

ISSUE DATE:  
Sept. 15, 2006  
DECISION/ORDER NO:  
2613



Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

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PL041238  
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(F)

07-202

John Waugh has appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 04-279 of the City of Hamilton  
OMB File No. R040267

**BEFORE:**

Mr. S. W. Lee )  
Executive Vice-Chair )  
Friday, the 15<sup>th</sup> )  
day of September, 2006 )

**AMENDING ORDER OF THE BOARD**

The Board has been requested by John Waugh, on consent of all parties, to amend Decision No. 2327, issued Sept 2<sup>nd</sup>, 2005.

Decision No. 2327 is hereby amended by replacing the Schedule "A" dated August 25, 2004 with the Schedule "A" dated August 2006.

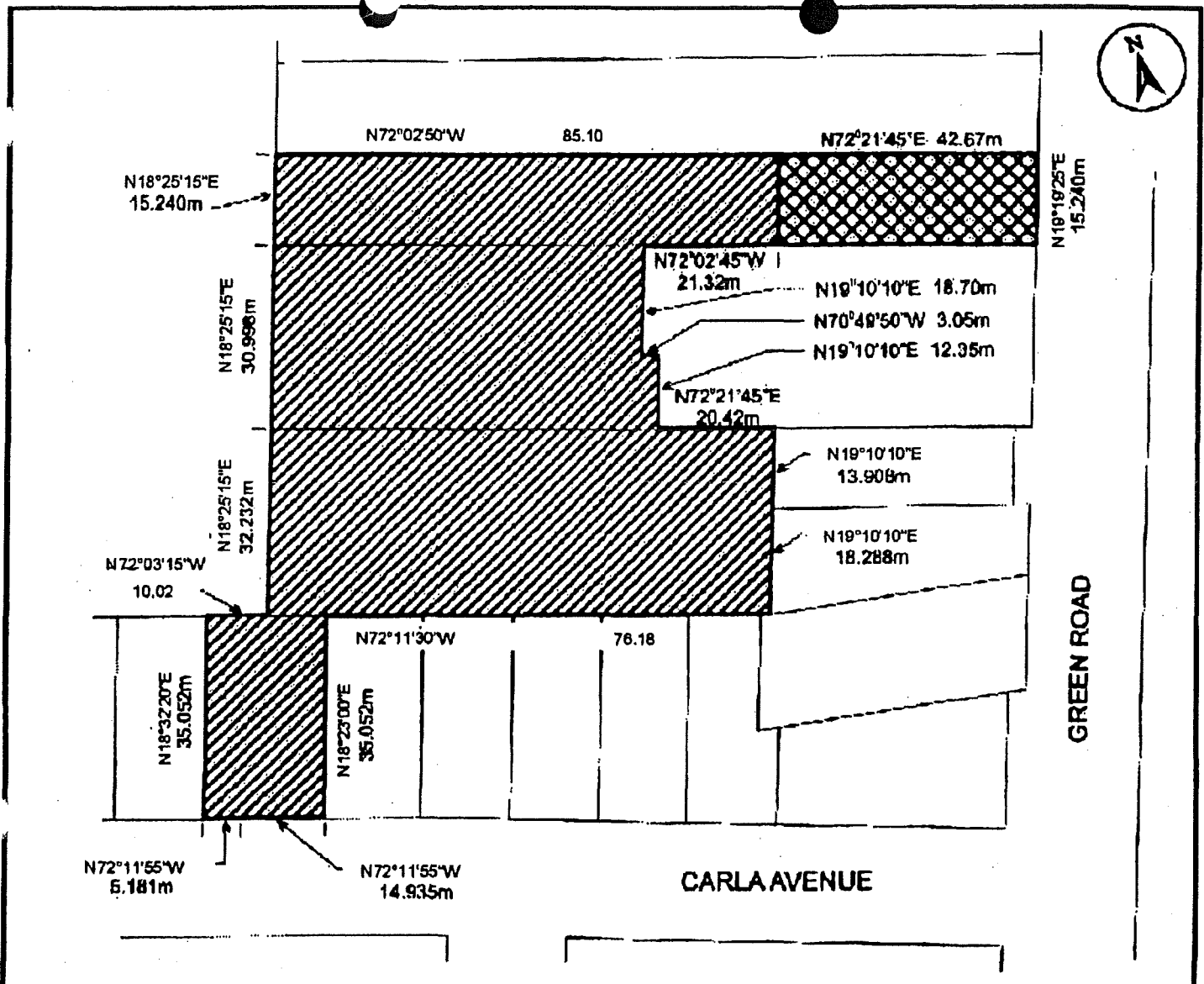
In all other respects, the Decision remains unchanged.

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LAW DEPARTMENT



This is Schedule "A" to By-Law No. 04-279

Passed the ..... day of ..... 2006

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Clerk


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Mayor


**Schedule "A"**

Map Forming Part of  
By-law No. 04-279

to Amend By-law No. 3692-92

**Subject Property**

 Block 1 - Change from the Single Residential "R2" Zone to the Site-Specific Single Residential "R2-52" Zone

 Block 2 - Change from the Single Residential "R2" Zone to the Site-Specific Residential "R5-B" Zone

Scale: <b>Not to Scale</b>	File Name/Number: <b>ZAC-04-42</b>
Date: <b>August 2006</b>	Planner/Technician: <b>GM/MB</b>



**Authority:** Item14, Planning and Economic  
Development Committee  
Report; 04-020 (PD04247)  
CM; November 10, 2004

**Bill No. 279**

## **CITY OF HAMILTON**

### **BY-LAW NO. 04-279**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands located in Part of Lot 21, Concession 3 (northwest corner of  
Carla Avenue and Green Road)**

**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 14 of Report 04-020 of the Planning and Economic Development Committee at its meeting held on the 10th day of November, 2004, 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. Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Single Residential "R2" Zone to the site-specific Single Residential "R2-52" Zone, and the site-specific Residential "R5-8" Zone, on the lands located in Part of Lot 21, Concession 3, the extent and boundaries of which are shown as Blocks 1 and 2 on a plan hereto annexed as Schedule "A", as follows:
  - i) That Block 1 be rezoned from the Single Residential "R2" Zone to the site-specific Single Residential "R2-52" Zone; and,
  - ii) That Block 2 be rezoned from the Single Residential "R2" Zone to the site-specific Residential "R5-8" Zone.
2. That Subsection 6.3.7, "Special Exemptions" of Section 6.3, Single Residential "R2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R2-52", as follows:

**"R2-52 North of Carla Avenue, West of Green Road, within Part of Lot 21, Concession 3, Schedule "A", Map No. 6**

Notwithstanding Section 6.3.2 of Zoning By-law No. 3692-92, the permitted uses for each lot on these lands shall include only single detached dwellings and semi-detached dwellings fronting onto a private road.

Notwithstanding the provisions of Section 6.3.3 of Zoning By-law 3692-92, the total number of dwelling units permitted on lands zoned "R2-52 shall be 14 semi-detached and 4 single detached dwellings.

Notwithstanding the provisions of Paragraphs (a), (b), (d), (e), and (g) of Section 6.3.3 of the "Zone Regulations" of the Single Residential "R2" Zone on those lands zoned "R2-52" by this by-law, the following shall apply:

- |     |                      |   |                    |
|-----|----------------------|---|--------------------|
| (a) | Minimum Lot Area     | - | 4000 square metres |
| (b) | Minimum Lot Frontage | - | 20 metres          |
| (d) | Minimum Side Yard    | - | 7.5 metres         |
| (e) | Minimum Rear Yard    | - | 3 metres           |
| (g) | Maximum Lot Coverage | - | 30%                |

- (h) Minimum Distance between Buildings on the Same Lot
  - 2 metres, except 15 metres between an end wall and a front wall
- (i) Privacy Area
  - Notwithstanding the yard requirements above, each unit shall have at least one area which serves as a privacy area which is adjacent to the dwelling unit and shall have a minimum depth of 6 metres
- (j) Minimum Landscaped Open Space
  - 1. Not less than 50 percent of the lot area shall be landscaped including the privacy areas.
  - 2. Not less than 1.5 metres of landscaped strip shall be provided adjacent to any lot line, including sidewalks.
  - 3. A landscaped strip having a minimum width of 4.5 metres shall be provided adjacent to every portion of any lot that abuts a street except for points of ingress and egress.
- (k) No vehicular access to the lands to the north shall be permitted.

Notwithstanding the regulations of 6.3.4 "Regulations for Parking", the following shall apply:

- 1. Two (2) parking spaces plus 0.5 visitor parking spaces shall be provided per dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
  - 2. No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached or duplex dwellings or 5 metres to any dwelling unit located on a lot other than said lot, or 3 metres to any dwelling unit located on the same lot.
  - 3. No required parking spaces shall be permitted in the required front yard.
  - 4. No non-visitor parking spaces shall be located closer than 1.5 metres to any lot line.
  - 5. No parking spaces shall be permitted within 35 metres of Carla Avenue, except for a maximum of two (2) spaces in association with a single family dwelling that fronts onto Carla Avenue.
3. That Subsection 6.6.7, "Special Exemptions" of Section 6.6, Residential "R5" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R5-8", as follows:

**"R5-8 143 Green Road, Schedule "A", Map No. 6**

Notwithstanding the provisions of Paragraph (b), of Section 6.6.3 of the "Zone Regulations" of the Residential "R5" Zone on those lands zoned "R5-8" by this by-law, the following shall apply:

- (b) Minimum Lot Frontage

(b) Minimum Lot Frontage

- 1. Undivided Semi-Detached Lot - 15 metres
- 2. Divided Semi-Detached Lot - 7.5 metres"

3. 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 November, 2004.

  
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MAYOR

  
\_\_\_\_\_  
CLERK

ZAC-04-42