

Authority: Item 22, Economic Development
and Planning Committee
Report: 10-020 (PED10202)
CM: October 13, 2010

Bill No. 278

CITY OF HAMILTON

BY-LAW NO. 10-278

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 315 and 319 Highway No. 8, Stoney Creek

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22 of Report 10-020 of the Economic Development and Planning Committee, at its meeting held on the 13th day of October, 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 (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, subject to the adoption of Official Plan Amendment No. 161;

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

1. That 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 Neighbourhood Development "ND" Zone to the Multiple Residential "RM4-6" Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 6.11.6, "Special Exemptions", of Section 6.11 Multiple Residential "RM4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM4-6", as follows"

"RM4-6" 315 and 319 Highway No. 8, Schedule "A", Map No. 6

In addition to the permitted uses of Section 6.11.2, on those lands zoned "RM4-6" by this by-law, the following uses shall only be permitted in conjunction with residential units above the ground floor:

Retail Stores
Professional or Business Offices
Personal Service Shops, including Dry Cleaning Depot
Art Gallery
Pharmacy
Restaurants - Convenience
Financial Institutions
Day Nurseries

The commercial uses shall only be permitted to locate on the ground floor, and shall not exceed a total of 610 square metres gross floor area.

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (h), (i), and (j) of Section 6.11.3 "Regulations For Permitted Uses" of Zoning By-law No. 3692-92, on those lands zoned "RM4-6" by this by-law, the following shall apply:

Regulations For Permitted Uses

- | | | |
|--------------------------------|---|----------------------------------------------------------------------------------------------------------------------------------------|
| (a) Minimum Lot Area | - | 3,350 square metres |
| (c) Minimum Front Yard | - | 6 metres |
| (d) Minimum Easterly Side Yard | - | 7.5 metres |
| Minimum Westerly Side Yard | - | 16.5 metres for the first 5 storeys of the building
21.3 metres for the 6 th and 7 th storeys of the building |

- (e) Minimum Rear Yard
 - 18 metres for the first 4 storeys of the building
 - 20.5 metres for the 5th storey of the building
 - 22 metres for the 6th storey of the building
 - 26.5 metres for the 7th storey of the building
- (h) Maximum Residential Density
 - 132 units per hectare
- (i) Maximum Building Height
 - 25 metres and 7 storeys
- (j) Minimum Landscaped Open Space
 1. The landscaped open space shall not be less than 24% of the lot area of which at least 400 square metres landscaped area shall be located in the rear yard.
 2. A landscaped 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 except for points of ingress and egress. Walkways and pathways shall be permitted within the required landscaped strip.

Notwithstanding the provisions of Paragraphs (a) and (c) of Section 6.11.4 "Regulations For Parking", and Section 4.10 "Parking Requirements" of Zoning By-law No. 3692-92, on those lands zoned "RM4-6" by this by-law, the following shall apply:

- (a) Minimum Number of Parking Spaces
 - 1 parking space for each dwelling unit, which shall be located underground and/or within the building;
 - 0.35 visitor parking spaces for each dwelling unit; and,
 - 1 parking space for each 28.0 square metres of commercial floor area.
- (c) Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be setback a minimum of 3 metres from any lot line.

Required parking spaces for perpendicular parking shall have a minimum dimension of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways, or a similar purpose.

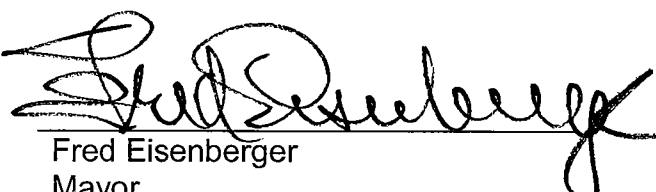
At least one percent of the required parking spaces, with a minimum of one parking space, on any lot having more than 10 parking spaces, shall:


- (a) Have a minimum dimension of 4.4 metres by 5.5 metres;
- (b) Be located on level ground readily accessible to an entrance to such building; and,
- (c) Be clearly identified and reserved for the exclusive use of barrier free parking.

Notwithstanding the provisions of Section 4.9.2 "Schedule of Required Loading Spaces" of Zoning By-law No. 3692-92, on those lands zoned "RM4-6" by this by-law, no loading spaces shall be required.

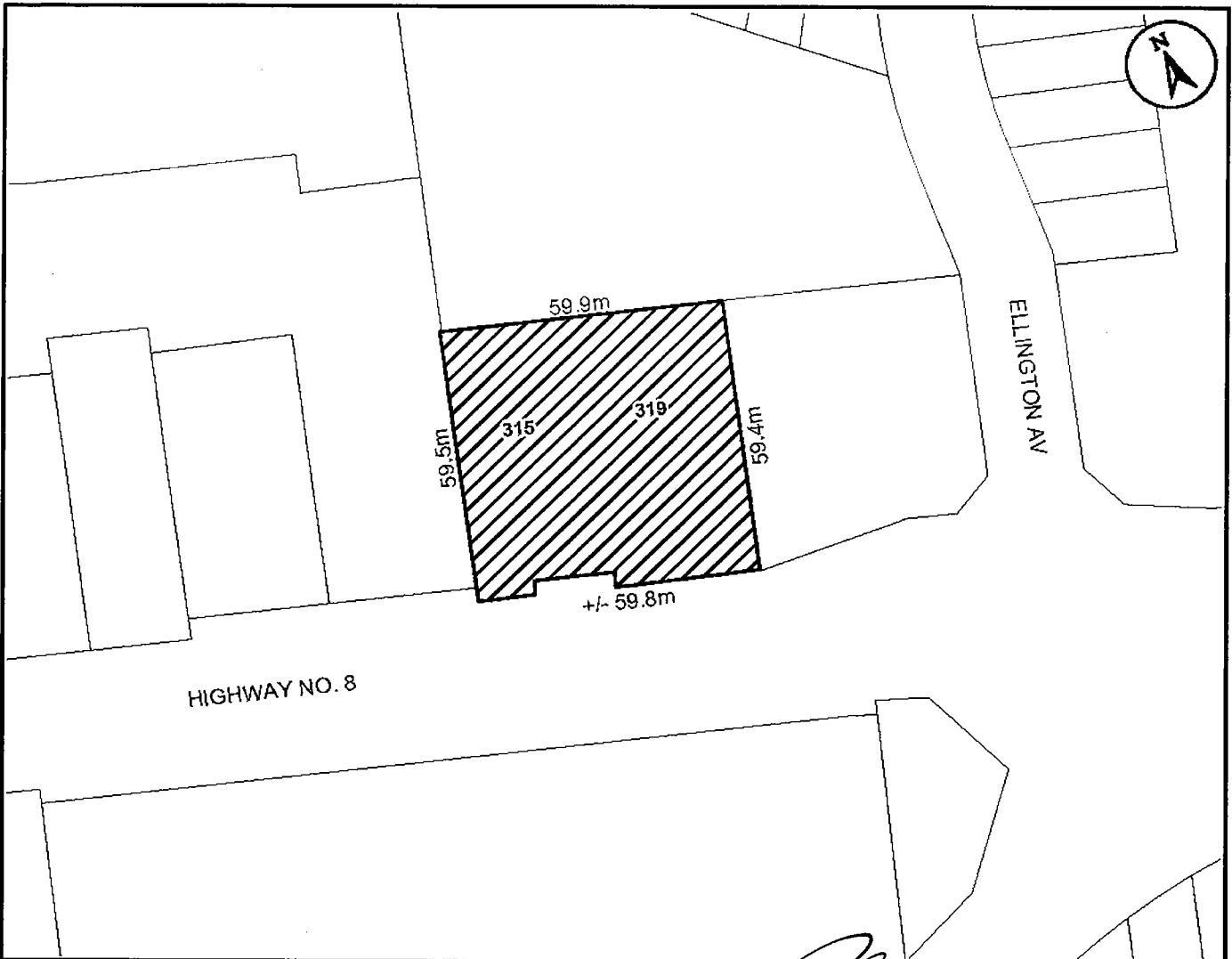
- 3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM4" Zone provisions, subject to the special requirements referred to in Section 2.
- 4. 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 13th day of October, 2010.


Fred Eisenberger
Mayor


Rose Caterini
City Clerk

ZAC-08-063



This is Schedule "A" to By-Law No. 10- 278

Passed the 13th day of October, 2010

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 10- 278

to Amend By-law No. 3692-92

Subject Property

315 & 319 Highway No. 8



Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM4-6" Zone

Scale:
N.T.S.

File Name/Number:
OPA-08-013 & ZAC-08-063

Date:
Sep. 14, 2010

Planner/Technician:
JH/NB



Hamilton