CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee
Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department

Date: March 31, 2006
File No: OPA-05-26/ZAC-05-130

Prepared by: Kristen West (905) 546-2424, Ext. 1331

SUBJECT: Applications for an Official Plan Amendment and a Change in Zoning for the Property Located at 170 Dewitt Road (Stoney Creek) (PED06115) (Ward 10)

RECOMMENDATION:

(a) That approval be given to the application by Homes by DeSantis (Grimsby) Inc., owner, for Official Plan Amendment No. ____, for a change in designation from “General Commercial” to “Medium Density Residential” on Schedule “A1” – Western Development Area Secondary Plan, by redesignating the subject lands from “General Commercial” to “Medium Residential” for the property located at 170 Dewitt Road, in the Westmeria Neighbourhood (Stoney Creek), as shown on Appendix “A” to Report PED06115.

(b) That approval be given to Zoning Application ZAC-05-130, by Homes by DeSantis (Grimsby) Inc., owner, for a change in zoning from the General Commercial “GC” Zone to a site-specific Multiple Residential “RM3” Zone, to permit fifty-six townhouse dwellings on the lands located at 170 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED06115, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED06115, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 7, of Zoning By-law No. 3692-92.
(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City of Stoney Creek upon finalization of proposed Official Plan Amendment No. __.

(iv) That upon finalization of the implementing By-law, the Westmeria Neighbourhood Plan be amended to reflect the change in designation from “General Commercial” to “Medium Density Residential”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is to facilitate the development of fifty-six townhouses. Justification for the proposed Official Plan and Zoning By-law Amendments is based on the following factors:

1. The proposed medium density residential development achieves a higher density development on a vacant parcel within the existing urban area that will be easily accessible to public transit.

2. The proposed medium density residential use is similar in form and function to the existing adjacent residential and medium density residential uses.

3. The subject property is suitably located on the periphery of the Residential Neighbourhood on an arterial road.

4. The proposal can be supported as it is consistent with the policies of the Provincial Policy Statement (PPS), and conforms to the policies of the Hamilton-Wentworth Official Plan.

**BACKGROUND:**

The subject lands were originally designated “Medium Density” in the Westmeria Neighbourhood Plan in 1981 and were, subsequently, redesignated to “Institutional”. Official Plan Amendment No. 82 changed the “Institutional” designation in 2000 to “General Commercial” for the development of a funeral home.
Proposal

The application proposes the creation of fifty-six townhouse units with a private parkette and twenty-six visitor parking spaces. All of the units front onto an internal private roadway, as shown on Appendix “B”.

Location: 170 Dewitt Road, Northeast corner of Highway No. 8 and Dewitt Road (see Appendix “A”)

Owner: Homes by DeSantis (Grimsby) Inc.

Servicing: Full municipal servicing

Summary of Proposed Development:

<table>
<thead>
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<th>Proposed</th>
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<tbody>
<tr>
<td>Total Land Area:</td>
<td>1.207 ha (2.98 acres)</td>
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<tr>
<td>Total Number of Units:</td>
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Existing Land Use and Zoning:

<table>
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<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td></td>
<td>Vacant</td>
<td>General Commercial “GC” Zone</td>
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<table>
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<tr>
<th>North:</th>
<th>Secondary School</th>
<th>Institutional “I” Zone</th>
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<tbody>
<tr>
<td>West:</td>
<td>Single detached dwelling</td>
<td>Neighbourhood “ND” Development</td>
</tr>
<tr>
<td>South:</td>
<td>Commercial businesses, and vacant single detached dwelling</td>
<td>General Commercial “GC” and site-specific General Commercial “GC-20” and Residential “R1” Zones</td>
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<tr>
<td>East:</td>
<td>Commercial Plaza and Gas Bar</td>
<td>Site-specific General Commercial “GC-17” Zone</td>
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ANALYSIS/RATIONALE:

1. Staff considers the proposed official plan and change in zoning appropriate and supportable as the resulting development is compatible with the existing mix of uses in the surrounding neighbourhood.

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed Official Plan and zone changes. Planning staff’s evaluation of the proposed application is set out below.
Official Plan Amendment

The subject property is designated ‘Commercial’ in the Stoney Creek Official Plan. This designation was the result of a site-specific amendment in April, 2000 for the development of a funeral home. The subject property was designated ‘Medium Density’ in the original Westmeria Neighbourhood Plan (approved in 1981); the projected density of the lands designated ‘Medium Density’ was thirty-five units per hectare. The new Stoney Creek Official Plan, which was adopted in 2001, changed the density benchmark and defined “Medium Density” as follows:

“…approximately 30-49 units per Net Residential Hectare. This designation permits predominantly townhouse dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to the arterial roads and/or collector roads.”

The proposed development meets this definition with respect to density (47 units/per hectare), housing type (townhouses), and location.

Zone Change

The proposal is for a change in zoning from the General Commercial “GC” Zone to a site-specific Multiple Residential “RM3-30” Zone. The subject lands meet the minimum lot frontage (50 metres) and the minimum lot area (4,000 square metres) requirements of the Multiple Residential “RM3” Zoning. The applicant proposes the following modifications:

- Minimum Front yard shall be 5.8 metres to the front lot line along Dewitt Road, as one unit encroaches (7.5 metres are required).
- Minimum northerly Side Yard shall be 5.5 metres (6 metres required) for one unit, except for 4.2 metres for a flankage yard (7.5 metres required), as one unit encroaches.
- Minimum Distance Between Buildings on the Same Lot – 13.5 metres (15 metres required).
- Maximum Density - 47 units per hectare (40 units per hectare permitted).
- Maximum Building Height – 12.5 metres (11 metres permitted).
- Minimum Landscaped Open Space
  1. Not less than 37 percent of the lot area for townhouses shall be landscaped including privacy areas (50% required).
2. To permit a retaining wall within the required landscape strip along the north property line.

3. A landscape strip having a minimum width of 4 metres adjacent to Highway No. 8 and Dewitt Road (4.5 metres required).

- To permit 17 of the 26 visitor parking spaces within the required front yard adjacent to Dewitt Road.

- A reduction in the required number of visitor parking spaces from 28 parking spaces to 26 parking spaces.

- To permit 1 of the 26 visitor parking spaces within 1.5 metres of a lot line (3 metres required).

- To permit 7 of the 26 visitor parking within 2 metres of a dwelling unit on the same lot (3 metres required).

- To permit balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, to project into any required side or rear yard.

The reductions to the landscaping requirements are supportable as the development will still provide adequate streetscaping (minimum 4 metres wide), and a private parkette centrally located within the development. The 1.5 metre reduction to the setback requirement along the north lot line will have minimal impact, as a secondary school is abutting the lands.

The other modifications requested are consistent with compact forms of urban development, are minor in nature and, therefore, are supportable.

2. Two responses to the public circulation were received (see Appendix “C”), one from the property owner at 557 Highway No. 8, expressing concern about safety related to the internal and external traffic pattern and the proposed density; and the other from the condominium owner located at 29 Heritage Drive, Unit No. 12, expressing concern about the number of requested modifications to the zoning. An analysis of the proposed modifications in zoning is provided in staff’s comments above.

The traffic concerns expressed by the adjacent property owner are issues that are normally dealt with as part of the site plan process. The applicant will have to ensure that the accesses do not negatively impact the normal traffic pattern flows along both Highway No. 8 and Dewitt Road.
The increased density requested conforms to the Official Plan and Vision 2020. Higher densities are appropriate along major arterial roadways as they are transit supportive, help create a hierarchy of uses and provide a buffer for more sensitive land uses such as Low Density Residential.

3. The proposed development is subject to Site Plan Control. As part of this future application a noise assessment, stormwater management report, and road dedications will be required. Other matters such as access, grading, landscaping, etc., will be also reviewed.

Although staff supports the requested modifications, the applicant should be aware that other design considerations, such as access, which will be reviewed in more detail at the site plan stage of development, may impact the site layout, as shown on the preliminary concept plan.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are not approved, the lands could only be used for the range of uses permitted under the current General Commercial “GC” Zone.

**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 an Official Plan Amendment and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS), and it is consistent with the policies that focus growth in settlement areas 1.1.3.1. 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 land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Highway No. 8, a noise assessment will be required as part of a future site plan or draft plan of condominium application.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within 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. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Therefore, as the nature of the applications are for the redesignation of the subject lands for future residential purposes where full municipal services are available, the proposals are consistent with the Hamilton-Wentworth Official Plan policies.

Stoney Creek Official Plan

Section 1.2.18, in the Stoney Creek Official Plan, provides the following direction for the evaluation of proposals for new multiple family residential developments:

“Council shall be satisfied that:

(a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;

(b) The height, bulk and arrangement of buildings and structures will achieve harmonious design and will not conflict with existing and/or expected development of the surrounding area;

(c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,

(d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets. “

The Stoney Creek Official Plan defines Medium Residential Density as:

- Approximately 30 to 49 units per Net Residential Hectare.
- This designation permits predominately town houses and walk-up apartments.
- Generally, these types of dwellings are located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.

The proposed development is consistent with these policies, as the subject property complied at the time of the original designation of “Medium Density” by the Westmeria Neighbourhood Plan in 1981. The abutting residential lands are also designated “Medium Density Residential”.

RELEVANT CONSULTATION:

The Hamilton Street Railway

The Hamilton Street Railway operates Route No. 55, Stoney Creek Central, past this site with no planned changes in service. The proposed increase in density will support the existing transit operation in terms of helping to increase ridership, which reduces net operating costs. The proposed development improves the land use mix along the transit line, which is transit supportive. Street orientation and pedestrian entrances are important. Direct, short walking distances between buildings and transit service are preferable. HSR is in favour of high quality amenities at this site like walkways, lighting, etc.

Public Works (Operations and Maintenance Division)

The location of the Highway No. 8 access may not be the ideal location, as submitted, considering existing accesses on the south side of Highway No. 8. At the site plan stage, the applicant must include the south side accesses and must ensure that eastbound and westbound left turning vehicles on Highway No. 8 do not conflict at the respective accesses.

The access location to Dewitt Road is satisfactory as shown, however, should the location change at the site plan stage, then the existing commercial access on the west side of Dewitt Road must be illustrated to ensure left turn conflicts are not created.

The manoeuvring area for the most northerly parking space in the north east quadrant is minimal and we recommend that the applicant consider additional paved manoeuvring area, ideally an additional 1.0 metres to the north (would further reduce that setback).

Public Health Services (Health Protection Branch)

As part of the required site plan application a lot grading plan, to control any surface water issues which may impact Orchard Park Secondary School to the north and low lying scrub-brush land to the east of the development site, must be received and approved.

Agencies/Departments Having No Concern or Objections:

- Public Works Department, Open Space Development and Park Planning.
- Community Services Department, Culture & Recreation Division.
- Corporate Services Department, Budgets, Taxation & Policy Section.
- Hamilton-Wentworth District School Board.
Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was circulated to all property owners within 120 metres of the subject property. A total of 176 notices were circulated. Two comments were received (See Appendix “C”), which are discussed in the Analysis/Rationale Section of this report.

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
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use 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

:KW
Attachs. (4)
Appendix “A” to Report PED06115

Planning and Economic Development Department

Location Map

File Name/Number: OPA-05-28/ZAC-05-130  Date: January 17, 2006
Appendix “A”  Scale: N.T.S  Planner/Technician: KW/LMM

Subject Property
Part of Lot 16, Concession 2

170 Dewitt Road (Stoney Creek)

Ward 10  Keymap  N.T.S
Proposed Development
Response from the Public Circulation

Feb. 6, 2006

RE: File OPA–05-26 / ZAC-05-130

1. If rules are in place, why are so many variances being considered?

2. Why minimize the quality of life (density, landscaping, parking-handicapped no less) for these owners? Would the builder like to live there?

3. Whose interests are being represented? It smacks of greed.

Modifications!

Chris Skilnyk
February 4, 2006

RE: FILE: OPA-05-26/ZAC-05-130
Homes by DeSantis Inc. Block Townhouse Rezoning
Dewitt Road and Highway #8.

Kristen West, Development Planner,
City of Hamilton,
Planning and Economic Development Department,
Development and Real Estate Division (East),
City Hall, 71 Main St. West, 6th Floor,
Hamilton, Ontario,
L8P 4Y5

Dear Ms. West:

Thank you for your letter requesting my comments on this block townhouse proposal. I own and occupy the house on the large lot at 557 Highway 8, bordering the proposed development on the east. While I favour development on the corner property immediately west of me, this proposal has two major faults that I can see.

The first and most serious fault is with the road or “fire access route” configuration in the Zoning Amendment Sketch, specifically the eastern road, the entrance from Highway #8, which joins Highway #8 exactly in the merging zone just east of the Dewitt Road stoplight, where the south lanes of Highway #8 narrow from 2 lanes to 1. There have been several collisions in this merge zone over the years: the Dewitt Stoplight lines up cars side by side, and when the light turns green they accelerate into the merge zone and “play chicken” for possession of the sole remaining lane. If the lead car suddenly tries to make a left turn a collision can ensue.

Several years ago in this way I inadvertently triggered an accident in this merge zone in this way merely by signaling a left turn and moving into the turn lane to enter the west leg of my U-driveway. The guy behind me who was tailgating slammed on the brakes, and there was a loud crunch when the merging Mercedes behind rear-ended him. There were ambulances, injuries, and both cars were totalled. After that I quit entering via the western section of my U-driveway — too risky for following cars. If the “fire access route” in the Zoning Amendment Sketch is allowed, there will daily be hundreds of left turns in this merge zone under circumstances similar to those which produced this accident!!!

The City of Stoney Creek eventually paved the southern shoulder of Highway #8 for about 200 yd. East of the merge zone, but this paved shoulder is narrow and the ditch beside it quite deep. Highway #8 needs to be properly widened for at least 100 yd. beyond the merge zone, and the deep ditch filled in. This must be done either before or during the time construction on this development takes place if the “fire access route” pattern in it is not revised.

I am keeping several copies of this submission. If this problem is not rectified I expect a similar crash to happen in this merging zone several times a year. I will make this letter of warning available to the Insurance Companies and Lawyers of the crash victims for legal action against the City and others. The City should have an Engineer and Lawyer, or ideally a Risk Manager (if you don’t have one McMaster University does — call 525-9140 and ask for Risk Management) examine this situation. I would like to be mailed a copy of the report. The City should not should NOT allow the creation of a dangerous road configuration that will kill or maim many poor drivers just to keep a land developer happy! I am enclosing a photo of the merge zone for your better understanding.
My second concern is that the Density of 47 Units/Hectare is in gross violation of the Westmeria Neighbourhood Plan as presented at a Public Meeting on February 25, 1976 (Copy Enclosed), and subsequently adopted by Stoney Creek Council. The Westmeria Plan allowed a Density of 14 Units/Acre (35 Units/Hectare). The large DeSantis Estates development built to the east of my property in the late 1980’s by Tony DeSantis was done on an approximately 35 Units/Hectare Density and is still very nice, neat and functional with few visible problems. The 40 Units/Hectare figure that you quote is quite cramped and should not be exceeded. Exactly when the allowed density went from 35 Units/Hectare to 40 Units/Hectare is a mystery to me, and I save all such documents that come into this house. It seems to me that the allowed density in the old Stoney Creek Western Development Area should be “grandfathered” to that approved by the residents of Stoney Creek and not moved upward at the urging of the developers without public consultation. Downtown Hamilton has an ample supply of crummy housing; it seems that they are now trying build more in Stoney Creek.

Most of the 16 requested variances in the current application are the result of trying to crowd too many units into too small a space. Of these I especially object to Variance #14 which permits parking in a front yard, making it difficult for landscaping crews to do a good job of cutting lawns. I also object to the fact that Units D17 to D24 and D39 to D46 have no private back yards. The block-townhouse type of housing becomes less desirable at this density and possibly should be abandoned and replaced by a condominium tower.

On a more positive note, I think that Deck Variance #15 is fine as long as the deck does not come too close to a property line. Buyers usually start building decks in their backyard anyhow, soon after the original builder leaves. At least doing it via a Variance ensures that the deck gets assessed for tax purposes. Enclosed is a photo of the dubious decks which gradually appeared in the back yards of the DeSantis Estates townhouses just to the east of my lot: built by the owner probably without building permit or assessment. These decks are not objectionable in this case because they are distant from the property line.

Yours truly,

Gordon C. Hewitson
Appendix “C” to Report PD06115 (Page 5 of 9)

PLANISTICS Inc.
P.O. Box 140, Waterdown, Ontario L0R 2H0 / (416) 689-7301

MEMORANDUM

February 25, 1976.

RE: PUBLIC MEETING CONCERNING
GUERNSEY AND WESTMERIA NEIGHBOURHOOD PLANS -
TOWN OF STONEY CREEK

Ladies and Gentlemen:

INTRODUCTION

The Official Plan is a comprehensive statement of policy of a municipality, a long range planning programme for the development and redevelopment of the municipality which has to be passed by By-Law and has to be approved by the Minister of Housing. This long range plan includes a complete description of the community which we hope to see in the future.

The Official Plan describes in a general way policies, land uses, and areas. The Official Plan reflects the hopes and aspirations of the community and sets out a number of goals to be achieved over the years and the sequence in which we intend to pursue these goals.

While the Official Plan designates land in different land use classifications such as residential, commercial, industrial, etc. and establishes general standards for development, it is further implemented, amongst others, by zoning by-laws and secondary or neighbourhood plans. The zoning by-law specifies in more detail uses which are established in the different land use classifications in the Official Plan. For instance, in the residential zones the zoning by-law establishes categories for the various types of housing (e.g., single family dwellings, townhouses, apartment etc.). The secondary or neighbourhood plans show the future road pattern and that where the various types of housing and other uses, accessory or incidental to residential uses, are to be located.

NEIGHBOURHOOD PLANS

The neighbourhoods represent the smallest planning units in a Planning District within which the various types of residential uses, educational, recreational and commercial facilities are provided for the residents of the neighbourhoods.

The neighbourhood - whenever it is possible, should be bounded by physical boundaries such as roads, railway track, river or lake, etc. ... and should be a self-contained unit.

cont'd
Guernsey Neighbourhood is bounded by Barton Street on the north, Millen Avenue on the west, Highway No. 8 on the south and DeWitt Road on the east and it is part of the Western Development Area, having a total area of 214 acres.

Westmeria Neighbourhood is bounded by Barton Street on the north, DeWitt Road on the west, Highway No. 8 on the south and Fruitland Road on the east, and it is part of the Winona-Fruitland Area Planning District, having a total area of 210 acres.

The General Land Use Plan of the Official Plan shows the proposed land uses for a larger area (Planning District or the entire municipality) and the Neighbourhood Plans show the distribution of uses for the total acreage within a neighbourhood. It also shows the density, planned population, the road pattern, the location of neighbourhood park, neighbourhood commercial and school area as required within the neighbourhood. A special section in the text of the Official Plan establishes the definitions and basis for computation of Neighbourhood requirements.

Each neighbourhood should have a focal or centre core area, where such uses as neighbourhood commercial, community centre, park and school are provided. The commercial educational and recreational facilities are proposed to be so arranged that the optimum use of these facilities be assured. Limited multiple family development is permitted preferably situated along the north and south sides of Highway 8 and the south side of Barton Street. Development of transitional types of housing between lot density and higher density housing is preferred. Where it is not possible, due to the physical characteristics of the land, adequate screening or buffering should be provided.

In preparing the layout and road pattern of Guernsey and Westmeria Neighbourhoods, the following criteria were observed:

EXISTING CONDITIONS

The existing grid road pattern determines the boundaries of these Neighbourhoods and the existing development may affect locating a focal centre and provide for the required facilities in the most desirable location, however, it was mentioned above, that the neighbourhood is a self-contained unit, therefore, the necessary educational, recreational and commercial facilities should be provided for the residents in order to achieve its purpose.
PROPOSED LAND USE

The land use relationship within a neighbourhood should be planned so as not to create interference between different land uses. The nucleus of a neighbourhood is the centre where most of the recreational, educational, and commercial facilities are found (e.g., Saltfleet Community Arena) and which are accessible from all parts of the neighbourhood and is situated at the same distance (approximately) from north and south as well as from east to west. Besides the uses mentioned above, the centre may provide for offices and multiple residential uses. Between the low density residential uses and the high density residential uses in most cases (it depends on physical characteristics of the land) it is preferred to have a transitional medium density residential use established. Higher density residential uses should be located on collector roads, or arterial roads preferably with stub road access to them. In the case of Guernsey and Westmeria Neighbourhoods along Highway No. 8 and Barton Street, General Commercial uses which, do not serve only neighbourhood conveniences, may also be located at controlled intersections and with joint access to such roads. No high density residential development is proposed in Guernsey and Westmeria Neighbourhoods.

ROADS

The road system to be established within these neighbourhoods comprises of local roads and collector roads. Arterial roads constitute the boundaries of these Neighbourhoods. Highway 8 and Barton Street are the northerly and southerly boundaries and Millen Road, DeWitt Road and Fruitland Road are the easterly and westerly boundaries.

Local roads of curvilinear design, are to be designed to provide for safe low speed vehicular traffic, causing the least inconvenience to the neighbourhood residents. Local roads connect to collector roads which may serve a planning district or several neighbourhoods. The collector roads connect to arterial roads. The function of the arterial roads is to connect the municipality with other municipalities, regions, provinces, etc.

CONCLUSION

The neighbourhood, or secondary plan is a detailed development plan of a planning unit prepared to guide the future development of the area. While the basic principles and requirements of the Official Plan should be followed, the neighbourhood or secondary plans have no legal status as the Official Plan or the Zoning By-Law. It is a guide only and one of the many possible designs and proportional details of land use distribution and road pattern within the neighbourhood. Since it has no legal status, it may be changed if a better design is submitted for consideration by any applicant.

The intent of this meeting is to publish information for the residents and owners of lands in the subject area. It is not a public hearing where legal objections can be lodged. The proposed neighbourhood plans are presented to you for discussion purposes and for suggestions for changes which may be taken into consideration and may be incorporated into the neighbourhood plan.
The display maps and reduced copies of same attached to this memorandum, show the details of these neighbourhood plans.

Respectfully submitted,

THE PLANISTICS GROUP

Stephen Drotos, M.C.I.P.,
Vice-President.

SD: lg
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 170 Dewitt 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;

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, as amended by Official Plan Amendment No. ____ proposed by the Corporation of the City of Hamilton as By-law No. ____ , but not yet approved in accordance with the provisions of the Planning Act.

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

1. Map No. 7 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the General Commercial
“GC” Zone to the site-specific Multiple Residential “RM3-30” Zone, the lands, the extent and boundaries of which are shown 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 a new special exemption, "RM3-30", as follows:

"RM3-30 170 Dewitt Road, Schedule "A", Map No. 7

Notwithstanding the provisions of Paragraphs (c), (d), (h), (i)(1), (j), and (m) (1) (3) and (4) of Section 6.10.3 of the Multiple Residential “RM3” Zone, for those lands zoned “RM3-30” by this By-law, the following shall apply to townhouses only:

(c) Minimum Front Yard shall be 5.8 metres.

(d) Minimum northerly Side Yard shall be 5.5 metres, except for 4.2 metres for a flankage yard.

(h) Minimum Distance Between Buildings on the Same Lot – 13.5 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.

(i) Maximum Number of Units Permitted

1. 56 units.

(j) Maximum Building Height – 12.5 metres

(m) Minimum Landscaped Open Space

1. Not less than 37 percent of the lot area shall be landscaped including privacy areas.

3. Not less than 1.5 metres of landscape strip, which may include a retaining wall, shall be provided between any privacy area and any lot line.

4. A landscape strip having a minimum width of 4 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, except for points of ingress and egress, except 3 metres along the hypotenuse of the daylight triangle.

Notwithstanding the provisions of Paragraphs (a)(1), (c), (d), and (e) of Section 6.10.5 of the Multiple Residential “RM3” Zone, for those lands zoned “RM3-30” by this By-law, the following shall apply to townhouses only:

(a) Minimum Number of Parking Spaces
1. 2 parking spaces for each townhouse dwelling unit and 0.46 parking spaces for visitor parking per dwelling unit to a maximum of 26 parking spaces. Tandem parking is permitted for required non-visitor parking spaces.

   (c) Visitor parking may be provided in the required front yard.

   (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions shall not apply to any parking space located in a private garage, or underground garage.

   (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 2 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to parking spaces located within an underground garage.

Notwithstanding the provisions of Paragraph (d) of Section 4.19.1 of the General Provisions, for those lands zoned “RM3-30” by this By-law, the following shall apply for townhouses only:

   (d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project a maximum of 4 metres into any required side yard."

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 Residential Multiple “RM3” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

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.

MAYOR

CLERK

ZAC-05-130
OPA-05-26
Subject Property
170 Dewitt Road

Change from General Commercial “GC” Zone to Multiple Residential “RM3-30” Zone.