

**Authority:** Item  
Planning Committee  
Report 18-  
CM:

**Bill No.**

## CITY OF HAMILTON

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting the Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 18-\_\_\_\_\_ of the Planning Committee, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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. 2 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 Highway Commercial (Holding) "HC(H)" Zone, to the Multiple Residential "RM3-64" Zone, Modified, on the lands the

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extent and boundaries of which are shown as "Block 1" on a plan hereto annexed as Schedule "A"; and,

- b. by changing the zoning from the Highway Commercial (Holding) "HC(H)" Zone, to the Mixed Use Commercial "MUC-10" Zone, Modified, on the lands the extent and boundaries of which are shown as "Block 2" 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 Special Exemption, "RM3-64", as follows:

**"RM3-64"                      84 & 96 Lakeview Drive, Schedule "A", Map No. 2**

For the purposes of this By-law, the lot line abutting North Service Road shall be deemed to be the front lot line; the easterly lot line adjacent to Fruitland Road and the southerly lot line adjacent to the QEW on ramp shall collectively be deemed to be the rear lot line; and all other lot lines shall be deemed to be side lot lines.

For the purposes of this By-law, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road.

For the purpose of the definitions contained in Part 2 and the regulations contained in Sections 4.10, 4.13, 4.19, 6.1, and 6.10 of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of the "RM3-64" Zone, shall be deemed to be the lot lines for this purpose, and the regulations of the "RM3-64" Zone shall be from the boundaries of this zone, and not from individual property boundaries of the dwelling units created by registration of a condominium plan or created by Part Lot Control.

That in addition to the requirements of Part 2 of Zoning By-law No. 3692-92, the following definitions shall apply to those lands Zoned "RM3-64" of this By-law:

**Dwelling – Stacked Townhouse**

Means a building divided vertically and horizontally, not more than two dwelling units in height, containing not less than three and not more than fifteen dwelling units, with a separate outside entrance to each unit at grade.

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**Dwelling Group**

Means a group of more than one maisonette, townhouse, stacked townhouse or apartment or any combination thereof.

That notwithstanding the provisions of Paragraphs (c), (d), (h), (i) 1., (j), (l), (m) 1., 3. and 4. of Subsection 6.10.3 "Zone Regulations" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (c) Minimum Front Yard - 3.5 m
- (d) Minimum Side Yard for Maisonettes,  
Stacked Townhouses and Dwelling Groups
  - 6 metres, except for 0.0 metres for the flankage yard abutting the hypotenuse of the daylight triangle at intersection of North Service Road and Lakeview Drive, 6.5 metres for the flankage yard abutting Lakeview Drive, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.
- (h) Minimum Distance Between Buildings on the Same Lot
  - 14.5 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.
- (i) Maximum Density
  - 1. 50 units per hectare
- (j) Maximum Building Height - 12 m
- (l) Privacy Area
  - Notwithstanding the yard requirements above, each maisonette and stacked townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 1.6 metres for each maisonette unit, and 0.9 metre for each stacked townhouse unit.
- (m) Minimum Landscaped Open Space
  - 1. Not less than 35 percent of the lot area for maisonettes, street townhouses and dwelling groups shall be landscaped including privacy areas.

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3. No landscaped strip shall be provided between any privacy area and the flankage yard abutting the hypotenuse of the daylight triangle at the intersection of North Service Road and Lakeview Drive, and not less than 1.5 metres of landscaped strip shall be provided between any privacy area and the front lot line.
4. No landscaped strip shall be provided adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the intersection of North Service Road and Lakeview Drive, and a landscaped strip having a minimum width of 1.0 metres shall be provided and thereafter maintained adjacent to the portion of the lot abutting the front lot line, except for points of ingress and egress.

That notwithstanding the provisions of Paragraph (c) and (d) of Subsection 6.1.8 "Parking Restrictions In Residential Zones" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line, except that the provision of this clause shall not apply to any parking space located within a private garage.
- (d) Parking spaces shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres and parking spaces for physically challenged persons shall have a width of not less than 4.15 metres and a length of not less than 5.8 metres, exclusive of any land used to permit ingress or egress to said parking spaces, maneuvering areas, driveways or aisles. One parking space within a private residential garage shall not be less than 3 metres in width or less than 6 metres in length;

That notwithstanding the provisions of Paragraphs (a) 1., (c), (d), and (e) of Subsection 6.10.5 "Regulations for Parking" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces
  1. 2 parking spaces and 0.3 visitor parking spaces for each maisonette and stacked townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
- (c) For maisonettes or stacked townhouses, only one of the required parking spaces per unit may be provided in the required front yard.

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(d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line, except that the provision of this clause shall not apply to any parking space located within a private garage.

(e) Shall not apply.

That notwithstanding the provisions of Paragraph (a) of Subsection 4.10.4 "Requirement For Parking Designated for Vehicles of Physically Challenged" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

(a) have minimum rectangular dimensions of 4.15 metres by 5.8 metres.

That on those lands zoned "RM3-64" by this By-law, the provisions of Subsection 4.13.1 "Daylight Triangles" of Zoning By-law No. 3692-92 shall not apply.

That notwithstanding the provisions of Paragraph (b) and (d) of Subsection 4.19.1 "Yard Encroachments" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

(b) Eaves or gutters, for other than an accessory building, which may project into any required yard a distance of not more than 0.6 metres;

(d) Balconies, canopies, unenclosed porches and decks and their associated stairs, including a cold cellar underneath same, may project into any required front yard 2.2 metres. Balconies, canopies, unenclosed porches and decks and their associated stairs may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard.

All other regulations of the Multiple Residential "RM3" Zone shall apply.

3. That Subsection 8.8.4, "Special Exemptions" of Section 8.8, Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption, "MUC-10", as follows:

**"MUC-10"                      86, 88, 90, 92, 94, 96 Lakeview Drive, Schedule "A", Map No. 2**

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In addition to the uses permitted in Subsection 8.8.2 "Permitted Uses for Each Lot" of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-10" by this By-law, the following uses shall also be permitted:

- (a) Bakery Shop
- (b) Convenience Food Stores
- (c) Drug Stores
- (d) Dry Cleaning Depot
- (e) Food Stores
- (f) Medical Offices or Clinics
- (g) Private or Commercial Schools
- (h) Restaurant – Convenience
- (i) Restaurant – Fast Food
- (j) Restaurant – Outdoor Patio
- (k) Veterinary Facility

That notwithstanding the provisions of Paragraphs (e), (f), (g), (h), (k), (l), (n) 1. and 4., and (o) of Subsection 8.8.3 "Zone Regulations" of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-10" by this By-law, the following shall apply:

- (e) Front Yard
  - Minimum 1.5 metres up to a maximum 4.5 metres
- (f) Minimum Side Yard
  - 7.5 metres, except 12 metres for a flankage yard
- (g) Minimum Rear Yard
  - 7.5 metres
- (h) Maximum Residential Density
  - 100 units per hectare
- (k) Shall not apply
- (l) Minimum Landscaped Open Space
  - 1. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to Lakeview Drive.

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2. A landscaped strip having a minimum width of at least 1.5 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.
  3. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts another lot.
- (n) Minimum Parking Requirement
1. Residential Uses – 1.3 spaces per dwelling unit.
  4. Shall not apply.
- (o) Shall not apply.

All other regulations of the Mixed Use Commercial "MUC" Zone shall apply.

4. 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 Multiple Residential "RM3" Zone provisions and Mixed Use Commercial "MUC" Zone provisions, subject to the special requirements referred to in Section 2 and 3.
5. 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            day of            , 2018.

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Fred Eisenberger  
Mayor

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City Clerk

ZAC-17-020

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*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members

Report No.: PED18085

Date: 05/01/2018

Ward(s) or City Wide: Ward: 10

(MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: 905-546-2424, ext. 4771

*For Office Use Only, this doesn't appear in the by-law*





This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2>Schedule "A"</h2>  Map Forming Part of By-law No. 18-_____  to Amend By-law No. 3692-92	<b>Subject Property</b> 84, 86, 88, 90, 92, 94 & 96 Lakeview Drive  <div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 15px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> <b>Block 1</b> - Change in zoning from Highway Commercial (Holding) "HC (H)" Zone, to a Multiple Residential "RM3-64" Zone, Modified                 </div> </div> <div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 15px; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> <b>Block 2</b> - Change in zoning from Highway Commercial (Holding) "HC (H)" Zone, to a Mixed Use Commercial "MUC-10" Zone, Modified                 </div> </div>
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Scale: N.T.S.	File Name/Number: ZAC-17-020/UHOPA-17-009	 <b>Hamilton</b>
Date: April 23, 2018	Planner/Technician: AF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		