

ISSUE DATE:

Dec. 9, 2010



PL091011

By-law No. 10-327

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

Empire Communities (Stoney Creek) Ltd. has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Hamilton to make a decision respecting a proposed plan of subdivision on lands composed of Lot 25, Concession 5, municipally known as 22 Green Mountain Road West in the City of Hamilton

Approval Authority File No. 25T-200803
OMB File No. PL091011

Empire Communities (Stoney Creek) Ltd. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 3692-92 of the City of Hamilton to rezone lands respecting 22 Green Mountain Road West from Neighbourhood Development "ND" Zone and Highway Commercial "HC" Zone to Site Specific zoning to implement the proposed draft plan of subdivision

OMB File No. PL090968

APPEARANCES:

Parties

Counsel*/Agent

Empire Communities (Stoney Creek)
Ltd.

P. DeMelo*

City of Hamilton

M. Kovacevic*

Juch-Tech Inc.
Hamilton Teleport Limited

S. D. Rogers*

Norman & Isabelle Vartanian

M. Rudolph*

Participant

706870 Ontario Ltd.

W. Robertson

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. C. DENHEZ ON
NOVEMBER 8, 2010 AND ORDER OF THE BOARD**

This dispute has been settled. Empire Communities (Stoney Creek) Ltd. (the Applicant), proposed a 23-hectare subdivision in the "Nash Neighbourhood" of the Stoney Creek area of the City of Hamilton (the City), comprising 423 dwelling units.

This involved an application for two Zoning By-law Amendments (to two separate Zoning By-laws), and approval for a Draft Plan of Subdivision.

However, Juch-Tech Inc. and Hamilton Teleport Limited, two companies which operate a nearby satellite earth station, were concerned about compatibility of uses. The City was also concerned about an abutting privately-owned landfill/quarry. Other area owners were concerned about road alignment. The City did not proceed with approvals, and the Applicant appealed to the Board.

At a Pre-hearing Conference, an Issues List was approved outlining the points to be addressed. With Board-assisted mediation, the Parties reached eventual consensus, involving changes to the proposal, referenced in Minutes of Settlement (Exhibit 3). The relationship with the earth station was addressed, via an "H" Holding provision under Section 36 of the *Planning Act*, pending further agreed information. The concern with the nearby landfill/quarry was similarly addressed via an "H" Holding provision. The access dispute was also resolved; "Street "A" on the Plan of Subdivision would be realigned, and vehicular access to dwellings on "Streets F, I and J" would be reorganized at the rear of the units.

The above would be reflected in the rezoning (under both relevant By-laws), and in the Conditions to the Draft Plan of Subdivision. Certain areas of ambiguity were also clarified. There was apparent unanimity that all topics on the Issues List had been addressed.

At the hearing, the Applicant's Planner, Mr. Armstrong, offered the expert opinion that there had been due regard for all the applicable statutory criteria, the Official Plan, and the Nash Neighbourhood Secondary Plan. The revised arrangements conformed to all applicable criteria for rezoning, and for subdivisions, notably under Subsection 51(24) of the *Planning Act*.

The Board finds no dispute. The Board has carefully considered all the evidence, as well as the submissions of the various interests represented. The Board concludes, as the Planner did, that the proposal now meets the terms of the *Planning Act* for the Zoning By-law Amendments, the Draft Plan of Subdivision, and the Conditions thereto.

THE BOARD THEREFORE ORDERS that the appeal is allowed, and:

1. Zoning By-law 05-200 of the City of Hamilton is hereby amended in the manner set out in Attachment "1" to this Order.
2. Zoning By-law 3692-92 of the former City of Stoney Creek is hereby amended in the manner set out in Attachment "2" to this Order.
3. The Board authorizes the City Clerk to assign numbers to the above for record-keeping purposes.
4. The Board approves the Draft Plan of Subdivision, as it appears in Attachment "3" to this Order.
5. The approval of the Draft Plan of Subdivision is subject to Conditions, as they appear at Attachment "4" hereto.
6. Pursuant to Subsection 51(56.1) of the *Planning Act*, the City shall have the authority to clear the Conditions of Draft Plan approval and to administer final approval of the Plan of Subdivision for the purposes of Subsection 51(58) of the Act. In the event that there are any difficulties implementing any of the Conditions of Draft Plan approval, or if any changes are required to be made to the Draft Plan, the Board may be spoken to.

It is so Ordered.

"M. C. Denhez"

M. C. DENHEZ
MEMBER

ATTACHMENT "2"

Amendment to Zoning By-law No. 3692-92 of the former City of Stoney Creek, Respecting the Property Located at 22 Green Mountain Road West (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 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 it is enacted:

1. That Map No. 11 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 Neighbourhood Development "ND" Zone and Highway Commercial "HC" Zone to the Multiple Residential (Holding) "RM3-38(H)" Zone, the lands comprised in "Block 1";
 - (b) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-20(H)" Zone, the lands comprised in "Block 2";
 - (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-20" Zone, the lands comprised in "Block 3";
 - (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-26" Zone, the lands comprised in "Blocks 4, 5, 7 and 13";
 - (e) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-27" Zone, the lands comprised in "Blocks 8, 9, 10 and 11";

- (f) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-26" Zone, the lands comprised in "Block 16";
- (g) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-28(H)" Zone, the lands comprised in "Blocks 17 and 18".

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, "RM3-38(H)", as follows:

"RM3-38(H)" 22 Green Mountain Rd. West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (f), (i), (j), (k) and (m) of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-38(H)" by this By-law, the following shall apply for maisonettes:

- (a) Minimum Lot Area: 89 square metres, except 95 square metres for an end lot, and 100 square metres for a corner lot
- (b) Minimum Lot Frontage: 5.6 metres per dwelling unit, except 8.0 metres for a corner unit
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the garage
- (d) Minimum Side Yard: 1.2 metres, except;
On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.
- (f) Minimum Rear Yard: 6.0 metres, except 7.0 metres abutting a zone for single, semi-detached or duplex dwellings, or a street.
- (i) Maximum Density: N/A
- (j) Maximum Building Height: 12.5 metres
- (k) Maximum Lot Coverage: N/A

- (m) Minimum Landscaped Open Space: Not less than a 1.5 metre landscaped strip shall be provided along Green Mountain Road and Upper Centennial Parkway.

Notwithstanding provision b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "RM3-38(H)" by this By-law, the following shall apply:

The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

In addition to the provisions of Section 6.10 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-38(H)" by this By-law, the following uses shall also be permitted:

Street townhouses, townhouses and condominiums on a common element condominium road or a municipal road shall be permitted in accordance with the regulations of the "RM2-20" Zone.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted for all uses permitted:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for a flankage yard;
- (b) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres; and,
- (c) Stairs may project into any required front yard a distance of not more than 4.5 metres and a flankage yard of not more than 2.4 metres.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" the following 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 0.5 metres for a building or porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands identified as Block 1 on Schedule "A" and zoned "RM3-38(H)" by this by-law, the Holding "H" Zone may be removed by City Council and thereby give effect to the "RM3-38(H)" Zone provisions by enactment of an amending By-law upon completion of the following:

- (a) That all residential lands within 160 metres of the working licensed limits of an active quarry or the limits of a former quarry under rehabilitation shall not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the residential holding zone have been finalized to the City's satisfaction.
 - (b) The applicant submit a revised Radio Frequency Emission study that addresses the concerns, regarding the identification of the location of antennae, set out in the peer review, by Francois Gauthier (Spectrum Expert Inc. dated September 16, 2010), of various radio frequency emission studies and measurements undertaken by the applicant and others;
 - (c) That Industry Canada complete its measurements of radio frequency electromagnetic fields in the vicinity of the applicant's lands and advise that there are no Safety Code 6 issues resulting from the applicant's proposed development and the implementation of any recommendations by Industry Canada which are applicable to the applicant;
3. That Subsection 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM2-20", as follows:

"RM2-20" 22 Green Mountain Rd. West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (g), (h) and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-20" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 150 square metres, except 195 square metres for an end unit, and 240 square metres for a corner unit
- (b) Minimum Lot Frontage: 5.6 metres per dwelling unit, except 8.0 metres for a corner unit
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the garage
- (d) Minimum Side Yard: 1.2 metres, except 2.4 metres to the dwelling and 1.4 metres to the porch for a corner unit.
- (e) Minimum Rear Yard: 7.0 metres
- (g) Minimum Landscaped

- Open Space: 25% of the lot area which may include the privacy area.
- (h) Maximum Building Height: 12.5 metres
- (i) Maximum Lot Coverage: N/A

Notwithstanding provision b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "RM2-20" by this By-law, the following shall apply:

- (a) The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for a flankage yard;
- (b) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres; and,
- (c) Stairs may project into any required front yard a distance of not more than 4.5 metres and a flankage yard of not more than 2.4 metres.

4. That Subsection 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM2-20 (H)", as follows:

"RM2-20(H)" 22 Green Mountain Rd. West, Schedule "A", Map No. 11

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands identified as Block 2 on Schedule "A" submitted to Council on October 13, 2010 and zoned "RM2-20(H)" by this by-law, the Holding "H" Zone may be removed by City Council and thereby give effect to the "RM2-20" Zone provisions by enactment of an amending By-law upon completion of the following:

- (a) The applicant submit a revised Radio Frequency Emission study that addresses the concerns, regarding the identification of the location of antennae, set out in the peer review, by Francois Gauthier (Spectrum Expert Inc. dated September 16, 2010), of various radio frequency emission studies and measurements undertaken by the applicant and others;

- (b) That Industry Canada complete its measurements of radio frequency electromagnetic fields in the vicinity of the applicants lands and advise that there are no Safety Code 6 issues resulting from the applicant's proposed development and the implementation of any recommendations by Industry Canada which are applicable to the applicant;

Notwithstanding the above, public uses as per Section 4.17 of Zoning By-law No. 3692-92 shall be permitted.

- 5. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R4-26", as follows:

"R4-26" 22 Green Mountain Road West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-26" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 250 square metres, except
290 square metres for a corner lot
- (b) Minimum Lot Frontage: 9.0 metres, except
11.0 metres for a corner lot
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except
6.0 metres to the garage
- (d) Minimum Side Yard: 1.2 metres on one side and 0.6 metres on the other side of the dwelling unit subject to a maintenance easement for any minimum side yard that is less than 1.2 m with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2 m except;

On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

- (e) Minimum Rear Yard: 7.0 metres

- (g) Maximum Lot Coverage: N/A

Notwithstanding provision b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "R4-26" by this By-law, the following shall apply:

The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for a flankage yard;
- (b) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres; and,
- (c) Stairs may project into any required front yard a distance of not more than 4.5 metres and a flankage yard of not more than 2.4 metres.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" the following 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 0.5 metres for a building or porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

6. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R4-27", as follows:

"R4-27" 22 Green Mountain Road West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e) and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-27" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 300 square metres, except
360 square metres for a corner lot

- (c) Minimum Front Yard: 4.5 metres to the dwelling, except
6.0 metres to the garage
- (d) Minimum Side Yard: 1.2 metres on one side and 0.6 metres
on the other side of the dwelling unit
subject to a maintenance easement for
any minimum side yard that is less than
1.2 m with said maintenance easement
permitting encroachment for
maintenance purposes only for no more
than 0.6 metres into the side yard of the
lot adjacent the yard with a side yard
setback less than 1.2 m except;

On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

- (e) Minimum Rear Yard: 7.0 metres
- (g) Maximum Lot Coverage: N/A

Notwithstanding provision b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "R4-27" by this By-law, the following shall apply:

The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for a flankage yard;
- (b) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres; and,
- (c) Stairs may project into any required front yard a distance of not more than 4.5 metres and a flankage yard of not more than 2.4 metres.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" the following 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 0.5 metres for a building or porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

7. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R4-28(H)", as follows:

"R4-28(H)" 22 Green Mountain Road West, Schedule "A", Map No. 11

Notwithstanding the definition of "Lot Line – Front" in By-law No. 3692-92, for Block 17 and Block 18 on Schedule "A", "Lot Line – Front" shall be deemed to be Street "F" for Block 17 and Street "C" for Block 18 as per Draft Plan of Subdivision 25T-200803.

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (f), and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-28(H)" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 300 square metres, except
360 square metres for a corner lot
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except
6.0 metres to the garage
- (d) Minimum Side Yard: 1.2 metres on one side and 0.6 metres
on the other side of the dwelling unit
subject to a maintenance easement for
any minimum side yard that is less than
1.2 m with said maintenance easement
permitting encroachment for
maintenance purposes only for no more
than 0.6 metres into the side yard of the
lot adjacent the yard with a side yard
setback less than 1.2 m except;

On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

- (e) Minimum Rear Yard: 7.0 metres
- (f) Height: 8.5 metres
- (g) Maximum Lot Coverage: N/A

Notwithstanding provision b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "R4-27" by this By-law, the following shall apply:

The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for a flankage yard;
- (b) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres; and,
- (c) Stairs may project into any required front yard a distance of not more than 4.5 metres and a flankage yard of not more than 2.4 metres.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" the following 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 0.5 metres for a building or porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

That the (H) symbol may be removed by further amendment to this By-law at such time as the following matter has been completed:

- (a) That the visual analysis of the Escarpment brow is finalized to the satisfaction of the City and the Niagara Escarpment Commission.
8. That Subsection 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM2-26", as follows:

"RM2-26" 22 Green Mountain Rd. West, Schedule "A", Map No. 11

In addition to Subsection 6.9.2 "Permitted Uses for Each Lot", the following shall be permitted:

- (a) Street Townhouse with a rear garage accessed via a public road.

Notwithstanding the definition of "Lot Line – Front" in By-law No. 3692-92, for Block 16 on Schedule "A", "Lot Line – Front" shall be deemed to be from Street "F" and Street "J" as per Draft Plan of Subdivision 25T-200803.

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (g), (h), and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-26" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 150 square metres, except 195 square metres for an end unit, and 240 square metres for a corner unit
- (b) Minimum Lot Frontage: 5.6 metres per dwelling unit, except 8.0 metres for a corner unit
- (c) Minimum Front Yard: 3.5 metres to the dwelling
- (d) Minimum Side Yard: 1.2 metres, except;
On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres.
- (e) Minimum Rear Yard: 1.5 metres to the detached garage and 6.0 metres to the dwelling.
- (g) Minimum Landscaped Open Space: 25% of the lot area which may include the privacy area.
- (h) Maximum Height 12.5 metres
- (i) Maximum Lot Coverage: N/A

Notwithstanding provision b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "RM2-26" by this By-law, the following shall apply:

- (a) The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

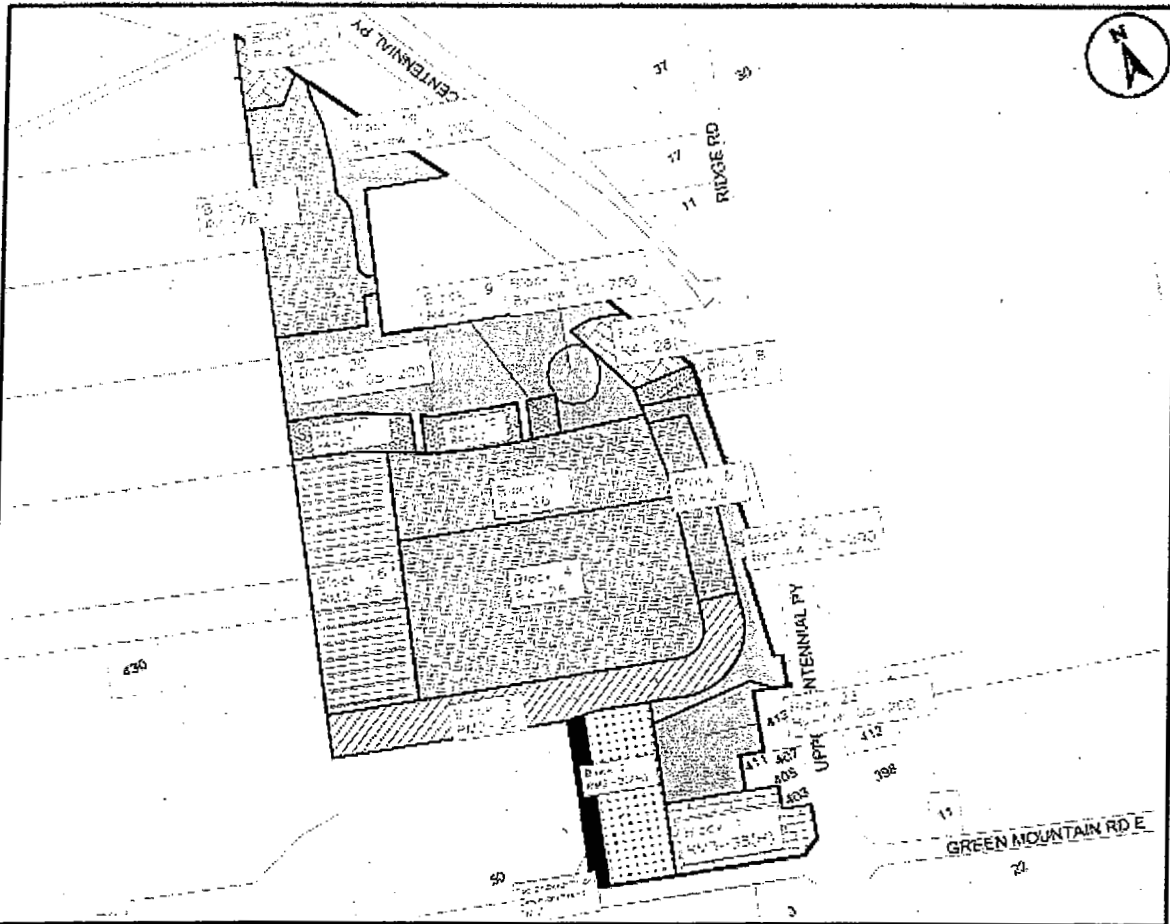
In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for a flankage yard;
- (b) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres; and,

- (c) Stairs may project into any required front yard a distance of not more than 3.5 metres and a flankage yard of not more than 2.4 metres.

Notwithstanding the above, uses and standards outlined in the "RM2-20" Zone shall also be permitted in the "RM2-26" Zone.

- 9. That no building or str 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 Single Residential "R4" Zone, the Multiple Residential "RM2" Zone, and the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, 7 and 8.












This is Schedule "A" to By-Law No.10-
 Passed the day of, 2010

 Clerk

 Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. 10-_____
 to Amend By-law No.3692-92

-  Block 1 – Change in Zoning from the Neighbourhood Development 'ND' Zone and Highway Commercial 'HC' Zone to the Multiple Residential (Holding) 'RM3-36(H)' Zone
-  Block 2 – Change in Zoning from the Neighbourhood Development 'ND' Zone to the Multiple Residential (Holding) 'RM2-20(H)' Zone
-  Block 3 – Change in Zoning from the Neighbourhood Development 'ND' Zone to the Multiple Residential 'RM2-20' Zone
-  Blocks 4, 5, 7 and 13 – Change in Zoning from the Neighbourhood Development 'ND' Zone to the Single Residential 'R4-26' Zone
-  Blocks 8, 9, 10 and 11 – Change in Zoning from the Neighbourhood Development 'ND' Zone to the Single Residential 'R4-27' Zone
-  Block 16 – Change in Zoning from the Neighbourhood Development 'ND' Zone to the Multiple Residential 'RM2-26' Zone
-  Blocks 17 and 18 – Change in Zoning from the Neighbourhood Development 'ND' Zone to the Single Residential (Holding) 'R4-28(H)' Zone
-  Blocks 19, 20, 21, 22 and 23 – Refer to By-law No. 05-200
-  Neighbourhood Development 'ND' Zone

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