

Authority: Item 8
Planning Committee
Report 12-011 (PED12089)
CM: July 12, 2012

Bill No. 183

CITY OF HAMILTON

BY-LAW NO. 12-

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 845 and 857 North Service Road

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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; 8 of Report 12-011 of the Planning Committee, at its meeting held on the 12 day of July, 2012, 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 approval of Official Plan Amendment No.169.

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;
 - (i) by changing from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-31” Zone, Modified, the lands identified as “Block 1”;
 - (ii) by changing from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-32” Zone, Modified, the lands identified as “Block 2”;
 - (iii) by changing from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-33” Zone, Modified, the lands identified as “Block 3”; and,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Sub-section 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 Special Exemptions, “RM2-31”; “RM2-32”; and, “RM2-23”, as follows:

- (i) **“RM2-31” - 845 & 857 North Service Road, Schedule “A”, Map No. 2**

Notwithstanding the provisions of Paragraphs (a), (b), (c), and (d) of Section 6.9.3 “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned “RM2-31” by this By-law, the following shall apply:

- (a) Minimum Lot Area

Interior Unit	-	162 square metres.
End Unit	-	202 square metres.
Corner Unit	-	220 square metres.
- (b) Minimum Lot Frontage

End Unit	-	7.8 metres.
Corner Unit	-	8.2 metres.
- (c) Minimum Front Yard - 6.0 metres, except 4.9 metres for a second floor.
- (d) Minimum Side Yard

End Unit	-	1.2 metres.
Corner Unit	-	2.0 metres.

(ii) **“RM2-32” - 845 and 857 North Service Road, Schedule “A”, Map No. 2**

For the purpose of this By-law, a common element condominium road shall be deemed to be a street.

All buildings, structures, required parking areas, and stormwater management facilities shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.

Notwithstanding the provisions of Paragraphs (a), (b), (c), and (d), of Section 6.9.3 “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned “RM2-32” by this By-law, the following shall apply:

- (a) Minimum Lot Area
 - Interior Unit - 175 square metres.
 - End Unit - 230 square metres.
 - Corner Unit - 220 square metres.
- (b) Minimum Lot Frontage
 - End Unit - 7.8 metres.
 - Corner Unit - 8.3 metres.
- (c) Minimum Front Yard - 6.0 metres, except 4.9 metres for a second floor.
- (d) Minimum Side Yard
 - End Unit - 1.2 metres.
 - Corner Unit - 1.9 metres.

Notwithstanding the provisions of Section 6.9.4 “Regulations for Parking” of Zoning By-law No. 3692-92, on those lands zoned “RM2-32” by this By-law, the following shall apply:

- (c) That a minimum of 24 visitor parking spaces shall be provided and maintained.

Notwithstanding the provisions of Section 4.10.3 “Dimensions of Parking Spaces” and Section 4.10.4 “Requirement for Parking Designated for Vehicles of Physically Challenged” of Zoning By-law No. 3692-92, on those lands zoned “RM2-32” by this By-law, the following shall apply:

Dimensions of Parking Spaces

Parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways, or a similar purpose.

Requirement for Parking Designated for Vehicles of Physically Challenged

Parking for the physically challenged shall have minimum rectangular dimensions of 4.4 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways, or a similar purpose.

(c) **“RM2-33” - 845 and 857 North Service Road, Schedule “A”, Map No. 2**

For the purpose of this By-law, a common element condominium road shall be deemed to be a street.

All buildings, structures, required parking areas, and stormwater management facilities shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.

Notwithstanding the provisions of Paragraphs (c), (d), and (i) of Section 6.9.3 “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned “RM2-33” by this By-law, the following shall apply:

(c) Minimum Front Yard - 5.8 metres.

(d) Minimum Side Yard
Corner Unit - 2.0 metres.

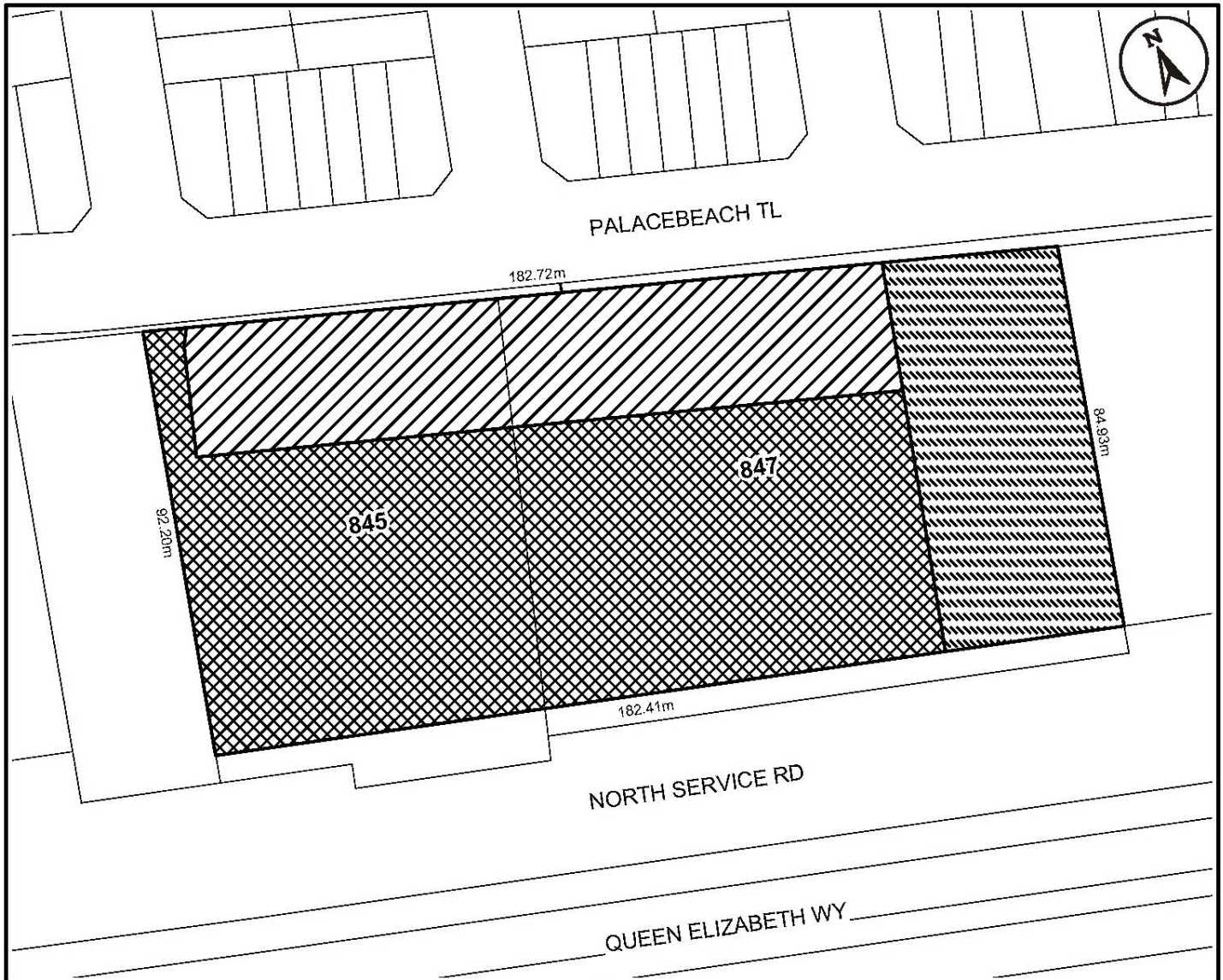
(i) Maximum Lot Coverage - 55 percent.

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 Multiple Residential “RM2” Zone provisions, subject to the special requirements referred to in Section 2.
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 16th day of August, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk



This is Schedule "A" to By-Law No. 12-

Passed the day of, 2012

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 12-_____

to Amend By-law No. 3692-92

Subject Property

845 & 847 North Service Road



Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-31" Zone



Block 2 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-32" Zone



Block 3 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-33" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-11-025

Date:
May 14, 2012

Planner/Technician:
AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT