

Authority: Item 7, Planning Committee
Report: 11-006 (PED10196(a))
CM: March 23, 2011

Bill No. 091

CITY OF HAMILTON

BY-LAW NO. 11-091

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located on the North Side of Mud Street, East of Felkers 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 11-006 of the Planning Committee, at its meeting held on the 23rd day of March, 2011, 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) upon the approval of Official Plan Amendment No. 164;

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

1. That Map No. 10 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 (Holding) "RM5-3(H)" Zone to the Multiple Residential "RM5-10" Zone, Modified, the lands comprised in "Block 1" and "Block 2";
- (b) by changing the zoning from the Multiple Residential (Holding) "RM5-3(H)" Zone, the Multiple Residential (Holding) "RM3-2(H)" Zone, and the Single Residential "R3-3" Zone to the Multiple Residential "RM3-42a" Zone, Modified, the lands comprised in "Block 3";
- (c) by changing the zoning from the Multiple Residential (Holding) "RM5-3(H)" Zone, the Multiple Residential (Holding) "RM3-2(H)" Zone, and the Single Residential "R3-3" Zone to the Multiple Residential "RM3-42b" Zone, Modified, the lands comprised in "Block 4";
- (d) by changing the zoning from the Single Residential "R3-3" Zone, Single Residential "R2-15" Zone, Single Residential "R2" Zone, and the Open Space "OS" Zone to the Single Residential "R4-29" Zone, Modified, the lands comprised in "Block 5";
- (e) by changing the zoning from the Single Residential "R3-3" Zone to the Single Residential "R4-29" Zone, Modified, the lands comprised in "Block 9";
- (f) by changing the zoning from the Single Residential "R3-3" Zone to the Single Residential "R4-30" Zone, Modified, the lands comprised in "Block 6";
- (g) by changing the zoning from the Multiple Residential (Holding) "RM3-2(H)" Zone, the Single Residential "R3-3" Zone, the Single Residential "R2-14" Zone, the Single Residential "R2-15" Zone, and the Single Residential "R2" Zone to the Multiple Residential "RM2-25" Zone, Modified, the lands comprised in "Block 8";
- (h) by changing the zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-43" Zone, Modified, the lands comprised in "Block 7";
- (i) by changing the zoning from the Single Residential "R3-3" Zone to the Multiple Residential "RM2-25" Zone, Modified, the lands comprised in "Block 10";

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

2. That Subsection 6.12.6, "Special Exemptions", of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM5-10", as follows:

"RM5-10" Schedule "A", Map No. 10

By-law Respecting Property Located on the North Side of Mud Street, East of Felkers
Creek (Page 3 of 9)

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (g), (h), (i), and (j) of Subsection 6.12.3 of the Multiple Residential "RM5" Zone, on those lands zoned "RM5-10" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 0.5 hectares
- (b) Minimum Lot Frontage: 30.0 metres
- (c) Minimum Front Yard: 6 metres
- (d) Minimum Side Yard: 7.5 metres
- Minimum Flankage Yard: 6.0 metres
- (g) Maximum Lot Coverage: 50 percent
- (h) Maximum Density: 99 units per hectare
- (i) Maximum Height: 6 storeys
- (j) For the purposes of this special provision, where a lot zoned "RM5-10" is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area, Minimum Rear Yard, and Minimum Interior Side Yard.

3. 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, "RM3-42", as follows:

"RM3-42a" and "RM3-42b" Schedule "A", Map No. 10

Notwithstanding the definitions in Part 2, uses of Subsection 6.10.2, and the provisions of Subsection 6.10.3 and Subsection 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-42a" and "RM3-42b" by this By-law, the following shall apply:

1. DEFINITIONS

- (a) A Horizontal Multiple Dwelling is defined as a building, other than a townhouse dwelling, or apartment dwelling containing more than three (3) attached dwelling units that are divided horizontally and/or vertically, each with an entrance that is independent or through a common vestibule.

2. PERMITTED USES

- (a) Horizontal Multiple Dwellings.
- (b) Use, buildings, and structures accessory to the uses described in the above Subsection (a).

3. GENERAL PROVISIONS PERTAINING TO ALL DEVELOPMENT

- (a) Maximum Number of Dwelling Units: 152 units on lands identified as "RM3-42a".
120 units on lands identified as "RM3-42b".
- (b) Minimum Lot Frontage: 30 metres
- (c) Front Yard: 2.0 metres minimum
4.5 metres maximum
- (d) Exterior Side Yard: 2.0 metres minimum
4.5 metres maximum
- (e) Minimum Landscaped Area: 25 percent
- (f) For the purposes of this special provision, where a lot zoned "RM3-42" is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area and Minimum Rear Yard.

4. REGULATIONS FOR RESIDENTIAL DWELLING UNITS

- (a) Maximum Height: 4-storeys, up to a maximum of 12.5 metres.
- (b) Maximum elevation to the peak of a roof: 206.0 masl
- (c) Minimum distance between dwelling units:
 - (i) Front wall to front wall 12.5 metres
 - (iii) Side wall to side wall 3.0 metres
 - (v) Side wall to front wall 12.5 metres
- (d) Notwithstanding Subsection 4.(c) above, the following maximum

encroachments beyond the front wall or side wall shall be permitted:

- (i) Entrance porticos 1.0 metres
- (ii) Stairs to access porticos or porches 3.75 metres
- (iii) Balconies 1.0 metres
- (iv) Ground floor terraces, including access stairs 3.75 metres
- (v) Bay windows 1.0 metres

(e) Minimum privacy area per dwelling unit: 12 square metres per dwelling unit.

(f) Glazing on side walls facing a public street or internal walkway: 30% of the side wall façade shall be composed of windows or doors.

(g) Parking shall be provided below grade on the same block as the residential use at the following rates:

- (i) One bedroom dwelling unit 1 space
- (ii) Two bedroom dwelling unit 1.3 spaces
- (iii) Three bedroom dwelling unit 1.4 spaces

(h) Minimum number of visitor parking spaces per dwelling unit: 0.25 spaces

4. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R4-29", as follows:

"R4-29" Schedule "A", Map No. 10

Notwithstanding the provisions of Paragraphs (a) and (f) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-29" by this By-law, the following shall apply:

(a) Minimum Lot Area: 290 square metres

(f) Maximum Building Height: 11 metres and the elevation of the peak of a roof shall be a maximum of 198.0 masl.

5. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R4-30", as follows:

"R4-30" Schedule "A", Map No. 10

Notwithstanding the provisions of Paragraphs (a), (e), and (f) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-30" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 256 square metres
- (e) Minimum Rear Yard: 3.0m
- (f) Maximum Building Height: 11 metres and the elevation of the peak of a roof shall be a maximum of 198.0 masl.

6. 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, "RM2-25", as follows:

"RM2-25" Schedule "A", Map No. 10

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (h), and (i) of Subsection 6.9.3 of the Single Residential "RM2" Zone, on those lands zoned "RM2-25" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 170 square metres
- (b) Minimum Lot Frontage:
 - Interior Unit 6 metres
 - End Unit 6.5 metres
 - Corner Unit 6.5 metres
- (c) Minimum Front Yard: 4.5 metres to the dwelling and 6.0 metres to the attached garage.
- (d) Minimum Side Yard for an End Unit: 1.25 metres
- (h) Maximum Height: 3 storeys and the elevation of the peak of the roof shall be a maximum of 203.0 masl.
- (i) Maximum Lot Coverage: 55 percent
- (l) For the purposes of this special provision, where a lot zoned "RM2-25" is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area and Minimum Rear Yard.

7. 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, "RM3-43", as follows:

"RM3-43" Schedule "A", Map No. 10

Notwithstanding the uses of Subsection 6.10.2, Paragraphs (a), (b), (c), (d), (f), (h), (i), and (j) of Subsection 6.10.3, and Paragraph (a) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-43" by this By-law, the following shall apply:

1. PERMITTED USES

- (a) Townhouses

2. REGULATIONS

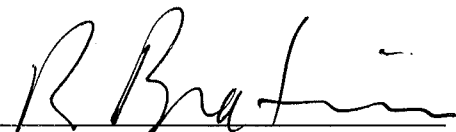
- (a) Minimum Lot Area: 2,000 square metres
- (b) Minimum Lot Frontage: 30 metres
- (c) Minimum Front Yard: 2.0 metres
- (d) Minimum Flankage Yard: 2.0 metres
- (f) Minimum Rear Yard: 0.0 metres
- (i) Maximum Number of Dwelling Units: 9
- (h) Minimum Distance Between dwellings:
- (i) Front wall to front wall: 12. metres
- (iii) Side wall to side wall: 3.0 metres
- (v) Side wall to rear wall: 9.0 metres
- (j) Maximum Building Height: 12.4 metres and the elevation of the peak of the roof shall be a maximum of 201.0 masl.

By-law Respecting Property Located on the North Side of Mud Street, East of Felkers
Creek (Page 8 of 9)

(n) Parking Requirements: 2 parking spaces per unit,
including tandem spaces.

8. 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 "RM5", "RM3", "R4", and "RM2" Zones, subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, and 7.
9. 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 23rd day of March, 2011.

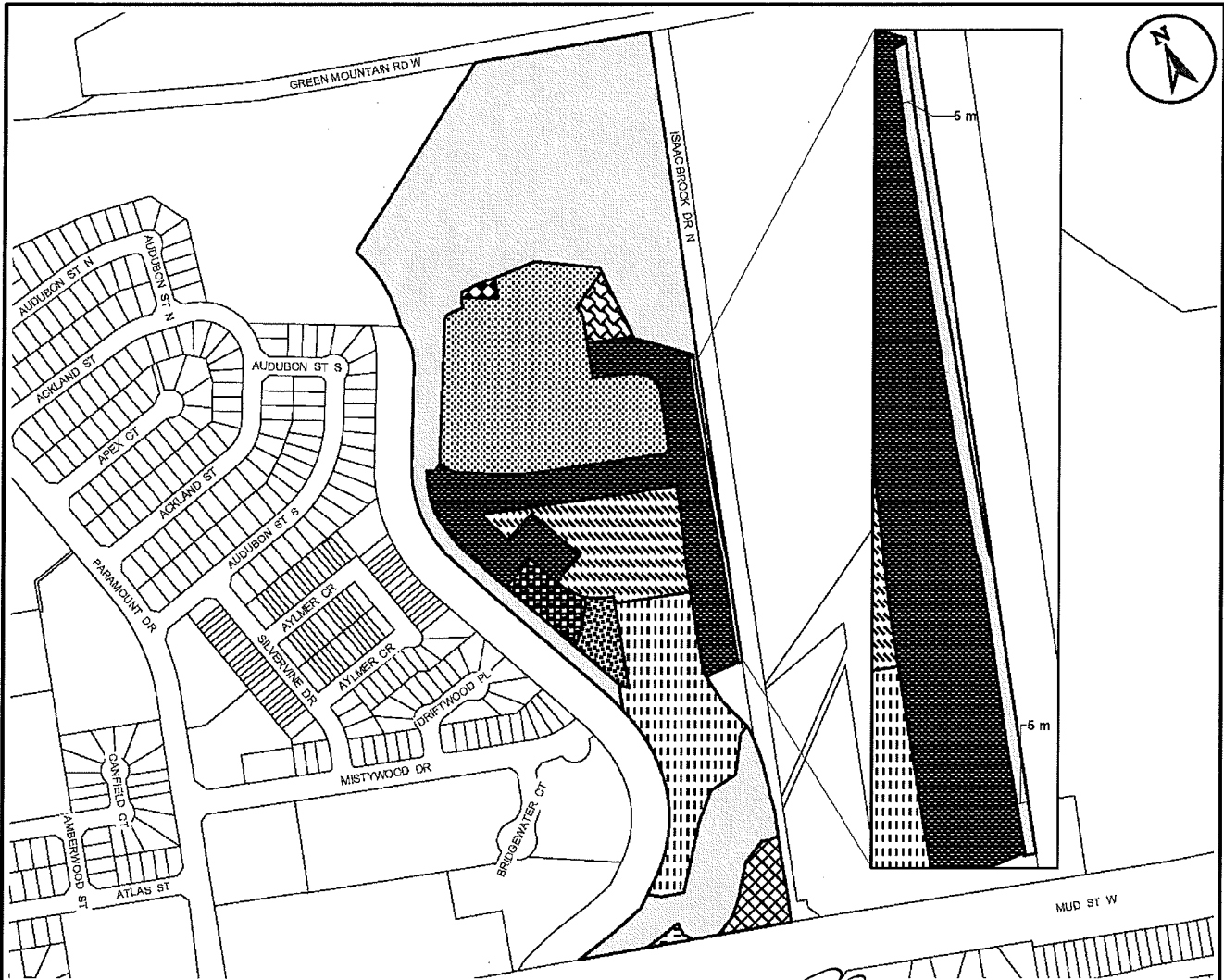


R. Bratina
Mayor



R. Caterini
City Clerk

ZAC-08-062



This is Schedule "A" to By-Law No. 11-091

Passed the ...23rd day of ...March....., 2011

[Handwritten Signature]
 Clerk
 Mayor












Schedule "A"

Map Forming Part of
 By-Law No. 11-091

to Amend By-law No.3692-92

Subject Property

Part of Lot 29, Concession 6 (Satfleeth)

-  **Block 1** - For a change in zoning from the Multiple Residential - Holding "RM5-3(H)" Zone to the Multiple Residential "RM5-10" Zone Modified
-  **Block 2** - For a change in zoning from the Multiple Residential - Holding "RM5-3(H)" Zone to the Multiple Residential "RM5-10" Zone Modified
-  **Block 3** - For a change in zoning from the Multiple Residential "RM5-3(H)" Zone, the Multiple Residential-Holding "RM3-2(H)" Zone and the Single Residential "R3-3" Zone to the Multiple Residential "RM3-42A" Zone, Modified
-  **Block 4** - For a change in zoning from the Single Residential "R3-3" Zone to the Multiple Residential "RM3-42B" Zone, Modified
-  **Block 5** - For a change in zoning from the Single Residential "R3-3" Zone, Single Residential "R2-15" Zone, Single Residential "R2" Zone and the Open Space "OS" Zone to the Single Residential "R4-29" Zone, Modified
-  **Block 6** - For a change in zoning from the Single Residential "R2" Zone to the Single Residential "R4-30" Zone, Modified
-  **Block 7** - For a change in zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-43" Zone
-  **Block 8** - For a change in zoning from the Multiple Residential-Holding "RM3-2(H)" Zone, the Single Residential "R3-3" Zone, the Single Residential "R2-14" Zone, the Single Residential "R2-15" Zone and the Single Residential "R2" Zone to the Multiple Residential "RM2-26" Zone, Modified
-  **Block 9** - For a change in zoning from the Multiple Residential "RM3-3" Zone to the Single Residential "R4-29" Zone, Modified
-  **Block 10** - For a change in zoning from Single Residential "R3-3" to the Multiple Residential "RM2-25" Zone, Modified
-  Refer to By-law 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-08-062 / OPA-08-012

Date:
March 9, 2011

Planner/Technician:
CB/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

