

**Authority:** Item 5, Planning Committee  
Report: 16-001 (PED16010)  
CM: January 20, 2016

**Bill No. 039**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-039**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 101 Shoreview Place**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 16-001 of the Planning Committee, at its meeting held on the 20<sup>th</sup> day of January, 2016, which 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 upon approval of Official Plan Amendment No. 46;

**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 as follows: by changing from the Multiple Residential "RM3-40" Zone, Modified to a Multiple Residential "RM3-55" Zone, Modified, 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 deleting Special Exemption "RM3-40" for lands located at 101 Shoreview Place, Stoney Creek, and by adding Special Exemption "RM3-55", as follows:

**"RM3-55" 101 Shoreview Place, Schedule "A" Map No. 1**

Notwithstanding the definitions in Part 2 of Zoning By-law 3692-92, on those lands zoned Multiple Residential "RM3-55", the following shall apply:

- (a) *Landscaped Open Space* means any uncovered area of land including lawn and ornamental shrubs located in any yard, or in any inner or outer court, and includes paths, patios, play areas, decks, walkways, exit stairs, and air shafts and / or air vents, but shall not include any parking spaces, parking areas, parking lots, driveways, or ramps.
- (b) *Landscaped Strip* means an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences, berms, exit stairs, and air shafts and / or air vents.

Notwithstanding the provisions of Paragraphs (c), (e), (g), (i), (j), (l) and (m) of Subsection 6.10.3 "Zone Regulations" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-55" by this By-law, the following shall apply:

- |     |   |   |            |
|-----|---|---|------------|
| (c) | Minimum Front Yard for Townhouses         | - | 4.0 metres |
| (e) | Minimum Side Yard for Apartment Buildings | - | 8.0 metres |
| (g) | Minimum Rear Yard for Apartment Buildings | - | 14 metres  |
| (i) | Minimum Density                           | - | 188 uph    |
| (j) | Maximum Building Height                   | - | 24 metres  |
- (l) Privacy Area – Notwithstanding any provisions or definitions to the contrary, each townhouse dwelling unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 2.5 metres measured from the façade abutting Shoreview Place.
- (m) Minimum Landscaped Open Space
1. Not less than 45 percent of the entire lot shall be landscaped open space.
  2. A landscaped strip having a minimum width of 4.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street except for points of ingress and egress.

3. Notwithstanding Section 2. (m) within this amending By-law, for those lands between any privacy area for townhouse dwelling units and any lot line abutting a street, not less than 1.5 metres of landscaped strip shall be provided and thereafter maintained.

Notwithstanding the provisions of Paragraph (a) of Subsection 6.10.5 “Regulations for Parking” of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-55” by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces

1. 1 parking space and 0.3 visitor parking spaces for each townhouse dwelling unit; and,
2. 1 parking space and 0.25 visitor parking spaces per unit for apartment buildings.

In addition to the provisions of Subsection 6.10.5 “Regulations for Parking” of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-55” of this By-law, the following shall apply:

1. Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be setback a minimum of 2.0 metres from any lot line.

Notwithstanding Section 4.10.3 of Zoning By-law No. 3692-92, the following shall apply:

- a) Required parking spaces for 90° perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.
  - b) For other than 90° perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 2.4 metres in width or less than 6 metres in length exclusive of any land used for access, manoeuvring, driveways or a similar purpose. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.
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 "RM3" 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 10<sup>th</sup> day of February, 2016.

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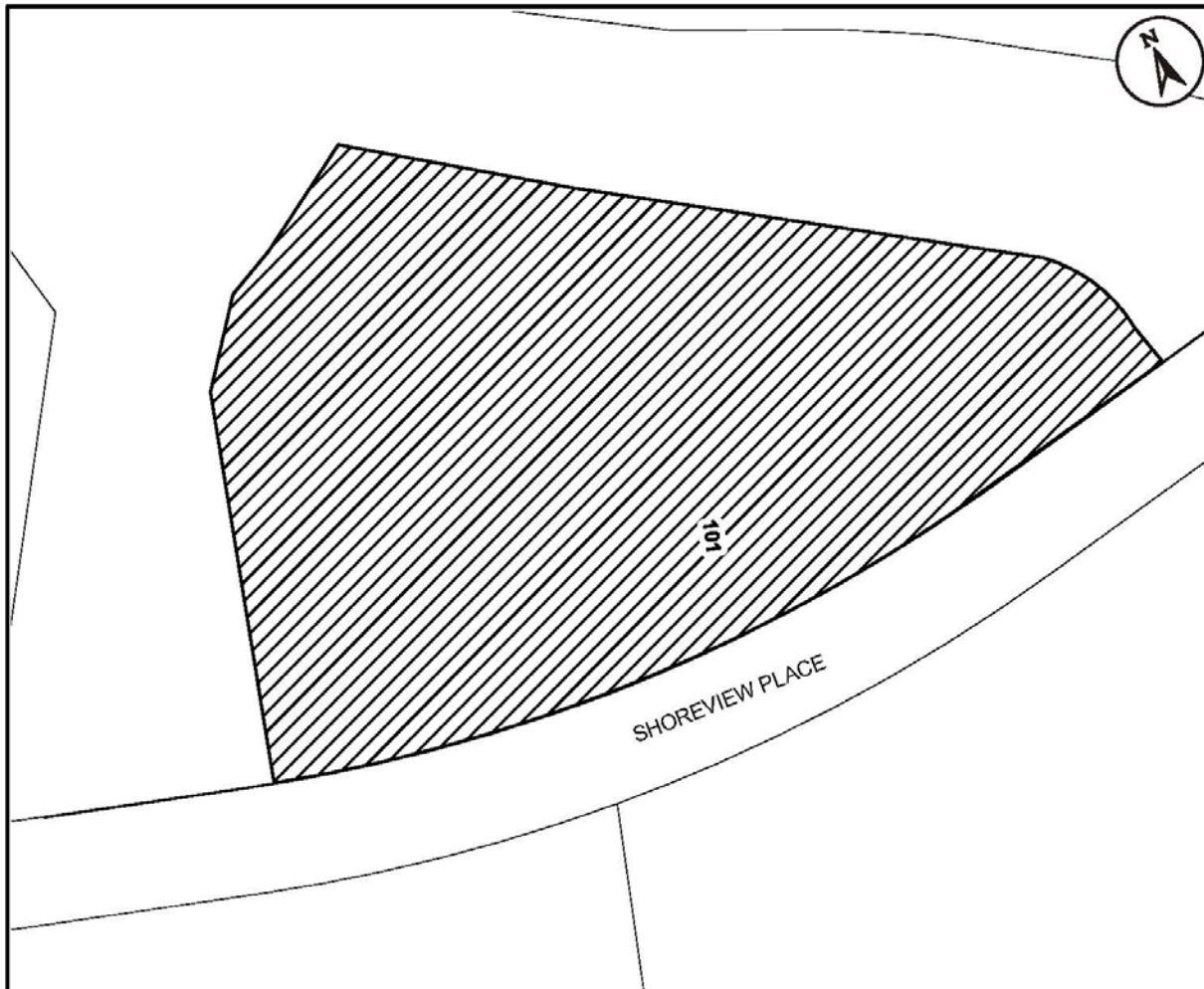
F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAR-15-020

Schedule "A"



This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 16-\_\_\_\_\_

to Amend By-law No. 3692-92

### Subject Property

101 Shoreview Place



Change in zoning from the Multiple Residential  
"RM3-40" Zone, Modified to the Multiple  
Residential "RM3-55" Zone, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAR-15-020

Date:

December 4, 2015

Planner/Technician:  
MG/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT