

Authority: Item 3
Planning Committee
Report: 13-015 (PED13156)
CM: October 9, 2013

Bill No. 247

CITY OF HAMILTON

BY-LAW NO. 13-

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 98 Shoreview Place

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 3 of Report 13-015 of the Planning Committee, at its meeting held on the 9th day of October, 2013, 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;

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

1. That Map No. 1 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM3-52" Zone, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Sub-section 6.3.7, “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption “RM3-52”, as follows:

“RM3-52” - 98 Shoreview Place, Schedule “A”, Map No. 1

For the purpose of this By-law, a Common Element Condominium road shall be deemed to be a street, and that visitor parking for the dwelling units fronting the common element condominium road are permitted within the common element condominium road.

For the purposes of this By-law, the property line abutting Shoreview Place shall be deemed to be a front lot line; all property lines abutting Millen Road shall be deemed to be a flankage yard; the southerly property line abutting North Service Road shall be deemed to be a rear yard; and the westerly property line shall be deemed to be a side yard.

For the purpose of the regulations contained in Sections 2, 4, and 6 of Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of 98 Shoreview Place (Block 16, Plan M-101 - “South Shore Estates”) shall be deemed to be the lot lines for this purpose, and the regulations of the “RM3-52” Zone, including, but not limited to, lot area, lot frontage, building setbacks, separation distances, maximum density, lot coverage, landscaped areas, parking requirements, and accessory buildings, etc., shall be from the boundaries of Block 16, and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), and (m) of Section 6.10.3, “Zone Regulations”, on those lands zoned “RM3-52” by this By-law, the following shall apply:

- | | | | |
|-----|--|---|--|
| (c) | Minimum Front Yard | - | 6m. |
| (d) | Minimum Side Yard for
Maisonettes, Townhouses, and
Dwelling Groups | - | 3m. |
| (f) | Minimum Rear Yard for
Maisonettes, Townhouses,
and Dwelling Groups | - | 14m. |
| (h) | Minimum Distance Between
Buildings on the Same Lot | - | 12m, except 3m between end
walls and 9m between an end wall
and a rear wall. |

(m) Minimum Landscaped Open Space

1. - Not less than 45 percent of the lot area for maisonettes, townhouses, and dwelling groups shall be landscaped, including privacy areas.
3. - Sub-section 6.10.3(m)3 shall apply, except that at the intersection of two or more roads, a 1.5m landscaped strip is not required adjacent to the hypotenuse of the daylight triangle.

Notwithstanding the provisions of Paragraph (c) of Section 6.10.5, "Regulations for Parking", on those lands zoned "RM3-52" by this By-law, the following shall apply:

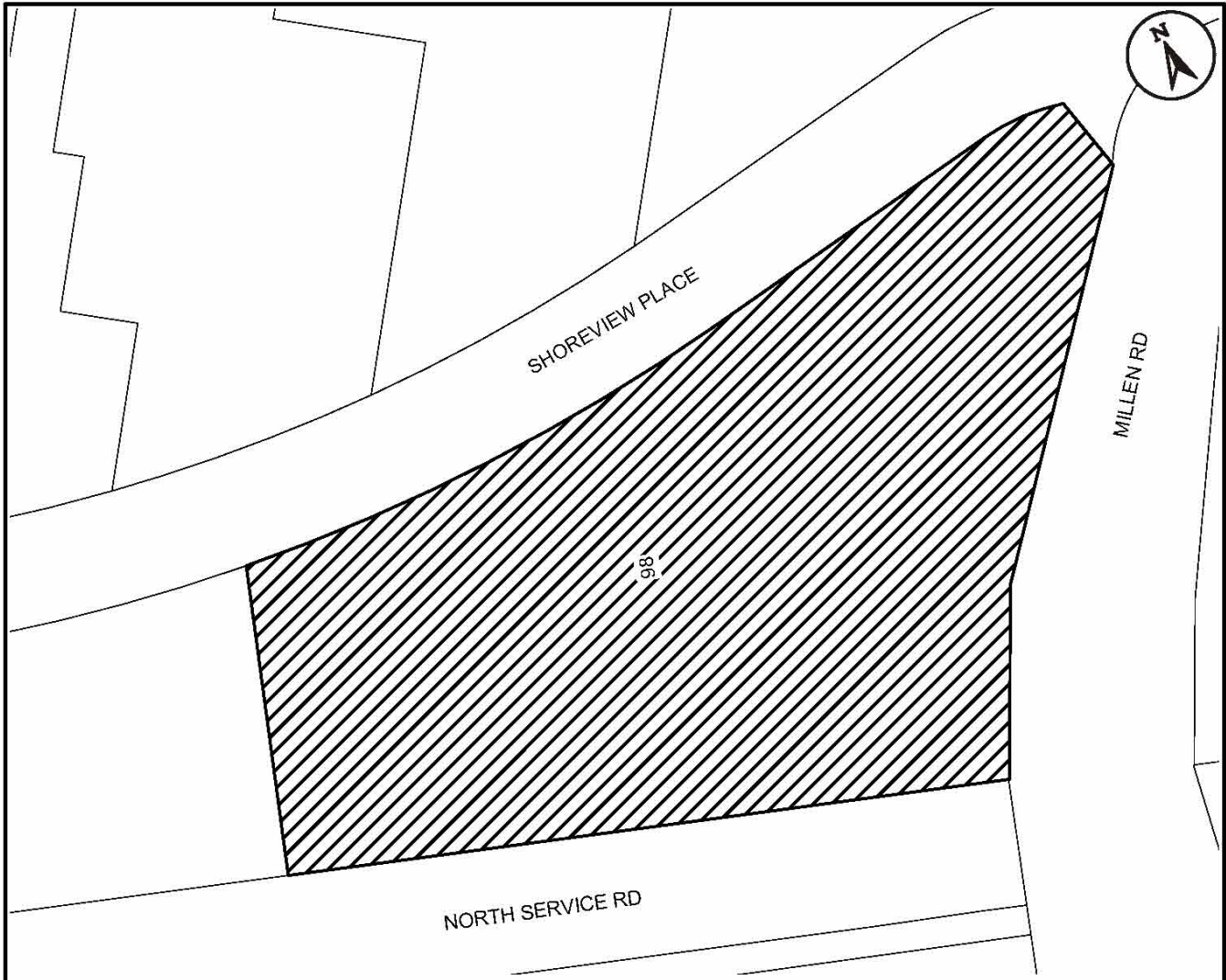
- (c) For maisonettes or townhouses, only one of the required parking spaces per unit may be provided in the required front yard, except that visitor parking shall also be permitted in the required front yard.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RM3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
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 9th day of October, 2013.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-12-042



This is Schedule "A" to By-law No. 13-
 Passed the day of, 2013

 Mayor

 Clerk


Schedule "A"

Map Forming Part of
 By-law No. 13-_____

to Amend By-law No. 3692-92

Subject Property

98 Shoreview Place, Stoney Creek

 Changing in Zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM3-51" Zone

Scale:
 N.T.S.

File Name/Number:
 ZAC-12-042

Date:
 August 2, 2013

Planner/Technician:
 GM/NB



Hamilton