TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: ED&P - March 2, 2010

SUBJECT/REPORT NO:
Application for Approval of an Amendment to Stoney Creek Zoning By-law No. 3692-92 for Lands Located Within Blocks 75-78, Registered Plan 62M-1057, “Fifty Road Joint Venture - Phase 3” (PED10039) (Ward 11)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Danielle Fama
(905) 546-2424, Ext. 4148

SIGNATURE:

RECOMMENDATION:

That approval be given to Zoning Application ZAC-09-044, by Fifty Rose Homes Inc., Owner, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Multiple Residential “RM2-5” Zone to the Single Residential “R5-6” Zone, with a Special Exception (Block 1), and the Single Residential “R3-31” Zone, with a Special Exception (Block 2), for lands located within Blocks 75-78, Registered Plan 62M-1057, Stoney Creek, as shown on Appendix “A” to Report PED10039, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule ‘A’, Map No. 4, of Zoning By-law No. 3692-92.
(c) That the changes in zoning conform with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

(d) That upon finalization of the implementing Zoning By-law, the approved Fifty Point Neighbourhood Plan be amended by re-designating the subject lands from “Medium Density Residential” to “Low Density Residential”.

**EXECUTIVE SUMMARY**

The purpose of this application is to amend the Stoney Creek Zoning By-law to permit the development of the subject lands for 18 single detached dwellings (see Appendix “C”), whereas 22 street townhouse dwellings are currently permitted.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 15.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Background**

The subject lands are located within the Fifty Road Joint Venture Subdivision. Official Plan Amendment No. 43, which was approved by the Region on August 31, 1993, established specific policies which were implemented to guide the development of the Fifty Point Neighbourhood. On May 6, 1996, the Region approved Official Plan Amendment No. 61, which modified specific policies related to lot size and density for lands west of Fifty Road.
On February 23, 1999, OPA No.76 was approved by the Region. The OPA made minor amendments to the Stoney Creek Official Plan by permitting a maximum number of units, as opposed to a maximum density. The associated Draft Plan of Subdivision 25T-98013 (File No. 077-165) and Zoning By-law Amendment (File No. 075-191) were referred back to staff for further review, and were approved by the Ontario Municipal Board on October 4, 1999.

An additional Zoning By-law Amendment (File No. 075-1632) was approved on October 24, 2000. The Amendment permitted single detached dwellings as an additional use for those lands zoned Single Residential “R5-6”, which only permitted semi-detached dwellings.

Proposal

The applicant has applied to rezone the lands from the Multiple Residential “RM2-5” Zone to the Single Residential “R5-6” Zone (Block 1) and the Single Residential “R3-31” Zone (Block 2) to permit 18 single detached dwellings, whereas 22 street townhouse dwellings are currently permitted. The “R5-6” Zone was established for this subdivision and is prominent throughout the subdivision.

The applicant has requested a modification to the maximum flankage yard setback for the two corner lots (Block 2). All other regulations would be consistent with the existing “R3-12” Zone, which is also prominent throughout the Fifty Point Subdivision. This proposed modification is discussed in the Analysis/Rational section of this report.

Details of Submitted Applications

Location: Blocks 75-78, Plan 62M-1057 (Stoney Creek)

Owner: Fifty Rose Homes Inc.

Agent: A.J. Clarke and Associates

Property Size: Block 75:

Area: 1,037.4 square metres
Frontage: 41.9 metres (Greenstem Crescent)
Flankage: 25.0 metres (Lockport Way)

Block 76:

Area: 1,224.9 square metres
Frontage: 49.4 metres (Sedgebrook Avenue)
Flankage: 25.0 metres (Lockport Way)
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with Policy 1.1.3.1, which focuses growth in settlement areas.

However, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive lands uses are appropriately designed, buffered, and separated from each other to prevent adverse effect from odour, noise, and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended for residential purposes, are located approximately 180 metres from the Queen Elizabeth Way, and are approximately 192 metres from Fifty Road. The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a noise study. Staff notes that a noise study was completed for the subject lands as part of the plan of subdivision (25T-98013, Registered Plan 62M-1057). Further, since the noise related requirements of the subject lands have been included in the Registered Subdivision Agreement, there are no further concerns.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within the City of Hamilton’s built boundary, and are consistent with the general intensification policies of the Places to Grow Plan. Specifically, staff notes Policy 2.2.3.1, which states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area. The application conforms with the policies of the Places to Grow Plan.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The application conforms with the policies of the Hamilton-Wentworth Official Plan.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
City of Stoney Creek Official Plan:

The subject lands are designated “Residential” on Schedule ‘A’ - General Land Use Plan and “Special Policy Area E” on Schedule ‘A4’ - Urban Lakeshore Area Secondary Plan in the Stoney Creek Official Plan. The following policies, among others, are applicable to the subject lands.

“1.1 OBJECTIVES

1.1.1 To ensure that a sufficient supply of land is available to accommodate expected population growth and changing demands for residential development.

1.1.2 To provide a range of housing types and densities of varied styles, while ensuring the provision of amenities necessary for local residents.

1.1.3 To ensure that new Residential development or re-development is compatible with surrounding existing and proposed development and is not subject to noxious environmental elements.

1.1.4 To promote a residential development pattern where the efficient use of energy is an important component.

1.2 POLICIES

1.2.1 The primary uses permitted in areas designated on Schedule ‘A’ as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Subsection, Subsection A.13, F.3, and other relevant policies of this Plan.

1.2.5 Any development shall be provided with full urban services including paved roads, municipal sanitary and storm sewers, and piped water. In no case will development be approved where the agency having jurisdiction indicates that such services are not available or adequate to accommodate the intended development, unless otherwise specified in this Plan.

1.2.6 An adequate number and variety of dwellings to satisfy the physical, social, and financial shelter requirements of existing and future residents of the City of Stoney Creek shall be provided. In this respect, the City shall prepare, and annually update, housing targets and strategies in support of this policy. Housing targets should include, but not be limited,
to the following:

(a) Housing mix, (e.g. single family, semi-detached, townhousing, apartments, etc.)

(b) Housing tenure (ownership and rental units); and,

(c) Housing for special groups including senior citizens, low income persons, and the physically handicapped.

1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, and A.1.2.22, and other policies of the Plan.

1.2.11 All residential development within areas designated as Residential by this Plan will be directed to Planning Districts and Urban Residential Neighbourhoods, as identified on Schedule ‘E’. Council shall ensure that an adequate number of dwellings, park, school, and other community facilities are available, or will be available to adequately serve the Residential Neighbourhoods. In this regard, permitted uses under the Residential designation will be located and developed in accordance with the SECONDARY PLAN policies and related Schedules of Subsection A.13 and other relevant policies of this Plan.

1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

a) LOW DENSITY - approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex, and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.

b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly town house dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.
c) MEDIUM-HIGH DENSITY - approximately 50 to 99 units per Net Residential Hectare. This designation permits predominantly apartment dwellings in buildings not exceeding a height of nine storeys. This type of dwelling generally is to be located adjacent to or in close proximity to arterial and/or collector roads, community facilities, and open space areas.

d) HIGH DENSITY - approximately 100 to 200 units per Net Residential Hectare, unless otherwise specified in the Secondary Plan. This category permits predominantly high rise apartments.

This type of dwelling is generally to be located:

(i) Within and at the periphery of the area designated by this Plan as Central Area; or,

(ii) Adjacent to or in close proximity to arterial roads, community and park facilities, and open space areas.

1.2.13 For the purpose of SECONDARY PLANS, Net Residential Density refers to the number of dwelling units per Net Residential Hectare of any particular development or re-development. In the case of single family, duplex and semi-detached dwellings, Net Residential Density includes only the land for residential lots, and excludes lands for public roads, public park lands, and hazard lands. In the case of any housing form other than single family, duplex, and semi-detached dwellings, Net Residential Density includes the lands for dwellings, private internal roads, parking areas, open space, and other associated amenities directly related and forming part of the development and/or redevelopment.

1.2.14 Within each of the Secondary Plan’s Residential Density designations outlined in Policy 1.2.12 of this Subsection, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of a neighbourhood and to promote compatibility of dwelling unit types with surrounding existing and proposed land uses.

1.2.15 Sites designated on Secondary Plans for medium, medium-high, and high density residential uses may be considered for lower densities or for any other use permitted under the Residential designation, upon the request of the landowner, without an amendment to this Plan provided:
a) The proposed use would comply with Policies A.1.2.6 and A.1.2.22, and with any other relevant policies of this Plan;

b) The proposed use is compatible with existing and proposed surrounding development;

c) The proposed use would not create a detrimental effect upon existing development within the area, especially from the aspect of traffic; and,

d) The implementing Zoning By-law is amended to permit the proposed use.

1.2.19 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake, or require the following, in order to achieve high standards of residential amenity:

a) Provision and maintenance of adequate off-street parking;

b) Provision, improvement and/or maintenance of on-site landscaping; and,

c) The provision and maintenance of adequate separation distances, and the placement of buffering features between residential uses of differing densities as well as other land uses.

In addition, residential development and/or infilling within developed neighbourhoods shall not be on a scale so as to create a land use conflict with surrounding uses.

1.2.32 Development applications, including amendments to the Official Plan and Zoning By-law, shall be processed expeditiously while not sacrificing the quality of review and unduly limiting the opportunity for agency or public input. In order to achieve this goal, the monitoring of the time required to review applications for planning related matters will be undertaken in order to identify a means to increase the efficiency of the approvals process.
12.5 SPECIAL POLICY AREA “E”

12.5.1 Special Policy Area “E”, as identified on Schedule “A4”, located on the east side of Fifty Road, north of Baseline Road, is intended for residential development which features a range of housing including single-detached, semi-detached, and townhouses. Notwithstanding Policy A.1.2.12, a maximum of 637 dwelling units will be permitted. All development shall be subject to Policy A.13.4.11 and other applicable policies of this plan.

13.4 LAKESHORE AREA - SECONDARY PLAN

13.4.10 A Plan for development of Special Policy Area “E”, as shown on Schedule A.4, within the Fifty Point Neighbourhood will incorporate design feature considerations to enhance the physical setting of the area and to create a visually and aesthetically distinct neighbourhood. Principles embodied in the design of this area shall include;

a) A generalized “grid” style local road pattern, which promotes pedestrian movements and neighbourhood connectivity.

b) Streetscape features such as decorative light standards, enhanced landscaping of boulevards, special intersection treatments, entrance features and traffic circle islands with pedestrian amenities, decreased front yards, front porches, and recessed or detached garages. The actual yard requirements will be determined by the City at the time of its review of zoning and subdivision applications.

c) A geographic gradation of densities with the lowest densities being provided in the northerly part of the area, and the higher density development being interspersed throughout the area, but with a greater concentration in the southerly part of the area.

f) Architectural and urban design guidelines for the Special Policy Area “E” portion of the Plan are to be prepared by a “qualified architectural consultant”. The architectural and urban design guidelines are intended to achieve an attractive and coordinated built form and community design with features to enhance the neighbourhood and to create architecturally complementary streetscapes. The architectural and urban design guidelines shall address, but not be limited to, the following:
The prescription of architectural designs and forms to ensure distinctive and high quality buildings and a strong neighbourhood character;

- Provision of appropriate architectural and landscape design concepts along, and at key intersections of entry roads with McCollum Road, Fifty Road, and Baseline Road, to ensure appropriate streetscapes and landscape buffers to create an identifiable prestige gateway into this neighbourhood; and,

- Provision of a centrally located park or common area which serves as the focal point of the neighbourhood.”

The subject lands are designated “Special Policy Area E” on Schedule ‘A4’ - Urban Lakeshore Area Secondary Plan. Although there is no underlying designation, based on the Medium Density Designation in the Neighbourhood Plan and the existing zoning, staff has reviewed the application against the “Medium Density” policies identified in the Official Plan. The proposal conforms with the policies identified in Section 1.2.15, which permits sites designated for medium density to be considered for lower densities without an amendment to the Official Plan. The proposal represents a form of development which is compatible with, and complementary to, the established development pattern in the neighbourhood. The proposed use would not create a detrimental effect upon existing and proposed development in the area as there is an existing mix of single detached and townhouse dwellings. In addition, the change in use will not cause a detrimental effect in terms of traffic concerns.

**Neighbourhood Plan**

The subject lands are designated “Medium Density Residential” in the approved Fifty Point Neighbourhood Plan. An amendment to the approved Neighbourhood Plan will be required to reflect the change in until type (Low Density Residential).

**Urban Hamilton Official Plan**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The New Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E” Urban Structure, and as “Low Density Residential 2e” on the Urban Lakeshore Area Secondary Plan. The proposal would conform to the “Neighbourhoods” and “Low Density Residential” designations of the New Hamilton Urban Official Plan.
RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Environmental Planning Section, Public Works Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Taxation Division, Corporate Services Department.
- Forestry and Horticulture Section, Public Works Department.
- Hamilton Conservation Authority.
- Horizon Utilities.
- Bell Canada.

The **Waste Management Division (Public Works Department)** has indicated they have no objection to the proposed change in zoning. However, they have provided comments in relation to the development of the site which will allow for efficient waste collection service:

(i) Eligibility for municipal waste collection service will be determined based on detailed development plans.

(ii) The proposed roadways, including all egresses to and exits from the development area, must provide for continuous forward movement of waste collection vehicles. If this is not possible, temporary turnabouts must be constructed to accommodate collection vehicles and to allow for this development to receive curbside waste collection.

(iii) Road width must be a minimum of 6m.

(iv) A turning radius of 13.0m is required for all truck movements.

(v) The City of Hamilton will offer waste collection service in a development only when consistent service can be offered.

(vi) The City of Hamilton is committed to provide safe/effective waste collection services and will comply fully with the **Ontario Occupational Health and Safety Act (OHSA)** regulations at all times. Specifically, the **2008 Ontario Health and Safety Act and Regulations** (consolidated version), Clause 104.1, or as amended, from time-to-time.

(vii) Construction material is prohibited from collection and arrangements (for its collection) shall be made with a private contractor.
(viii) During the construction phase of this development, in the event that common waste collection areas are necessary, waste collection vehicles require free and clear access in order to provide weekly service.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 172 property owners within 120 metres of the subject property on December 3, 2009. A Public Notice sign was also posted on the property and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, no responses have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (P2G);

   (ii) It conforms to the Hamilton-Wentworth Official Plan and Stoney Creek Official Plan;

   (iii) The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area; and,

   (iv) The proposal implements the “Low Density Residential 2e” designation in the new Urban Official Plan.

2. The applicant has requested a change in zoning from the Multiple Residential “RM2-5” Zone to the Single Residential “R5-6” Zone (Block 1) and the Single Residential “R3-31” Zone (Block 2). The existing “R5-6” Zone is present throughout the Fifty Point subdivision and is contiguous to the westerly and easterly boundaries of the subject lands.

   The proposed “R3-31” Zone is consistent with the existing “R3-12” Zone, except for one modification. The applicant has proposed to change the maximum flankage side yard setback for the two corner lots (Block 2) from a maximum of 4.5 metres to a maximum of 5.5 metres. However, the minimum setback of 3.0 metres is to be maintained. Staff is of the opinion that this modification is
considered minor, and will allow for flexibility of design, while still maintaining the intent of the By-law by ensuring a consistent streetscape (see Appendix “D”).

The proposed change in zoning will result in a reduction in the number of units from 22 townhouse dwelling units to 18 single detached units. This change in dwelling type will result in a decrease in density from 48.9 units per hectare to 40.0 units per hectare. Although the subject lands are not designated “Medium Density”, it is noted that the proposal still conforms to the 30 to 49 units per hectare for the “Medium Density” designation.

The Official Plan provides policy direction for evaluating proposals related to lands designated for “Medium Density” in a Secondary Plan to be considered for lower densities for any use permitted under the Residential designation. The policy framework includes: complying with Policies A.1.2.6 and A.1.2.22, and with any other relevant policies of the plan; that the proposed use is compatible with existing and proposed surrounding development within the area, especially from the aspect of Traffic; and that the implementing Zoning By-law is amended to permit the proposed use. Although not required to, as the lands are designated ‘Special Policy Area ‘E’ and not “Medium Density”, the proposed development of the subject lands meets the objectives of the Official Plan, as the proposed built form is compatible with the existing and planned development in the area. There is an existing mix of single detached and townhouse dwellings in the neighbourhood, and Traffic has indicated they have no objections to the proposal.

3. There are municipal sewers along the frontage of all four blocks fronting onto each of the respective roadways. Private sewer and water drain connections were constructed to the property lines to service the currently permitted street townhouse units. A revised engineering servicing drawing submitted by the applicant illustrates the service connections required for the proposed single family dwellings. While most of the existing connections can be salvaged and utilized to service the residential units, those connections which cannot be used will be required to be properly abandoned at the sewer/and or watermain, as per City Standards.

A detailed grading plan will be required to be submitted illustrating driveway approaches (to ensure on street parking is maximized), curbing, boulevard sodding, street trees, road restoration, etc., along with revised cost estimate schedules prepared by a qualified engineer. Staff notes that this phase of the subdivision has not been assumed, and securities are still being held for the completion of servicing, grading, and roadway works. No additional securities will be required.
The Owner provided staff with a stormwater management report, along with storm and sanitary drainage area mapping. No further studies or addendums to the reports will be required.

A street tree planting plan was submitted and approved by the Forestry and Horticulture Section. A revised plan will be required illustrating the proposed street trees for the single detached dwellings. The developer provided the City with a security, in the amount of $54,000.00, for street tree planting prior to the execution of the Subdivision Agreement. No additional securities will be required.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the lands could be developed in accordance with the current Multiple Residential “RM2-5” zoning provisions for 22 street townhouse dwellings.

CORPORATE STRATEGIC PLAN


Social Development

• Everyone has a home they can afford that is well maintained and safe.

Environmental Stewardship

• Natural resources are protected and enhanced.

Healthy Community

• Plan and manage the built environment.

APPENDICES / SCHEDULES

Appendix “A” to PED10039 - Location Map.
Appendix “B” to PED10039 – Draft Zoning By-law Amendment.
Appendix “C” to PED10039 - Draft Reference Plan.
Appendix “D” to PED10039 - Concept Plan.
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-09-044
Date: November 18, 2009
Appendix "A"

Subject Property
Blocks 75 to 78, Plan 62M-1057 (Stoney Creek)

- **Block 1** - Change in zoning from the Multiple Residential "RM2-5" Zone to the Residential "R5-6" Zone
- **Block 2** - Change in zoning from the Multiple Residential "RM2-5" Zone to the Residential "R3-31" Zone

Ward 11 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located within Blocks 75-78, Registered Plan 62M-1057, Stoney Creek

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 of Report 10- of the Economic Development and Planning Committee, at its meeting held on the day of , 2010, 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 Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule ‘A’, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Multiple Residential “RM2-5” Zone to the Single Residential “R5-6” Zone (Block 1) and the Single Residential “R3-31” Zone (Block 2), on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. That Subsection 6.4.7, “Special Exemptions”, of Section 6.4 Single Residential “R3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “R3-31”, as follows:

   “R3-31” - Blocks 75 and 78, Plan 62M-1057, Schedule ‘A’, Map No. 4

Lands zoned Single Residential “R3-31” Zone shall be developed in accordance with the regulations contained within the Single Residential “R3-12” Zone, except for the following special provision:

   (a) On a corner lot, the side yard abutting the flankage lot line shall be a minimum of 3 metres and a maximum of 5.5 metres, except that an attached garage or attached carport shall not front on the flankage street.

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 Single Residential “R3” Zone provisions, subject to the special requirements referred to in Section 2, and the Single Residential “R5-6” Zone provisions.

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 and ENACTED this _______ day of __________, 2010.

______________________________  ________________________________
FRED EISENBERGER               KEVIN C. CHRISTENSON
MAYOR                            CLERK

ZAC-09-044
Schedule "A"

Map Forming Part of By-Law No. 10--

Passed the .......... day of ..................., 2010

This is Schedule "A" to By-Law No. 10-

Subject Property
Blocks 75 to 78, Plan 62M-1057 (Stoney Creek)

Block 1 - Change in zoning from the Multiple Residential "RM2-5" Zone to the Residential "R3-6" Zone

Block 2 - Change in zoning from the Multiple Residential "RM2-5" Zone to the Residential "R3-31" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-09-044

Date:
November 18, 2009

Planner/Technician:
DF/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT