

Authority: Item 7, Economic Development
and Planning Committee
Report 10-002 (PED10017)
CM: February 10, 2010

Bill No. 027

CITY OF HAMILTON

BY-LAW NO. 10-027

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 7 of Report 10-002 of the Economic Development and Planning Committee, at its meeting held on the 10th day of February, 2010, 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) upon the approval of Official Plan Amendment No. 156.

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:
 - (a) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Mixed Use Commercial "MUC-4" Zone, the lands comprised in "Block 1";
 - (b) by changing the zoning from the Neighbourhood Shopping Centre "SC1" Zone to the Mixed Use Commercial "MUC-5" Zone, the lands comprised in "Block 2";
 - (c) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-40" Zone, the lands comprised in "Block 3";
 - (d) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-41" Zone, the lands comprised in "Block 4";
 - (e) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Residential "R6-5" Zone, the lands comprised in "Block 5";
 - (f) by changing the zoning from the Open Space "OS" Zone to the Residential "RM3-40" Zone, lands comprised in "Block 6"; and,
 - (g) by incorporating lands into By-law No. 3692-92 and zoning the lands Multiple Residential "RM3-40", the land comprised in "Block 7";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 8.8.4 "Special Exemptions", of Section 8.8 Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "MUC-4", as follows:

"MUC-4" 310 Frances Avenue, Schedule "A", Map No. 1

Notwithstanding the provisions of Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-4" by this By-law, Nursing Homes, Homes for the Aged, and Residential Care Facilities shall also be permitted.

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (f), (g), (h), (i), and (k) of Subsection 8.8.3 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-4" by this By-law, the following shall apply:

By-law Respecting Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and
381 Frances Avenue (Page 3 of 11)

- (a) Minimum Lot Area - 19,400 square metres.
 - (c) Maximum Lot Coverage - None.
 - (d) Maximum Gross Leasable Commercial Floor Area - 7,000 square metres.
 - (e) Minimum Front Yard - 0 metres.
 - (f) Minimum Side Yard - 3 metres, except 0 metres for a flankage yard.
 - (g) Minimum Rear Yard - 3 metres, except 0 metres for a through lot.
 - (h) Minimum Residential Density - 585 units.
 - (i) Maximum Building Height - None.
 - (k) Maximum Number of Buildings Per Lot - No Maximum.
 - (p) Minimum Distance Between Buildings on the Same Lot - 15 metres.
 - (q) Location of Residential Care Facilities
 - i) Every Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility.
3. That Subsection 8.8.4 "Special Exemptions", of Section 8.8 Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "MUC-5", as follows:

"MUC-5" 380 Frances Avenue, Schedule "A", Map No. 1

Notwithstanding the provisions of Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-5" by this By-law, Nursing Homes, Homes for the Aged, and Residential Care Facilities shall also be permitted.

By-law Respecting Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue (Page 4 of 11)

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (f), (g), (h), (i), and (k) of Subsection 8.8.3 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-5" by this By-law, the following shall apply:

- (a) Minimum Lot Area - 20,400 square metres.
- (c) Maximum Lot Coverage - None.
- (d) Gross Leasable Commercial Floor Area - A minimum of 1,400 square metres up to a Maximum of 7,000 square metres.
- (e) Minimum Front Yard - 0 metres.
- (f) Minimum Side Yard - 3 metres, except 0 metres for a flankage yard.
- (g) Minimum Rear Yard - 3 metres, except 0 metres for a through lot.
- (h) Minimum Residential Density - 176 units.
- (i) Maximum Building Height - None.
- (k) Maximum Number of Buildings Per Lot - No Maximum.
- (p) Minimum Distance Between Buildings on the Same Lot - 15 metres.
- (q) Location of Residential Care Facilities
 - (i) Every Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility.

4. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-40", as follows:

**“RM3-40” 311, 321, 331, 341, 351, 361, 371 Frances Avenue, Schedule
“A”, Map No. 1**

That in addition to the requirements of Part 2 of Zoning By-law No. 3692-92 (Stoney Creek), the following definition shall apply to those lands Zoned “RM3-40” of this By-law:

Dwelling - Stacked Townhouses

Means a Street Townhouse Dwelling containing a maximum of three dwelling units on one lot, where each unit shall have a separate entrance from the street.

Notwithstanding the provisions of Subsection 6.10.2 of the Multiple Residential “RM3” Zone, Stacked Townhouses shall also be permitted on those lands zoned “RM3-40” by this By-law.

Notwithstanding Subsection 6.10.4 Regulations for Street Townhouses and the provisions of Paragraphs (a), (b), (c), (d),(e), (f), (g), (h), (i) and (j) of Subsection 6.9.3 of the Multiple Residential “RM2” Zone, on those lands zoned “RM3-40” by this By-law, the following shall apply:

(a) Minimum Lot Area:

- (i) Street Townhouses - 108 square metres.
- (ii) Stacked Townhouses - 225 square metres.

(b) Minimum Lot Frontage:

- (i) Street Townhouses - 5.5 metres, except 4.5 metres where there is no vehicular access in the front yard.
- (ii) Stacked Townhouses - 9 metres.

(c) Maximum Front Yard:

- (i) Street Townhouses - 4.5 metres, except a Minimum of 5.8 metres to a garage.
- (ii) Stacked Townhouses - 4.5 metres, except a Minimum of 5.8 metres to a garage.

(d) Minimum Side Yard:

- (i) Street Townhouses
 - End Unit - 1.2 metres.
 - Corner Unit - Maximum of 4.5 metres.

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- (ii) Stacked Townhouses
 - End Unit - 1.2 metres.
 - Corner Unit - Maximum of 4.5 metres.
- (e) Minimum Rear Yard:
 - (i) Street Townhouses - 7.0 metres, except a Minimum of 5.8 metres to a detached garage.
 - (ii) Stacked Townhouses - 0.6 metres to a detached garage, except a rear deck may encroach into a rear private road/condominium road.
- (f) Privacy Area:
 - (i) Street Townhouses - None.
 - (ii) Stacked Townhouses - None.
- (g) Minimum Landscape Open Space - A minimum 1,080 square metre private parkette is to be constructed on those lands zoned "RM3-40".
- (h) Maximum Building Height:
 - (i) Street Townhouses - None.
 - (ii) Stacked Townhouses - None.
- (i) Maximum Lot Coverage:
 - (i) Street Townhouses - None.
 - (ii) Stacked Townhouses - None.
- (j) Minimum Density - 188 units.

Notwithstanding the definition of "Highway" in Section 2 "Definitions" of Zoning By-law No. 3692-92, on those lands zoned "RM3-40" by this By-law, a private road/condominium road shall be considered to be a street.

5. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-41", as follows:

“RM3-41” 311 Frances Avenue, Schedule “A”, Map No. 1

Notwithstanding the provisions of Paragraphs (a), (b), (c), (e), (g), (i), (j), (k), (l), and (m) of Subsection 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-41” by this By-law, the following shall apply:

- (a) Minimum Lot Area for Apartment Dwellings - 810 sq. metres.
- (b) Minimum Lot Frontage for Apartment Dwellings - 30 metres.
- (c) Minimum Front Yard for Apartment Dwellings - 4.5 metres.
- (e) Minimum Side Yard for Apartment Dwellings - 4.5 metres.
- (g) Minimum Rear Yard for Apartment Dwellings - 4.5 metres.
- (i) Minimum Density - 22 units.
- (j) Maximum Building Height for Apartment Dwellings - None.
- (k) Maximum Lot Coverage for Apartment Dwellings - None.
- (l) Privacy Area for Apartment Dwellings - None.
- (m) Minimum Landscape Open Space for Apartment Dwellings:
 - 1. A landscape strip, having a minimum width of 4.5 metres, shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street or private road/condominium road, except for points of ingress and egress.

Notwithstanding the definition of “Highway” in Section 2 “Definitions” of Zoning By-law No. 3692-92, on those lands zoned “RM3-41” by this By-law, a private road/condominium road shall be considered to be a street.

6. That Subsection 6.7.7 “Special Exemptions”, of Section 6.7 Residential “R6” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “R6-5”, as follows:

“R6-5” 311 and 321 Frances Avenue, Schedule “A”, Map No. 1

Notwithstanding the provisions of Subsection 6.7.2 of the Residential “R6” Zone, Street Townhouses shall also be permitted on those lands zoned “R6-5” by this By-law.

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Notwithstanding the provisions of Subsection 6.7.3 of the Residential "R6" Zone, on those lands zoned "R6-5" by this By-law, the following shall apply:

(a) One Single Detached Dwelling:

1. Minimum Lot Area:
 - Interior - 219 square metres.
 - Corner - 336 square metres.
2. Minimum Lot Frontage:
 - Interior - 7.3 metres.
 - Corner - 11.2 metres.
3. Maximum Front Yard - 5.0 metres, except a Minimum of 5.8 metres to a garage.
4. Minimum Side Yard - No part of a dwelling shall be located closer than 0.6 metres, except as provided in Clause (i) below:
 - (i) On a corner lot, the minimum side yard abutting the flankage lot line shall be 1.2 metres to the main building or detached garage.
5. Minimum Rear Yard - 0.6 metres to a detached garage.
6. Maximum Building Height - 11.0 metres.
7. Maximum Lot Coverage - None.
8. Minimum Outdoor Privacy Area - 30 square metres with no dimension less than 5 metres, not including a driveway.

(b) Semi-Detached Dwelling:

1. Minimum Lot Area:
 - Interior - 201 square metres.
 - Corner - 318 square metres.
2. Minimum Lot Frontage:
 - Interior - 6.7 metres.
3. Maximum Front Yard - 5.0 metres, except a Minimum of 5.8 metres to a garage.

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4. Minimum Side Yard
 - No part of a dwelling shall be located closer than 0.6 metres, except as provided in Clause (i) below:
 - (i) On a corner lot, the minimum side yard abutting the flankage lot line shall be 1.2 metres to the main building or detached garage.
5. Minimum Rear Yard
 - 0.6 metres to a detached garage.
6. Maximum Building Height
 - 11.0 metres.
7. Maximum Lot Coverage
 - None.
8. Minimum Outdoor Privacy Area
 - 25 square metres with no dimension less than 3.7 metres, not including a driveway.

(c) Street Townhouses

1. Minimum Lot Area
 - 183 square metres.
2. Maximum Front Yard
 - 5.0 metres, except a Minimum of 5.8 metres to a garage.
3. Minimum Side Yard
 - No part of a dwelling shall be located closer than 0.6 metres, except as provided in Clause (i) below:
 - (i) On a corner lot, the minimum side yard abutting the flankage lot line shall be 1.2 metres to the main building or detached garage.
4. Minimum Rear Yard
 - 0.6 metres to a detached garage.
5. Maximum Building Height
 - 12 metres.
6. Maximum Lot Coverage
 - None.
7. Minimum Outdoor Privacy Area
 - 16.5 square metres with no dimension less than 2.8 metres, not including a driveway.

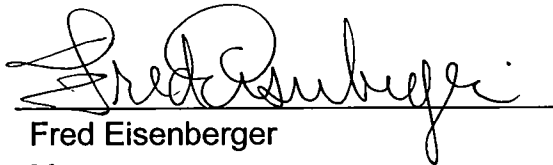
By-law Respecting Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and
381 Frances Avenue (Page 10 of 11)

- (d) Minimum Density - The minimum density for those lands zoned "R6-5" by this By-law shall be 23 units.

Notwithstanding the definition of "Highway" in Section 2 "Definitions" of Zoning By-law No. 3692-92, on those lands zoned "R6-5" by this By-law, a private road/condominium road shall be considered to be a street.

7. 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 Mixed Use Commercial "MUC" Zone, Multiple Residential "RM3" Zone and Residential "R6" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4, 5, and 6.
8. 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 10th day of February, 2010.



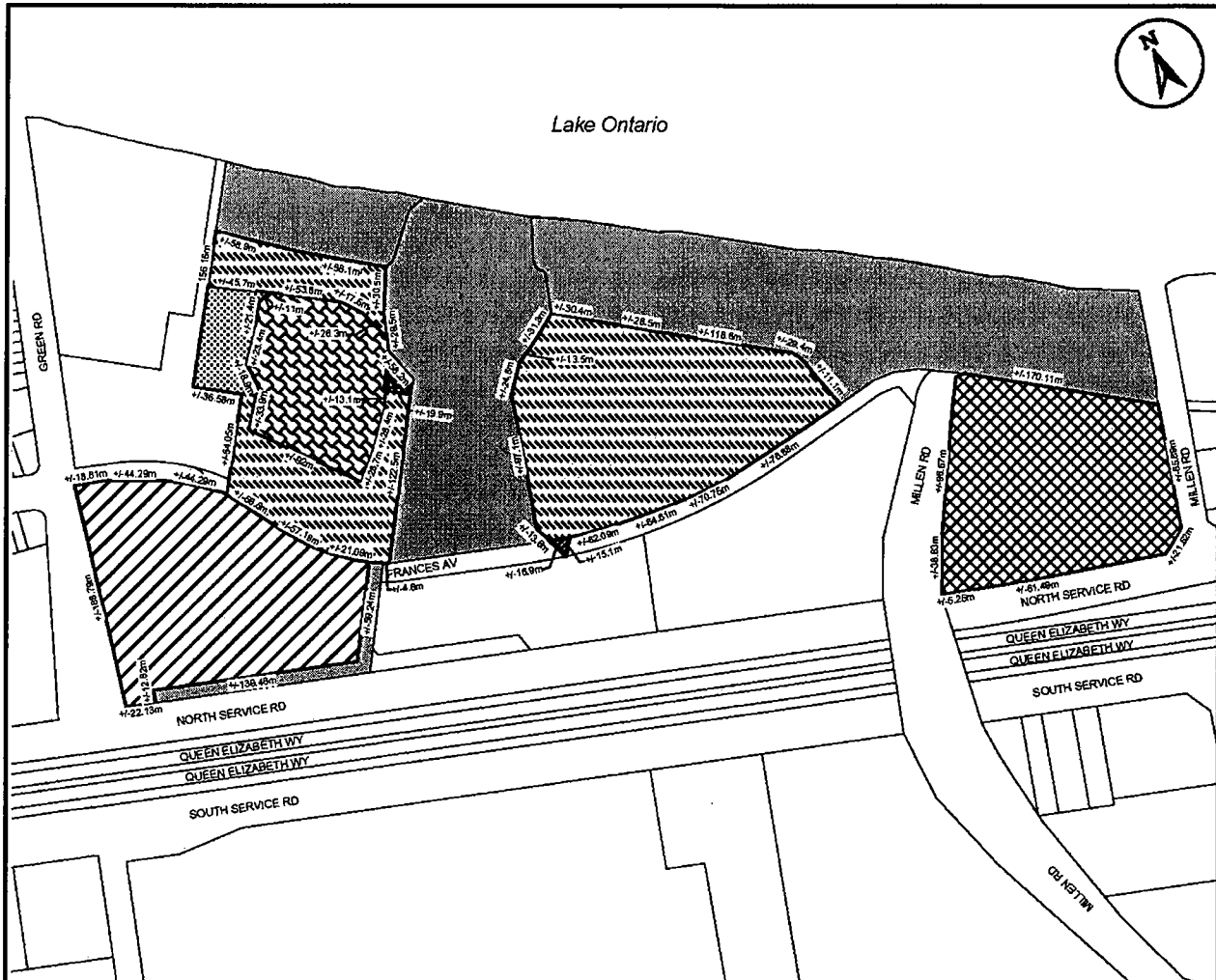
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-08-079

By-law Respecting Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue (Page 11 of 11)



This is Schedule "A" to By-Law No. 10-027

Passed the ...10..... day of .February....., 2010

[Signature]
Clerk
[Signature]
Mayor









Schedule "A"

Map Forming Part of
By-Law No. 10- 027

to Amend By-law No. 3692-92

Subject Property

Green Millan Shore Estates

-  **Block 1** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Mixed Use Commercial "MUC-4" Zone
-  **Block 2** - Change in zoning from the Neighbourhood Shopping Centre "SC1" Zone to the Mixed Use Commercial "MUC-5" Zone
-  **Block 3** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Multiple Residential "RM3-40" Zone
-  **Block 4** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Multiple Residential "RM3-41" Zone
-  **Block 5** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Residential "R6-5" Zone
-  **Block 6** - Change in zoning from the Open Space "OS" Zone to the Multiple Residential "RM3-40" Zone
-  **Block 7** - Change in zoning by incorporating lands into By-law No. 3692-92 and zoning the lands Multiple Residential "RM3-40" Zone
-  Refer to By-law No. 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-08-079/OPA-08-019/25T-200809

Date:
Nov. 23, 2009

Planner/Technician:
DF/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT