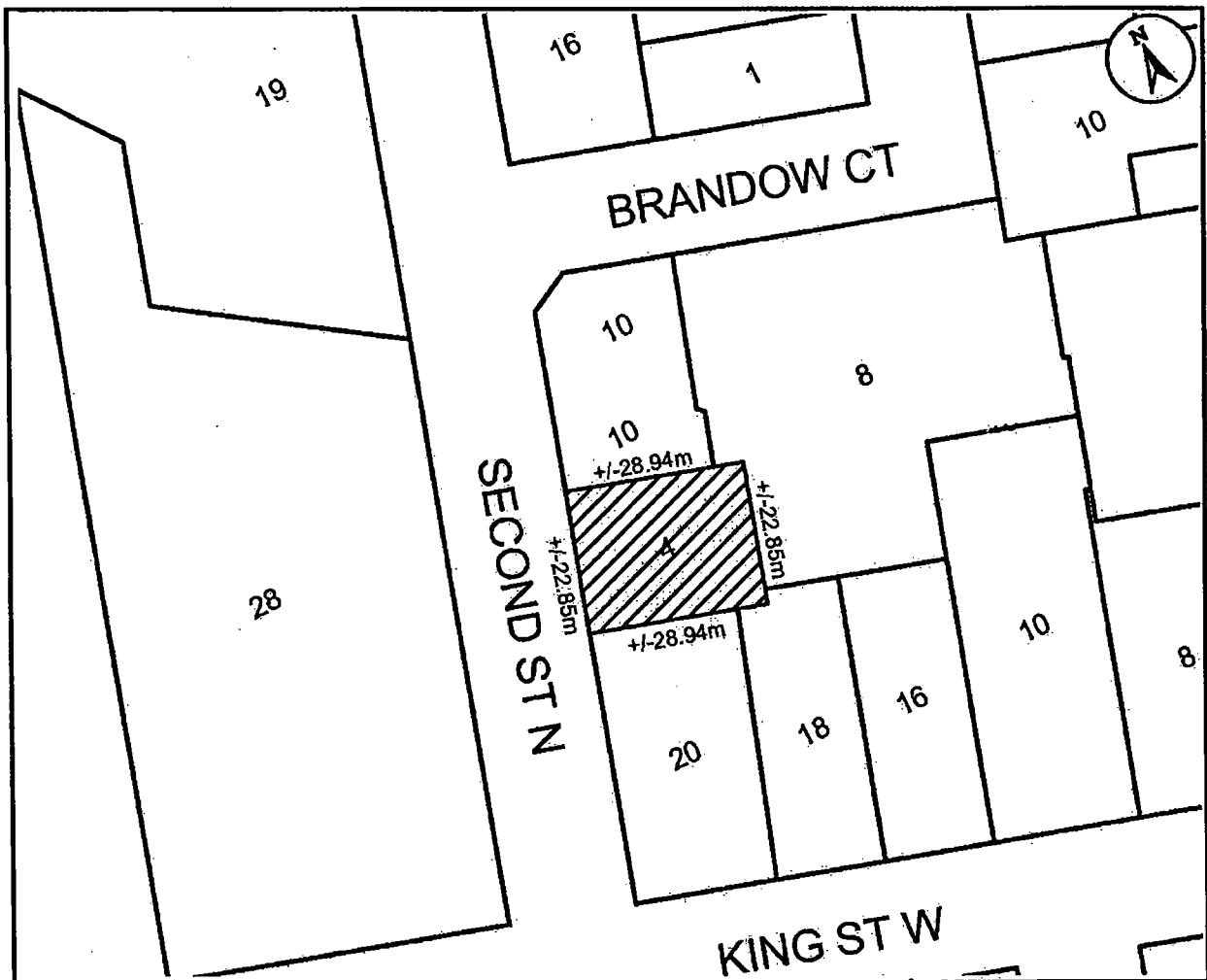
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-07-097


By-law Respecting 4 Second Street North



This is Schedule "A" to By-Law No. 08- 203
 Passed the 10th day of September, 2008

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. 08-203
 to Amend By-law No. 3692-92

Subject Property
 4 Second Street North
 Change in Zoning from Small Scale Institutional "IS" Zone to Multiple Residential (Holding) "RM2-15(H)" Zone.

Scale: N.T.S.	File Name/Number: ZAC-07-097	
Date: August 12, 2008	Planner/Technician: DF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Hamilton