

Authority: Item 8, Planning and Economic
Development Committee
Report 06-006(PED06115)
CM: April 26, 2006

Bill No. 108

CITY OF HAMILTON

BY-LAW NO. 06-108

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 170 Dewitt Road

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8 of Report 06-006 of the Planning and Economic Development Committee at its meeting held on the 26th day of April, 2006, 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, as amended by Official Plan Amendment No. 124 proposed by the City of Hamilton as By-law No. ____, 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. 7 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the General

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Commercial "GC" Zone to the site-specific Multiple Residential "RM3-30" Zone, 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, "RM3-30", as follows:

"RM3-30 170 Dewitt Road, Schedule "A", Map No. 7

Notwithstanding the provisions of Paragraphs (c), (d), (h), (i)(1), (j), and (m) (1) (3) and (4) of Section 6.10.3 of the Multiple Residential "RM3" Zone, for those lands zoned "RM3-30" by this By-law, the following shall apply to townhouses only:

- (c) Minimum Front Yard shall be 5.8 metres.
- (d) Minimum northerly Side Yard shall be 5.5 metres, except for 4.2 metres for a flankage yard.
- (h) Minimum Distance Between Buildings on the Same Lot – 13.5 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.
- (i) Maximum Number of Units Permitted
 - 1. 56 units.
- (j) Maximum Building Height – 12.5 metres
- (m) Minimum Landscaped Open Space
 - 1. Not less than 37 percent of the lot area shall be landscaped including privacy areas.
 - 3. Not less than 1.5 metres of landscape strip, which may include a retaining wall, shall be provided between any privacy area and any lot line.
 - 4. A landscape strip having a minimum width of 4 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, except 3 metres along the hypotenuse of the daylight triangle.

Notwithstanding the provisions of Paragraphs (a)(1), (c), (d), and (e) of Section 6.10.5 of the Multiple Residential "RM3" Zone, for those lands zoned "RM3-30" by this By-law, the following shall apply for townhouses only:

- (a) Minimum Number of Parking Spaces

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1. 2 parking spaces for each townhouse dwelling unit and 0.46 parking spaces for visitor parking per dwelling unit to a maximum of 26 parking spaces. Tandem parking is permitted for required non-visitor parking spaces.
- (c) Visitor parking may be provided in the required front yard.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions shall not apply to any parking space located in a private garage, or underground garage.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 2 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to parking spaces located within an underground garage.

Notwithstanding the provisions of Paragraph (d) of Section 4.19.1 of the General Provisions, for those lands zoned "RM3-30" by this By-law, the following shall apply for townhouses only:

- (d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project a maximum of 4 metres into any required side yard."
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 Residential Multiple "RM3" Zone provisions, subject to the special requirements referred to in Section 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.

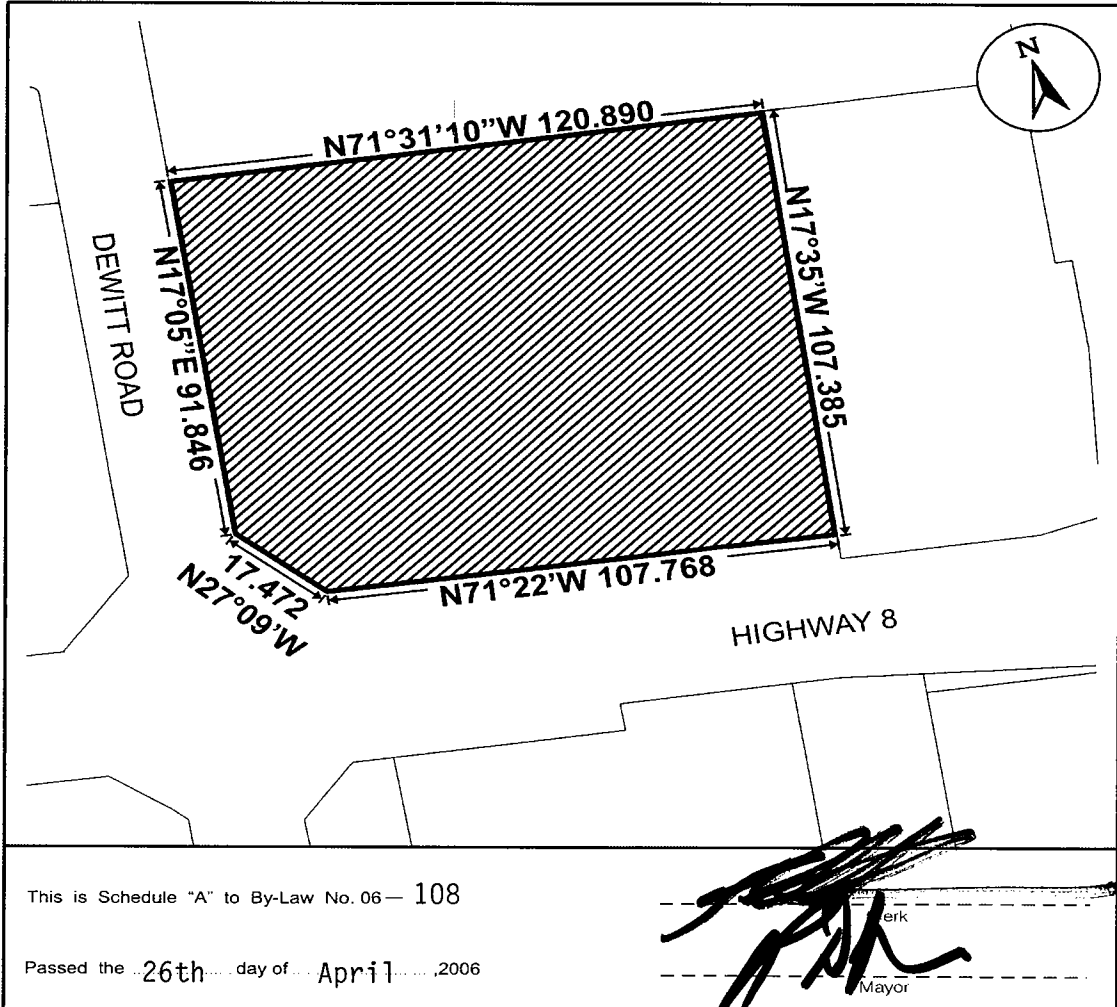
PASSED and ENACTED this 26th day of April, 2006.

MAYOR



CLERK





Schedule "A"

Map Forming Part of
 By-Law No. 06-108
 to Amend By-Law No. 3692-92

 Planning and Economic Development Department
 Hamilton

 Subject Property
 170 Dewitt Road

Change from General Commercial
 "GC" Zone to Multiple Residential
 "RM3-30" Zone.



Scale:
 Not to Scale

Date:
 January, 2006

File Name/Number:
 OPA-05-26_ZAC-05-130

Planner/Technician:
 KW/LMM

T&C File Name: