

Authority: Item 9, Planning and Economic
Development Committee
Report 05-025 (PED05160)
CM: November 23,2005

Bill No. 349

CITY OF HAMILTON

BY-LAW NO. 05-349

**To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting a Portion of
Lands Located Within Draft Approved Plan of Subdivision “Trillium Estates
(Seabreeze Estates) Phase 2” (25T-200015(R))**

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 municipality known as the “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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 9 of Report 05-026 of the Planning and Economic Development Committee at its meeting held on the 23rd day of November, 2005, 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), as amended by Official Plan Amendment No. 2005-01 by the City of Hamilton as By-law No. 05-349 but not yet approved in accordance with the provisions of the Planning Act.

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

- 1. Map No. 3 of Schedule “A” appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended, with regard to the lands composed of 45 Seabreeze

By-law Respecting a Portion of Lands Located Within "Trillium Estates (Seabreeze Estates) Phase 2" (Page 3 of 5)

- (c) Minimum Front Yard - 4.5 metres, except 6.0 metres to an attached garage"
4. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone of Zoning By-law No. 3692-92, be amended by adding a new special provision, "R4-16", to include the following:

"R4-16 45 Seabreeze Crescent, Schedule "A", Map No. 3

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (9 and (g) of Section 6.5.3 of the Single Residential "R4" Zone, for those lands zoned "R4-16" by this By-law, the following shall apply:

- (a) Minimum Lot Area
Interior Lot - 270 square metres
- (b) Minimum Lot Frontage
Interior Lot - 9 metres
- (c) Minimum Front Yard - 3 metres, except 6.0 metres to an attached garage
- (d) Minimum Side Yard - No part of any dwelling shall be located closer than 1.2 metres, except as provided in clauses 1, and 2 below:
1. An attached garage or attached carport may be erected at a distance of not less than 0.6 metre from a side lot line which does not abut a flankage street; and
 - 2, On a comer lot, the minimum side yard abutting the flankage lot line shall be 2.4 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 6 metres of the flankage lot line.
- (f) Maximum Building Height - 12 metres
- (g) Maximum Lot Coverage - none

Notwithstanding the provisions of Section 4.13.1, on those lands zoned "R4-16" by this By-law, a minimum yard of 1.5 metres from the hypotenuse of the daylight triangle shall be required."

5. 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 provision, "RM3-28", to include the following:

"RM3-28 45 Seabreeze Crescent, Schedule "A", Map No. 3

Notwithstanding the provisions of Paragraphs (b), (k), and (m) of Section 6.10.3 of the Multiple Residential "RM3" Zone, for those lands zoned "RM3-28" by this By-law, the following shall apply:

- (b) Minimum Lot Frontage - 11 metres
- (k) Maximum Lot Coverage - 40 percent
- (m) Minimum Landscaped Open Space - 40 percent

Notwithstanding the provisions of Paragraph (a) of Section 6.10.5, on those lands zoned "RM3-28" by this By-law, a minimum of eleven (11) parking spaces shall be provided and maintained."

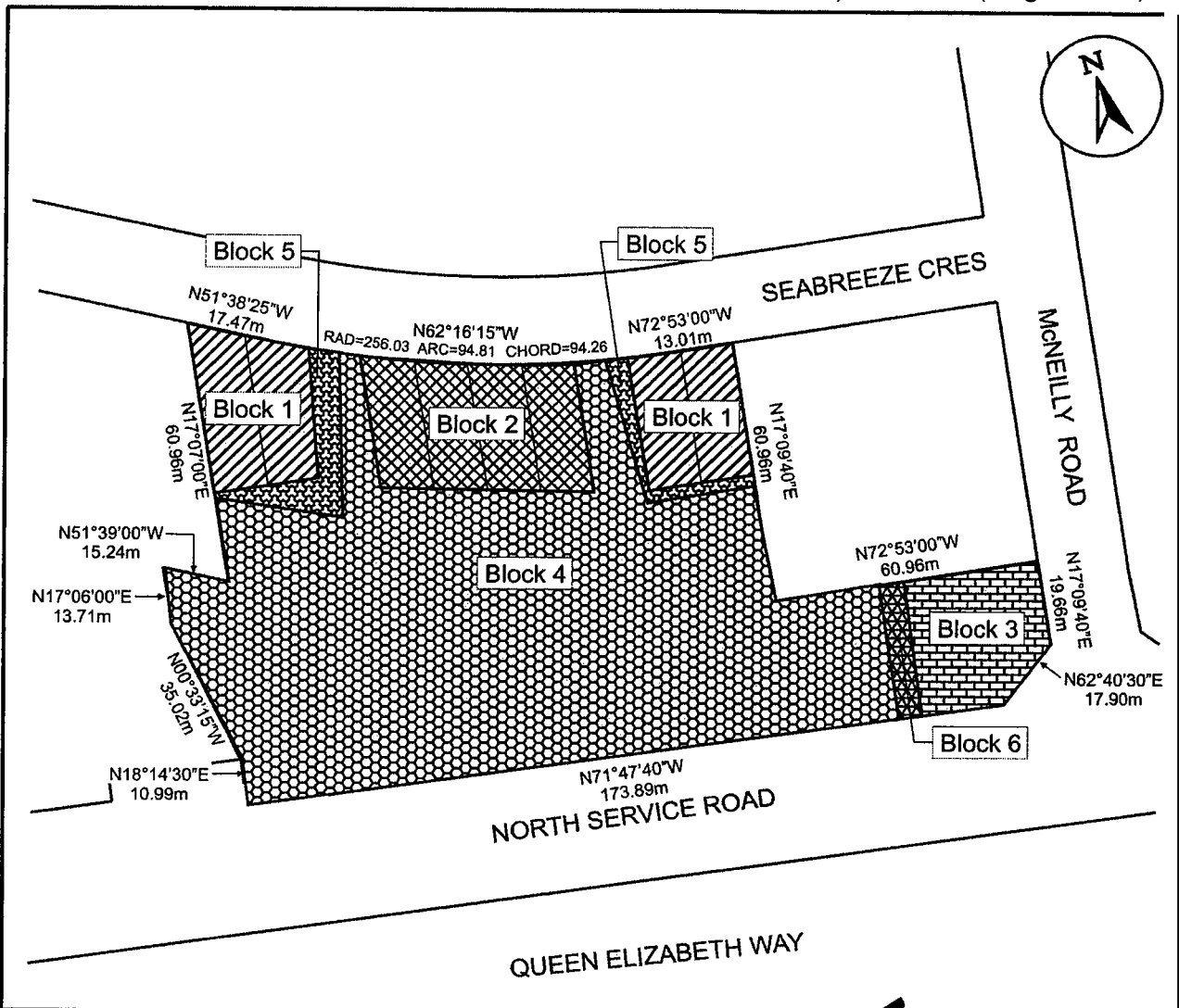
6. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, the Single Residential "R3" Zone provisions and the Single Residential "R4" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4, and 5 above.
7. 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 23rd day of November, 2005.


Acting MAYOR


CLERK

ZAC-05-61
OPA-05-10
25T-200015(R)



This is Schedule "A" to By-Law No. 05-349

Passed the 23rd day of November, 2005

[Signature]
Clerk

[Signature]
ACTING Mayor







Schedule "A"

Map Forming Part of
By-Law No. 05-349
to Amend By-Law No. 3692-92



Planning and Economic Development Department

Subject Property 45 Seabreeze Crescent (Trillium/Seabreeze)

-  Block 1 - Change in Zoning from the Single Residential "R3" Zone to the Site Specific Single Residential "R3-26" Zone
-  Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Site Specific Single Residential "R4-15" Zone
-  Block 3 - Change in Zoning from the Single Residential (Holding) "R3-19(H)" Zone to the Site Specific Single Residential "R4-16" Zone
-  Block 4 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Site Specific Multiple Residential "RM3-28" Zone
-  Block 5 - Change in Zoning from the Single Residential "R3" Zone to the Site Specific Multiple Residential "RM3-28" Zone
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Scale:
Not to Scale

Date:
August 2005

File Name/Number:
ZAC-05-61/OPA-05-10

Planner/Technician:
JM/MF