SUBJECT: Application for a Change in Zoning for the Property Located at 4 Bridgewater Court (Stoney Creek) (PED06070) (Ward 9)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-05-106, by CityHousing Hamilton, for a change in zoning from the “Multiple Residential “RM5” Zone to the Multiple Residential “RM3-29” Zone, to permit 60 multiple dwelling units and a duplex dwelling on the property located at 4 Bridgewater Court (Stoney Creek), as shown on Appendix “A” to Report PED06070, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED06070, 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. 10, of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The application is for a change in zoning in order to permit the development of 60 multiple dwelling units and a duplex dwelling. The proposed change in zoning can be supported as it is consistent with the Provincial Policy Statement with respect to providing a range of housing types and densities, and the provision of affordable housing. The application implements the existing “Residential” and “Medium-High Density Residential” designations of the City of Stoney Creek Official Plan, and the “Medium/High Density Residential” designation of the approved Albion Neighbourhood Plan. The proposed development is also compatible with the residential character of the area and would provide affordable housing for the City of Hamilton.

BACKGROUND:

Proposal

The application is for a change in zoning from the Multiple Residential “RM5” Zone to the Multiple Residential “RM3-29” Zone in order to permit 60 multiple dwelling units at 4 Bridgewater Court, consisting of 24 townhouses, 36 stacked townhouses/maisonettes within 9 buildings, as well as 1 duplex dwelling. The development has vehicular access from Bridgewater Court and would contain a total of 82 parking spaces. The proposed modified zoning would implement the proposed plan, attached as Appendix “C”.

Site Plan Control Application DA-06-07

Site Plan Control Application DA-06-07 (4 Bridgewater Court) was submitted in December 2005, for the development of 60 dwelling units within 9 building and a duplex dwelling. The application was approved at the Development Review Committee, by the Manager of Development Planning, on February 15, 2006, subject to a number of conditions, including the finalization of Zoning Application ZAC-05-106. All issues pertaining to garbage collection, fire truck manoeuvring, storm water management, grading, servicing, fencing, landscaping, pedestrian linkages, etc. have been addressed through the Site Plan Control Application.

Location: 4 Bridgewater Court (Stoney Creek)

Owner: Ontario Realty Corporation

Applicant: CityHousing Hamilton

Property Description: Frontage: 30.973m (Bridgewater Court)
Depth: Irregular
Lot Area: 11,453m²

Servicing: Full municipal services
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Townhouses</td>
<td>Multiple Residential “RM3” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Commercial Plaza and City Park (south side of Mud Street)</td>
<td>Neighbourhood Shopping Centre “SC1-1” Zone and Intensive Recreation “IR” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Drainage Channel</td>
<td>Open Space “OS” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Commercial Plaza</td>
<td>Neighbourhood Shopping Centre “SC1-1” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the principles and policies of the Provincial Policy Statement, in that the proposal implements Policies 1.1.3 and 1.4 pertaining to providing a mix of densities and housing types, and the provision of affordable housing.

   (ii) It conforms with and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan, in that the proposal provides a compact higher density urban form with provision for affordable housing.

   (iii) It conforms with and implements the “Residential” and “Medium-High Density Residential” designations of the City of Stoney Creek Official Plan which supports a mix of housing types, tenure, and the provision of housing for low income persons.

   (iv) The proposed urban design is both innovative and would provide for a high quality of life for residents, and is compatible with the mix of abutting land uses in the area.

   (v) The proposal would provide increased affordable housing opportunities for the City of Hamilton, implementing a key goal of both the City of Hamilton’s Strategic Plan, and “Keys to the Home”, the City of Hamilton’s Municipal Housing Strategy, approved by City Council in November 2004.
2. The applicant for the development is CityHousing Hamilton, which is the name for the previous three housing corporations owned by the City of Housing (Hamilton Housing Corporation, Municipal Non-Profit Housing Association, and Dundas Valley Non-Profit Housing Association). CityHousing Hamilton provides housing on a rent-geared to income level (as well as some market rental units). The Ontario Realty Corporation currently owns the property, however, the transfer of the property to the City of Hamilton will occur shortly. CityHousing Hamilton is coordinating the development approval of the property and has entered into a partnership with Habitat for Humanity. The ultimate tenure of the lands will be a plan of condominium, with Habitat for Humanity owning (and building) a number of the units, which would ultimately be sold, and CityHousing Hamilton owning the remainder of the units to be rented through the CityHousing Hamilton’s housing programs.

3. The proposed development consists of 62 dwelling units within 9 buildings, and 82 surface parking spaces. No garages would be provided except for one covered carport. The majority of the parking is located in three major parking areas at the east, west, and south corners of the property. Each dwelling unit would have an individual outdoor amenity area consisting of a patio or courtyard area. A large common outdoor greenspace area will be also be provided in the middle of the property.

The proposed built form provides a mix of dwelling types to serve a broad range of tenants, and a mix of housing for various special needs. Each dwelling unit has been designed to provide a separate exterior entrance at the ground floor level. The chart below provides a breakdown of each of the proposed buildings, the number of units, and description of built form:

<table>
<thead>
<tr>
<th>Building Number</th>
<th>Number of Dwelling Units</th>
<th>Description of Dwelling Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2</td>
<td>Duplex – 2 units with separate ground floor entrances, one unit on each storey with the lower unit designed for the mobility impaired with an attached covered carport on the west side for a handicapped parking space.</td>
</tr>
<tr>
<td>B</td>
<td>6</td>
<td>Multiple Dwelling (Townhouses) – traditional block townhouse design with party walls separating units, separate entrances off the south side of the building, and rear patios and outdoor areas for each unit.</td>
</tr>
<tr>
<td>C</td>
<td>6</td>
<td>Multiple Dwelling (Townhouses) – same general design as building B but with separate entrances on the north side of the building.</td>
</tr>
</tbody>
</table>
D-1  6  Multiple Dwelling (Stacked Townhouses) – 4 units at the ground floor area and 2 units on the 2\textsuperscript{nd} floor, all with separate ground floor entrances on the north side of the building. 4 units have front courtyards, and 2 units have rear patios.

D-2  6  Multiple Dwelling (Stacked Townhouses) – same design as building D-1.

E  6  Multiple Dwelling (Townhouses) – same general design as building B.

F  12  Multiple Dwelling (Stacked Maisonettes) – 8 units at the ground floor level and 4 at the 2\textsuperscript{nd} floor level. 6 of the dwelling units have ground floor access on the east side of the building and 6 of the dwelling units have ground floor access on the west side of the building. Patios in the front and rear are provided for each unit.

G  12  Multiple Dwelling (Stacked Maisonettes) – same general design as building F.

H  6  Multiple Dwelling (Townhouses) – same general design as building B.

4. The subject property is currently zoned Multiple Residential “RM5” Zone. This zone permits only apartment dwellings. The proposed duplex and townhouses would not be permitted within the existing zoning, therefore, a change in zoning to the Multiple Residential “RM3” Zone is proposed. The Multiple Residential “RM3” Zone permits maisonettes, street townhouses, townhouses, apartment dwellings, and dwelling groups. Therefore, the proposed mix of dwelling types would generally be permitted within the Multiple Residential “RM3” Zone, except that a duplex is not permitted. Part 2 of Zoning By-law No. 3692-92 provides definitions for different types of dwellings. The definition of an apartment dwelling, maisonette, and townhouse respectively are:

Apartment Building

"Means a building containing five or more dwelling units which building shall have a common entrance from the street level and where the occupants shall have the right in common to use halls, stairs, yards and accessory buildings, but shall not include a Boarding House.”
Maisonette

“Means back to back townhouse dwellings.”

Townhouse

“Means a building containing not less than three and not more than eight dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit.”

Proposed buildings D-1, D-2, F, and G are variations of a multiple dwelling and maisonette. However, as buildings D-1 and D-2 have separate exterior entrances, and buildings F and G do not have common party walls between units, these dwelling types do not meet the current definitions and a new definition is required. In addition, while the proposed development contains four distinct types of dwelling units (duplex, townhouses, and a modified multiple dwelling and maisonette), the general built form for all of the units would be very similar consisting of separate exterior entrances, the same building height, similar amenity areas of courtyards and patios, and similar architectural detailing. It is only the interior of the buildings differentiating between the dwelling types. It would thus be appropriate for the purposes of this development to utilize a definition for a multiple dwelling that would be all encompassing to provide for flexibility.

An appropriate definition for a multiple dwelling would be “a building or part thereof containing three or more dwelling units”. This definition is consistent with the new approach for defining multiple dwelling in the City’s new Comprehensive Zoning By-law (No. 05-200). This By-law is in effect for the downtown, but not yet applied to the remainder of the City.

5. In addition to the introduction of a new definition for multiple dwelling to ensure that all of the proposed different building variations are permitted, a number of additional zoning modifications are required to implement the site plan attached as Appendix “C”. The majority of these modifications result from the irregular shape of the subject property, the irregular (curved) frontage on Bridgewater Court, and that different types of dwellings have different requirements for setbacks between buildings on the same lot. As a result of the number of modifications, new zoning provisions have been established that are applicable only to the proposed development. A summary of the special modifications is provided below:
Modifications for Front and Side Yards

A zoning modification is required to permit Building H to provide a 7.2m front yard setback, whereas 7.5m is required; and to permit Building F to provide a 4.8m side yard setback, whereas 6.0m is required. The modification to permit a reduced front yard can be supported as it is a result of the irregular shape of the subject property, and the reduction is minor in nature. The modification to permit a reduced side yard can be supported as Building F abuts a commercial use to the west that provides a 12m landscaped area with stone retaining wall between the commercial use and the subject property. Therefore, a sufficient buffer between land uses is provided, and the proposed outdoor courtyards in the sideyard will still provide sufficient outdoor amenity space. However, the zoning modification should be limited to the westerly side yard.

Modifications for Minimum Distance between Buildings on the Same Lot

Subsection 6.10.3(h) of Zoning By-law No. 3692-92 requires a minimum 15m setback between buildings on the same lot, except 3m between end walls and 9 metres between an end wall and a rear wall. As the Ontario Building Code regulates separation of buildings and the site plan approvals gives the City the authority to regulate siting of buildings, this regulation has been eliminated from the zoning regulations applying to this project.

Modification to Maximum Residential Density

The proposed Multiple Residential “RM3” Zone permits a maximum residential density of 40 units per hectare. The subject property is approximately 1.15ha in size which would permit a total of 45 dwelling units on the property. The applicant is proposing a total of 62 dwelling units, which exceeds the maximum by 17 dwelling units. While the proposed residential density exceeds the maximum permitted, the subject lands are currently zoned Multiple Residential “RM5” Zone, which permits only apartment dwellings. Under the current “RM5” Zone, a maximum residential density of 150 units per hectare is permitted. Therefore, should the property have been developed only for apartment dwellings in accordance with the existing “RM5” Zone, a total of 172 dwelling units could have been provided. The proposed density of 62 units (approximately 54 units per hectare) is a result primarily of the introduction of innovative multiple dwelling forms on the property instead of developing the property only for townhouses. The intent of the Zoning By-law and Official Plan are being upheld, in that the lands are designated for medium and high density residential uses and, as a result, the modification can be supported.
Modification for Building Height

The applicants have requested a modification to permit a maximum building height of 12.0m, whereas 11.0m is permitted. This increase in height would only apply to Building F and is a result in the drop of grades at that area of the property. The modification can be supported as the increase is minor in nature, and Building F only abuts the commercial development to the west. In addition, the current “RM5” Zone has no height restriction.

Modification for Minimum Landscaped Open Space and Landscape Strips

A modification is required to permit a minimum landscaped area of 45%, whereas a minimum landscaped area of 50% is required. The reduction in total landscaped area is a product of providing all surface parking, instead of providing attached garages which would typically have living areas above. This reduction is minor in nature and the overall quality and quantity of landscaping being provided is satisfactory. As previously noted, each dwelling unit is provided with individual outdoor amenity areas, although some of these amenity areas are concrete courtyards and patios, which cannot count toward landscaped area. In addition, since the original submission, the plans have been revised to increase the size of the common central amenity area by eliminating the driveway in front of Buildings D-1 and D-2. Therefore, the proposed modification can be supported.

A modification is also required to permit the required privacy areas for buildings E and H, and for a mailbox area, and a hydro transformer to be located within the required 4.5m landscape strip. A 4.5m landscape strip is only required where a yard abuts a street and due to the irregular frontage of the property, the yard abutting a street technically extends across these units. As such, the modification is a technicality in that normally only a 1.5m landscaped strip is required where a privacy area abuts a lot line (which is being provided). Therefore, the intent of providing both a privacy area and landscape strip is upheld. The proposed location of the mailbox area and hydro transformer is also acceptable as the mailboxes must be located near the Bridgewater Court frontage to ensure delivery by Canada Post. The proposed transformer is quite small, and through the site plan process, plantings can be provided around the transformer to mitigate any visual impact.

Modification for Number of Parking Spaces:

A modification is required to permit a total of 82 parking spaces to be provided (1 parking space for each unit and 20 visitor parking spaces), whereas 139 parking spaces (114 tenant parking and 25 visitor parking spaces) are required. The reduction in the number of parking spaces is a product of providing all of the parking exterior to the dwelling units on the surface of the property. No garages are proposed, except for one covered carport for the duplex unit which would
provide one handicapped parking space. It should be noted that the original proposed development for the property was for a total of 66 dwelling units with 71 parking spaces. After reviewing the original proposal, it was suggested to the applicants that additional parking should be provided. As a result, the number of dwelling units was slightly reduced and the number of parking spaces provided has been increased. The applicant has indicated that the number of parking spaces provided is sufficient for a development consisting of affordable and/or rent geared to income housing. Therefore, staff is satisfied that the proposed parking ratio of approximately 1.3 spaces per dwelling unit is sufficient. In addition, the modification can be supported for the following reasons:

- Each dwelling unit would have at least one parking space and visitor parking spaces have been provided.

- The Public Works Department (Traffic Engineering and Operations Section) has no concerns with the reduction.

- The number of parking spaces provided is consistent with the demand for parking for affordable and/or rent geared to income housing.

- The applicant has advised that the total amount of parking provided is consistent with other City owned housing projects in the City of Hamilton.

- The applicant has advised it is planned that through the future application for a Draft Plan of Condominium, warning clauses can be included to ensure all purchasers and/or tenants are informed that only one parking space per unit is provided.

- Bus service is available on Paramount Drive and the minor reduction in parking is transit supportive.

- Local commercial amenities are available in close proximity at the northeast corner of Mud Street West and Paramount Drive (immediately west of the subject property), and at the northeast corner of Paramount Drive and Mistywood Drive.

Modification for Location of Parking Spaces to Lot Lines

A modification is required to permit a single parking space to be located in the required front yard (the northerly most parking space located east of Building B). While the parking spaces are located in line with Building B, due to the curved frontage of the subject property on Bridgewater Court one parking space is technically located partially within the required 7.5m front yard. This modification can be supported as the parking space still provides a 6.0m setback from the front lot line.
A modification is also required to permit a number of parking spaces to be located closer than 3.0m to a lot line. The majority of the parking spaces provide a 1.5m or greater setback, consisting of a landscaped strip, from the property line. The majority of these parking spaces also abut either the commercial property to the west or the drainage channel to the east. In addition, all of the parking spaces are located greater than 5.0m from any residential building on another property, therefore, the modification meets the intent of the Zoning By-law and can be supported.

However, there are two places where parking spaces are located 0.0m from a property line. One of these is the corner of one parking space at the southerly parking area. However, as it is only a small portion of one parking space located 0.0m from the westerly side lot line, and the property to the west is commercial, the modification is minor in nature and can be supported. The second place where a 0.0m setback is provided is at the northwest corner of the property where one parking space and a hammerhead for manoeuvring is located. This reduction can also be supported as it is only one parking space located with the reduced setback, a 5.0m setback to a residential building on another property is being provided, and a visual barrier will be provided along the property line.

Modification for Location of Parking Spaces to Dwelling Units on the Same Lot

Zoning By-law No. 3692-92 requires a 3.0m setback from a grouping of three or more parking spaces to any dwelling unit. Modifications are required to permit a reduction as the proposed setback between parking spaces and dwellings ranges from 1.0m (to Building F) to 2.79m (to Building B). Building G and H are not located within 3m of a parking space. This reduction can be supported as the majority of the buildings have no windows on the side elevations, except for wrap-around windows on the front. Therefore, there would be minimal impact from headlights or idling vehicles on the buildings.

6. The applicants have submitted a noise study due to the proximity of the subject property from Mud Street West. The study concludes that all noise levels fall under acceptable limits subject to the introduction of walls around some of the outdoor courtyards, the provision of air conditioning availability for certain units, and warning clauses for certain units. The recommendations of the noise study will be incorporated in Site Plan Control approval, and through provisions in any Draft Plan of Condominium approval.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, the lands could be developed in accordance with the existing Multiple Residential “RM5” Zone, which permits only apartment dwellings, and the lands would not be able to be developed for the proposed innovative building forms.
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.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The proposal implements Policy 1.1.3.1 with respect to focusing growth in settlement areas and Policy 1.1.3.2 with respect to the efficient use of land and resources. The proposal also implements the housing policies of Section 1.4 with respect both to the provision of a range of housing types and densities, and the provision of affordable housing. In this regard, the proposal is consistent with the principles and policies of the Provincial Policy Statement.

An acoustical report has also been submitted to ensure that Policy 1.7.1(e), pertaining to mitigation of impacts between major facilities and sensitive land uses has been addressed. The recommendations of the acoustical report will be implemented through Site Plan approval.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 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. In addition, Part B, pertaining to quality of life, promotes the provision of opportunities for affordable shelter. Therefore, the proposal conforms with the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – General Land Use Plan and “Medium – High Density Residential” on Schedule “A3” – West Mountain Planning District Heritage Green Section Secondary Plan in the City of Stoney Creek Official Plan. The proposal conforms with and implements the “Residential” and “Medium – High Density Residential” designations, in that multiple dwellings are permitted within this designation. The proposal also implements Policy A.1.2.6 and A.1.2.10 with respect to the provision of low cost housing.
Neighbourhood Plan

The subject property is designated “Medium/High Density Residential” in the approved Albion Neighbourhood Plan. The proposed development implements the “Medium/High Density Residential” designation.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section).
- Public Works Department (Forestry and Horticulture Section).

Hamilton Municipal Parking System has advised that parking requirements for the property should be accommodated on-site as there are no municipal carparks in the immediate vicinity of this property. Adequate on-site parking is being provided for the development.

Hamilton Street Railway has advised that Route #11 and Route #43 operate along Paramount Drive and that in-fill development close to transit routes provides opportunity to generate additional riders, and that curtailing the availability of parking helps encourage the use of transit and other non-auto modes.

The Hamilton Conservation Authority has advised that a 7.5m development setback from the top-of-bank must be provided, and that all of the rear yard amenity features and parking spaces have been reviewed and are permitted at their proposed location. The required 7.5m development setback has been provided.

Public Works Department (Traffic Engineering and Operations Section) has commented on the on-site manoeuvring of garbage collection vehicles and fire truck manoeuvring, and that an access permit is required for any new access. The revised plan reflects these comments, which will also be further reviewed through the site plan process.

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to 137 property owners and tenants within 120 metres of the subject property. In addition, a Public Notice sign was erected on the property on December 12, 2005. To date, no comments have been received as a result of the circulation or public notice sign.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes  □ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes  □ No
Ecological function and the natural heritage system are protected. The proposed development implements all requirements of the Hamilton Conservation Authority with respect to the protection of Felker Creek.

Economic Well-Being is enhanced. ☑ Yes  □ No
Infrastructure and compact development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☑ Yes  □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes  ☑ No

:GM

Attachs. (3)
Location Map

File Name/Number: ZAC-05-106
Date: October 20, 2005
Appendix "A"
Scale: N.T.S
Planner/Technician: GM/MZ

Subject Property
4 Bridgewater Court, Stoney Creek
Change in Zoning from the Multiple Residential "RM5" Zone to the Multiple Residential "RM3-29" Zone

Ward 9
Keymap
N.T.S
Appendix “B” to Report PED06070 (Page 1 of 4)

Authority:  Item , Planning and Economic Development Committee Report CM:  

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property located at 4 Bridgewater Court

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 municipality known as the “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 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. 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 Section of Report 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006, 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. 10 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 “RM5” Zone to the Multiple Residential “RM3-29” Zone, the lands the
extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 6.10.7, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “RM3-29”, to include the following:

“RM3-29 4 Bridgewater Court, Schedule “A”, Map No. 10

Notwithstanding the permitted uses in Subsection 6.10 of the Multiple Residential “RM3” Zone, those lands zoned “RM3-29” by this By-law may only be used for multiple dwellings and a duplex dwelling and uses, buildings or structures accessory thereto. For purposes of the “RM3-29” Zone, a multiple dwelling is defined as a “building or part thereof containing three or more dwelling units”.

Notwithstanding Subsection 6.1.8(c), no parking space shall be provided closer than 3 metres to any lot line, except for 2 parking spaces that are permitted to be located 0.0m to a side lot line. Notwithstanding any of the Zone Regulations of Subsection 6.10.3 and Regulations for Parking of Subsection 6.10.5 of Zoning By-law No. 3692-92, for those lands zoned “RM3-29” by this By-law, the following special regulations shall apply:

**Zone Regulations**

(a) Minimum Lot Area 4,000 square metres
(b) Minimum Lot Frontage 50 metres
(c) Minimum Front Yard 7.2 metres
(d) Minimum Side Yard 4.8 metres to the westerly side lot line and 6.0 metres to all other side lot lines
(e) Minimum Rear Yard 6.0 metres
(f) Maximum Number of Dwelling Units 62 dwelling units
(g) Maximum Building Height 12 metres
(h) Maximum Lot Coverage 35 percent
(i) Minimum Landscaped Open Space Not less than 45 percent of the lot area shall be landscaped which may include area devoted to privacy areas, and a minimum 4.5 metre landscaped strip shall be provided adjacent to any lot
line abutting a street (except for ingress and egress). Privacy areas, a mail box area, and hydro transformer are permitted within the landscape strip.

Regulations For Parking

(a) Minimum Number of Parking Spaces 1.25 space per dwelling unit.

(b) 1 parking space is permitted within the required front yard no closer than 6 metres from the front lot line.

(c) No parking space shall be located closer than 1.5 metres to any lot line, except that one parking space is permitted to be located 0.0 metres from the westerly side lot line, and one parking space is permitted to be located 0.0 metres from the northerly side lot line.

(d) Where there is a grouping of three or more parking spaces, no parking space shall be located closer than 1.0 metre to any dwelling unit located on the same lot.”

3. 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, subject to the special requirements referred to in Section 2.

4. 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 , 2006.

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MAYOR  CLERK

ZAC-05-106
This is Schedule “A” to By-Law No. 06—

Passed the __________ day of __________, 2006

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Clerk

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Mayor

Schedule "A"

Map Forming Part of By-Law No. 06—

to Amend By-Law No. 3692-92

Subject Property

4 Bridgwater Court, Stoney Creek

Change in Zoning from the Multiple Residential “RM5” Zone to the Multiple Residential “RM3-29” Zone

T&C File Name: