

**Authority:** Item 4, Planning Committee  
Report 11-016 (PED11162)  
CM: September 28, 2011

**Bill No. 237**

## **CITY OF HAMILTON**

### **BY-LAW NO. 11-237**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 130 and 170 Palacebeach Trail**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Report 11-016 of the Planning Committee, at its meeting held on the 20th day of September, 2011, 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. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended;

- (a) by changing from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-27" Zone, Modified, the lands identified as "Block 1";
- (b) by changing from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-28" Zone, Modified, the lands identified as "Block 2"; and,
- (c) by changing from the Multiple Residential "RM3" Zone to the Multiple Residential "RM2-28" Zone, Modified, the lands identified as "Block 3",

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

2. That Sub-section 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 Special Exemptions, "RM2-27" and "RM2-28", as follows:

(a) **"RM2-27" - 130 and 170 Palacebeach Trail, Schedule "A", Map No. 2**

Notwithstanding the provisions of Paragraphs (a) and (e) of Section 6.9.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM2-27" by this by-law, the following shall apply:

- (a) Minimum Lot Area
  - Interior Unit - 159 square metres
  - End Unit - 215 square metres
  - Corner Unit - 240 square metres
- (e) Minimum Rear Yard - 7.1 metres

(b) **"RM2-28" - 130 and 170 Palacebeach Trail, Schedule "A", Map No. 2**

For the purpose of this by-law, a common element condominium road shall be deemed to be a street.

All buildings, structures, required parking areas, and stormwater management facilities shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.

Notwithstanding the provisions of Paragraphs (a), (b), (d), (e), and (i) of Section 6.9.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM2-28" by this by-law, the following shall apply:

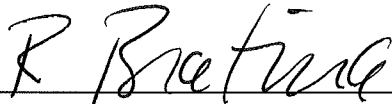
- (a) Minimum Lot Area
  - Interior Unit - 154 square metres
  - End Unit - 206 square metres
  - Corner Unit - 215 square metres

- (b) Minimum Lot Frontage  
Corner Unit - 8.4 metres
- (d) Minimum Side Yard  
Corner Unit - 2 metres
- (e) Minimum Rear Yard - 6 metres
- (i) Maximum Lot Coverage - 51 percent

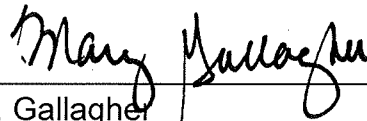
In addition to the regulations of Section 6.9.3 "Zone Regulations", a minimum of 0.5 visitor parking spaces for each townhouse dwelling unit shall be provided and maintained.

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 Multiple Residential "RM2" Zone provisions, subject to the special requirements referred to in Section 2.
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** this 28th day of September, 2011.

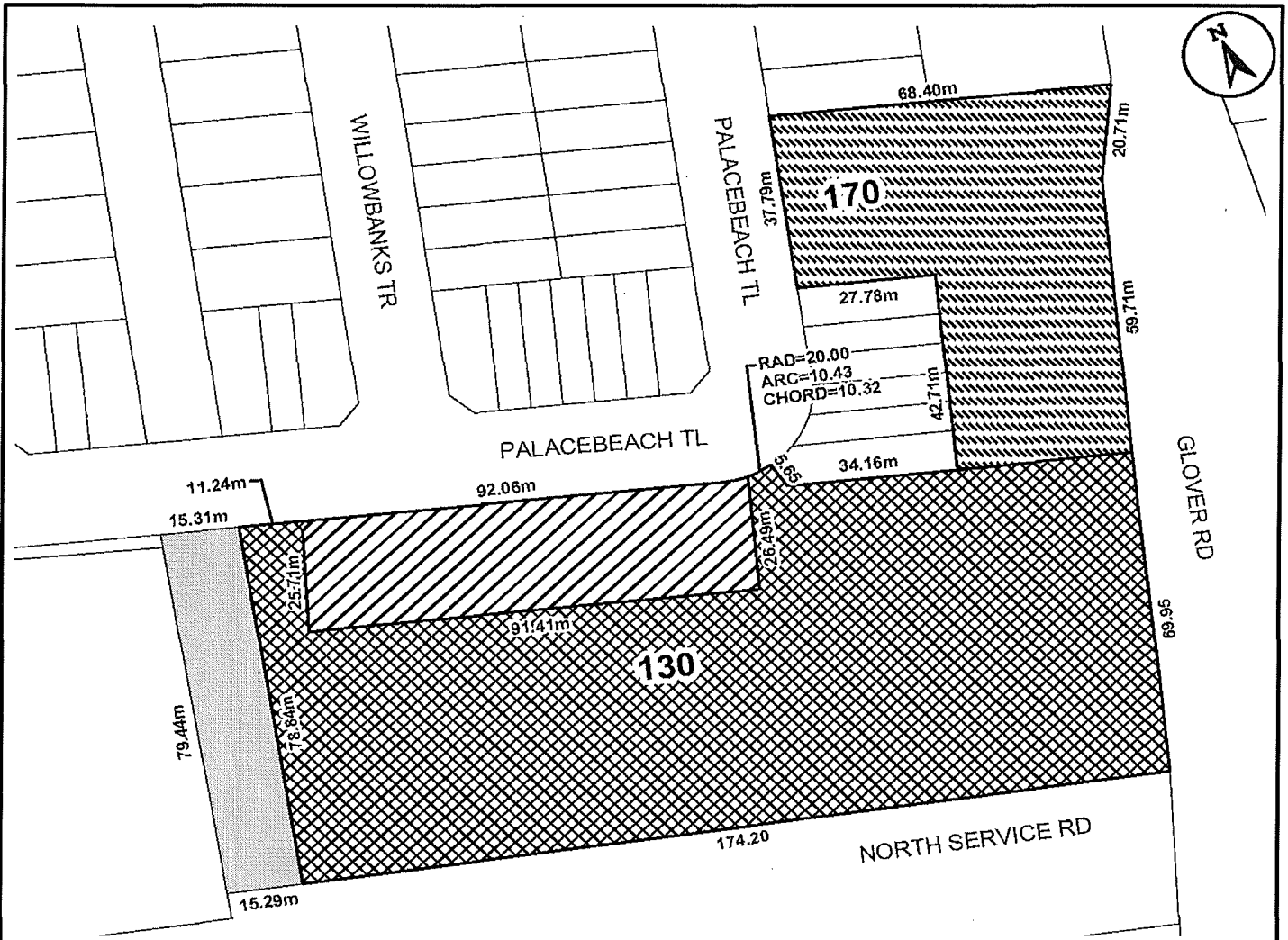


R. Bratina  
Mayor



M. Gallagher  
Acting City Clerk

ZAC-11-008



This is Schedule "A" to By-Law No. 11- 237

Passed the ...28th... day of ...September..., 2011

*Mary Kavanagh*  
 Clerk  
*R. Bratton*  
 Mayor





## Schedule "A"

Map Forming Part of  
 By-Law No. 11- 237

to Amend By-law No. 3692-92

### Subject Property

130 & 170 Palacebeach Trail

-  Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-27" Zone, Modified.
-  Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-28" Zone, Modified.
-  Block 3 - Change in Zoning from the Multiple Residential "RM3" Zone to the Multiple Residential "RM2-28" Zone, Modified.
-  Block 4 - Refer to Zoning By-law No. 05-200.

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-11-008, 25T-2011001

Date:  
 August 4, 2011

Planner/Technician:  
 AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT