

Authority: Item 2, Planning Committee
Report: 17-004 (PED17034)
CM: March 8, 2017
Ward: 10

Bill No. 053

CITY OF HAMILTON

BY-LAW NO. 17-053

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 325 Highway No. 8

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 2 of Report 17-004 of the Planning Committee, at its meeting held on the 8th day of March, 2017, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. 72.

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 as follows:
 - (a) by changing the zoning from the from General Commercial "GC-13" Zone, Modified to Multiple Residential "RM4-8" Zone, Modified;
2. That Subsection 6.11.6, "Special Exemptions" of Section 6.11 Multiple Residential "RM4" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM4-8", as follows:

“RM4-8” 325 Highway No. 8, Schedule “A”, Map No. 6

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (l) of Section 6.11.3 “Regulations for Permitted Uses” of Zoning By-law No. 3692-92, on those lands zoned “RM4-8” by this by-law, the following shall apply:

Regulations for Permitted Uses

- | | |
|---|--|
| (a) Minimum Lot Area | 2,685 square metres |
| (b) Minimum Lot Frontage | 18.0 metres |
| (c) Minimum Front Yard | 2.0 metres |
| | 1.40 metres for projection at storeys 2 to 4 |
| (d) Minimum Easterly (Flankage) Side Yard | 2.20 metres |
| | 0.9 metres for metres for projection at storeys 2 to 5 |
| Minimum Westerly Side Yard | 3.20 metres for storeys 1 to 3 |
| | 4.20 metres for storeys 4 to 6 |
| (e) Minimum Rear Yard | 9.0 metres for storeys 1 to 4 |
| | 11.9 metres for storey 5 |
| | 14.9 metres for storey 6 |
| (f) Increased yards | n/a |
| (g) Maximum Lot Coverage | 56% |
| (h) Maximum Residential Density | 344 units per hectare |
| (i) Maximum Building Height | 18.5 metres and six storeys |
| (j) Minimum Landscaped Open Space | |
| | 1. The landscaped open space shall not be less than 27% of the lot area. |
| | 2. No landscaped strip shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street. |

3. A landscaped strip having a minimum width of 1.5 metres and an average width of 2.25 metres shall be provided and thereafter maintained adjacent to the portion of the lot that abuts the rear lot line.
4. A landscaped strip having a minimum width of 1 metre and an average width of 2.0 metres shall be provided and thereafter maintained adjacent to the portion of the lot that abuts the west lot line.

(l) Total Minimum Amenity Area

- a) 1.92 square metres per dwelling unit, of which a minimum of 175 square metres shall be provided within the building and a minimum of 175 square metres shall be provided outside the building.

Notwithstanding the provisions of Paragraphs (a) and (c) of Section 6.11.4 Regulations for Parking, and Section 4.10 Parking Regulations of Zoning By-law 3692-92, on those lands zoned "RM4-8" by this by-law, the following shall apply:

a) Minimum Number of Parking Spaces

1.04 parking spaces and 0.35 visitor parking spaces for each apartment dwelling unit.

- c) Underground parking shall not be bound by setback requirements; however, a retaining wall above ground that does not include any parking spaces and that may form part of the underground parking wall shall be setback a minimum of 0.80 metres from the rear lot line.

Notwithstanding the provisions of Paragraph (a) of 4.10.3 Dimensions of Parking Spaces, and Paragraph (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following shall apply:

- a) Required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.6 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.

Notwithstanding the provisions of Section 4.10.4, Requirement for Parking Designated for Vehicles of Physically Challenged, and Paragraph (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following regulation shall apply:

- a) Have minimum rectangular dimensions of 4.4 metres x 5.6 metres.

Notwithstanding Section 4.13.1, Daylight Triangles, the following shall apply:

- a) Have a minimum yard of 0.34 metres to the canopy of the proposed building and 0.75 metres to the proposed building from the hypotenuse of the daylight triangle.

Notwithstanding Section 4.19 “Yard Encroachments”, for the purpose of this section the following shall apply:

- a) Planter boxes which are attached to the principal building may encroach within the required front yard by a maximum of 2.10 metres from the main building wall and may encroach within the required side (flankage) yard by a maximum of 2.5 metres from the main building wall

Notwithstanding Part 2 Definitions, for the purpose of this section the following shall apply:

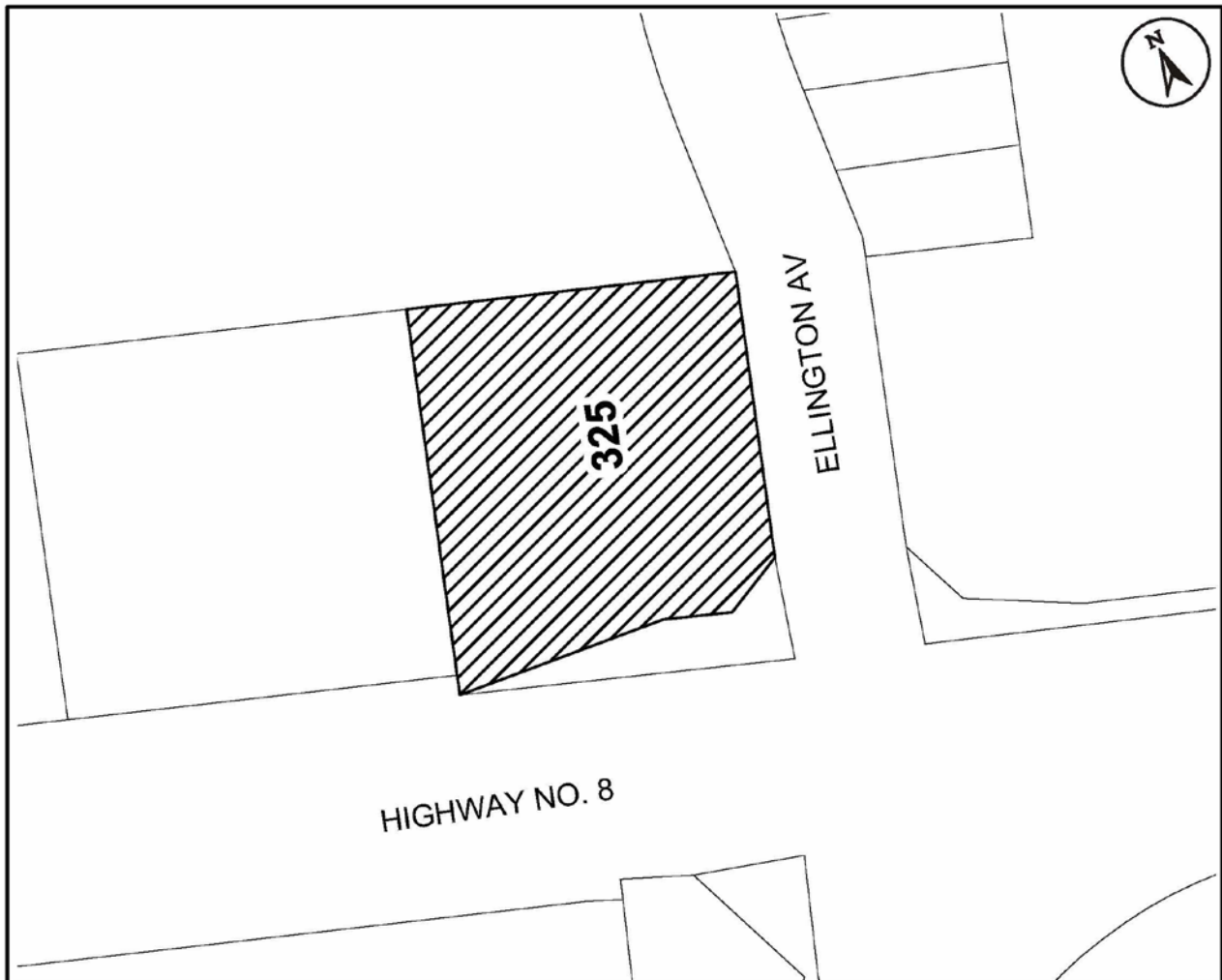
- a) “Lot Frontage” shall mean: “In the case of a corner lot where a daylight triangle or a radius has been established the lot frontage is to be determined by measuring along the front lot line segment which adjoins the hypotenuse of the daylight triangle after the side lot line and the front lot line have been extended to the point of intersection of the two streets”.
- b) “Landscaped Strip” shall mean: “an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences and berms. A padmount transformer, and air intake vent a retaining wall with a maximum height of 1.50 metres above grade, and walkways / pathways may also be permitted in the landscaped strip”.
- c) 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 29th day of March, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

UHOPA-16-012
ZAC-16-030



This is Schedule "A" to By-law No. 17-
 Passed the day of, 2017

 Mayor


 Clerk

Schedule "A"

 Map Forming Part of
 By-law No. 17-_____

 to Amend By-law No. 3692-92

Subject Property
 325 Highway No. 8, Stoney Creek

 Change in zoning from the General Commercial "GC-13" Zone, Modified to Multiple Residential "RM4-8" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-16-030/UHOPA-16-012
Date: Jan. 25, 2017	Planner/Technician: VM/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT