

Authority: Item 28, Economic Development
and Planning Committee
Report 09-016 (PED09190)
CM: August 13, 2009

Bill No. 254

CITY OF HAMILTON

BY-LAW NO. 09-254

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at the Southeast Corner of Dartmouth Gate and
Palacebeach Trail, Part of Block 1, Registered Plan 62M-1082, "Bridgeport -
Phase 2", Former City of Stoney Creek**

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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 28 of Report 09-016 of the Economic Development and Planning Committee at its meeting held on the 10th day of August, 2009, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek); approved by the Minister under the Planning Act on May 12, 1986, upon the approval of Official Plan Amendment No. 154;

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 Zoning By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by changing the zoning from the General Commercial "GC" Zone to the Multiple Residential "RM2-18" Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 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 a new special exemption, "RM2-18", as follows:

"RM2-18" Southeast Corner of Dartmouth Gate and Palacebeach Trail, Schedule "A", Map No. 2

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d) and (h) of Section 6.9.3, the following zone regulations shall apply:

- | | |
|------------------------------|--|
| (a) Minimum Lot Area: | 175 square metres (all units) |
| (b) Minimum Lot Frontage: | 6.0 metres (all units) |
| (c) Minimum Front Yard: | 5.8 metres |
| (d) Minimum Side Yard: | 1.2 metres (end units)
2.0 metres (corner unit) |
| (h) Maximum Building Height: | 12.6 metres |

In addition to the regulations of Section 4.19 "Yard Encroachments", porches, alcoves, etc., including foundation walls, may project not more than 0.5 metres into any required yard.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles", and Paragraphs (b) and (d) of Section 4.19.1 "Yard Encroachments - General Application", the following provision shall apply: Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building; 0.5 metres for a porch, including foundation walls; and 0.0 metres for eaves or gutters.

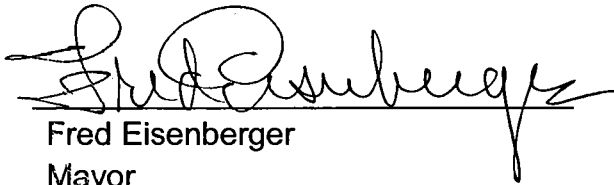
Notwithstanding the provisions of Paragraphs (a) and (b) of Section 4.10.3 "Dimensions of Parking Spaces", and Paragraph (d) of Section 6.1.8 "Parking Restrictions in Residential Zones", the following provision shall apply: Each of the required two (2) parking spaces, including the required parking space within an attached private residential garage, shall not be less than 2.7 metres in width and not less than 5.8 metres in length.

An acoustical barrier having a minimum height of 2.0m shall be provided and
maintained along the rear and/or side lot line abutting a commercial zone.

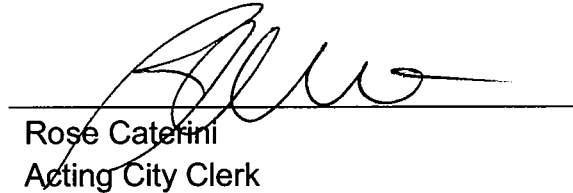
All other provisions of the Multiple Residential "RM2" Zone shall apply.

3. 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 and ENACTED this 9th day of December, 2009.

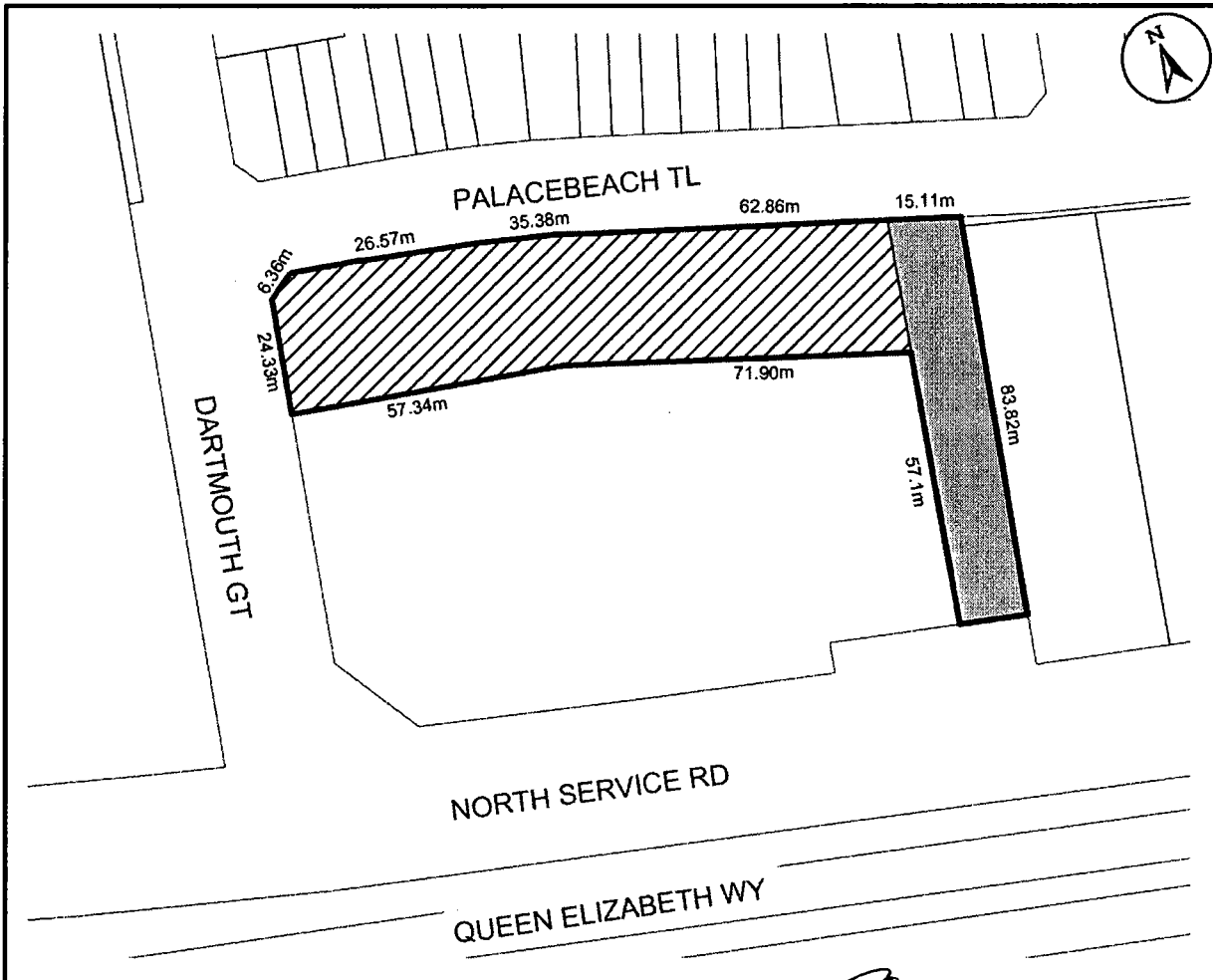


Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

ZAC-08-070



This is Schedule "A" to By-Law No. 09-254
 Passed the 9th day of December, 2009


[Signature]
 Clerk
[Signature]
 Mayor


Schedule "A"

 Map Forming Part of
 By-Law No. 09-254

 to Amend By-law No.3692-92

Subject Property
 ——— Part of Block 1, Registered Plan 62M-1082

 **Block 1 - Change in Zoning from General Commercial "GC" Zone to a Modified Multiple Residential "RM2-18" Zone.**

 **Block 2 - Refer to By-Law No.05-200**

Scale: N.T.S.	File Name/Number: ZAC-08-070 / OPA-08-016	
Date: May 6, 2009	Planner/Technician: DM /AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		