

**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12058)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 3581-86 (Dundas), as Amended  
by By-law Nos. 4436-98 and 05-052  
Respecting Lands Located at 2555 Creekside Drive**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 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 "The Corporation of the Town of Dundas" 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 and Official Plans of the former area municipalities and the Official Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City Hamilton (the Official Plan of the Town of Dundas), upon approval of Official Plan Amendment No. [REDACTED], proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.

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

1. That Schedule "A" (Central Business District) of Zoning By-law No. 3581-86 (Dundas), is hereby further amended by changing the zoning from the Parks and Recreation (PR1/S-84) Zone to the High Density Multiple Dwelling (RM4/S-122) Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That Section 32 - "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following Sub-section:

RM4/S-122            That Notwithstanding the provisions of Section 15: High Density Multiple Dwelling Zone (RM4), the following Special Provisions shall apply to lands known Municipally as No. 2555 Creekside Drive, shown as "RM4/S-122" on Schedule "A".

- (a) Notwithstanding Section 15.2 Regulations for Apartment Buildings, the following special regulations shall apply for all uses:

15.2.2 YARD REQUIREMENTS

- |          |   |
|----------|---|
| 15.2.2.1 | FRONT YARD<br>Minimum:            0.0 metres.   |
| 15.2.2.2 | SIDE YARD (Southerly: being<br>27.4m in length)<br>Minimum:            7.3 metres.<br><br>SIDE YARD (Northerly: being<br>27.3m in length:<br>Minimum:            6.8 metres.  |
| 15.2.2.3 | SIDE YARD (Northerly: being<br>35.5m in length)<br>Minimum:            7.8 metres.<br><br>REAR YARD (Being 44.27m in<br>length)<br>Minimum:            8.3 metres,<br><u>except 3.0m shall be permitted<br/>for a raised patio that is deemed<br/>to be part of the building.</u> |

15.2.3 HEIGHT  
Maximum 7-storeys, and 28.7m to mechanical penthouse and 24.5m to main roof (top of 7<sup>th</sup> floor).

15.2.4 DENSITY  
Maximum 210 Dwelling Units per Hectare.

(c) Notwithstanding Section 6.6.1, the following shall apply:

6.6.1 ENCROACHMENTS INTO YARDS

A balcony may project:

6.6.1i) Into a required front yard not more than 2.0m, and not closer than 0m to a streetline.

6.6.1ii) Into a required rear yard no more than 2.0m.

6.6.1iii) Into a required side yard no more than 2.0m.

(d) Notwithstanding Section 7.12 Off-Street Parking Space Requirements, and 15.2.6 Off-Street Parking and Loading, the following shall apply:

7.14 MINIMUM PARKING SPACE STALL SIZE

The minimum width of a 90 degree parking space shall be 2.6 metres, and the minimum length shall be 5.5 metres.

3. That Section 32 - Exceptions of By-law No. 3581-86 (Dundas) is amended by deleting Sub-section (d)(iii) in its entirety respecting Outdoor Amenity Area for Retirement Homes from the RM3/S-81 Zone and the H-RM3/S-81 Zone, and replacing it with the following:

(d) REGULATIONS FOR RETIREMENT HOMES

(iii) Outdoor Amenity Area

"A minimum outdoor amenity area of 84 square metres shall be provided and maintained in the rear yard."

4. That By-law No. 3581-86 (Dundas) is amended by adding this By-law to Section 32 as Schedule S-122.
5. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this By-law as S-122.
6. 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 and ENACTED** this [REDACTED] day of [REDACTED], 2012.

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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAC-09-010

OPA-09-014



This is Schedule "A" to By-Law No. 12-  Passed the ..... day of ....., 2012	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-Law No. 12-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3581-86</p>	<p><b>Subject Property</b> 2555 Creekside Drive</p> <p> Change from Parks and Recreation (PR1/S-84) Exception Zone to the High Density Multiple Dwelling (RM4/S-122) Zone.</p> <p> Modification to Residential Multiple (RM3/S-81) Zone.</p>
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