

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 12, 2015

CASE NO(S): PL140599

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Anna Roberts
Subject:	Proposed Official Plan Amendment No. 16
Municipality:	City of Hamilton
OMB Case No.:	PL140599
OMB File No.:	PL140599

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Anna Roberts
Subject:	By-law No. 14-117
Municipality:	City of Hamilton
OMB Case No.:	PL140599
OMB File No.:	PL140600

Heard: On February 25 and 26 in Hamilton, Ontario

APPEARANCES:

Parties

Lakewood Beach Community
Council

1333664 Ontario Inc.

The City of Hamilton

Counsel

Virginia MacLean Q.C.

Brian Duxbury

Brian Duxbury

Participant

Lorraine Smith

DECISION DELIVERED BY J. P. ATCHESON AND ORDER OF THE BOARD

[1] This was a hearing in the matter of appeals by the Lakewood Beach Community Council (“Appellant”) from a decision of the Council of the City of Hamilton to adopt Official Plan Amendment No. 16 (“OPA-16”) to the Urban Hamilton Official Plan (“UHOP”) for a property known municipally as 257, 259 and 261 Millen Road in the former City of Stoney Creek (“subject property”). The Amendment redesignates the subject property as shown on Land use Map B.7.1-1 Western Development Area Secondary Plan of the UHOP from “Low Density Residential 2b” to “Medium Density Residential 3”.

[2] The Appellant has also appealed the decision of the Council of the City of Hamilton to pass a Zoning By-law Amendment being By-law Amendment No. 14-117 (“ZBA No. 14-117”) for the subject property.

[3] The subject property is currently dual zoned. By-law No. 3692-92 of the former City of Stoney Creek zones the northern portion of the property Single Residential “R-2” Zone while By-law No. 05-200 of the City of Hamilton zones the southern portion of the property “Neighbourhood Institutional (11)”.

[4] The purpose of both the OPA-16 and ZBA No. 14-117 is to permit the development of a three-storey apartment building containing a maximum total of 40 dwelling units on the site as set out on a site plan at Exhibit 4, Tab 2-5E.

[5] The Board, at the commencement and with the consent of the parties, granted participant status to Ms. Lorraine Smith.

BACKGROUND AND EVIDENCE

[6] The Board, during the course of the hearing, heard evidence from two qualified Land Use Planners on behalf of the Applicant. Mr. John Ariens was retained by the Applicant to assist in making the original planning applications to the municipality and to assist in the planning aspects of the appeals now before the Board. He supports the amended applications being OPA-16 and the ZBA Exhibit 9 (revised) now before the

Board. Mr. Joe Muto, a qualified Land Use Planner employed by the City reviewed his planning staff report to Council (Exhibit 4, Tab 2-7) which supported the one building application. He confirmed during his testimony that no agency expressed any concerns with the revised proposal, and under cross-examination confirmed that he determined based upon similar applications in other parts of the municipality that a dedicated loading space was not required in light of the revised parking lot configuration as set out on the revised site plan (Exhibit 4, Tab 2-5E). He further testified that shadow studies and an urban design review had been conducted by the Applicant as part of the City's review and in his opinion, these studies support the amended application. He supports OPA-16 as passed by City Council and supports the amended ZBA Exhibit 9 (revised). He adopts and supports the evidence of Mr. Ariens.

[7] The Board also heard from Mr. Allan Ramsey a qualified Land Use Planner, retained by the Appellant to assist in their opposition to the applications currently before the Board. He opined that the amended application was an over development of the site not in conformity with the UHOP land use designation for the site or its intensification policies as set out in his witness statement Exhibit 7. He further opined that the ZBA No. 14-117 as passed by Council was poorly worded and in his opinion would not guarantee, if approved by the Board, that the development being proposed would be built in the manner shown on the site plan at Exhibit 4, Tab 2-5E. He opined that on this basis that both OPA-16 and the ZBA No. 14-117 passed by City Council should not be approved as they did not represent good planning in conformity with UHOP policies. Ms. Anna Roberts, a director, of the Lakewood Beach Community Council testified about the incorporation of the ratepayers group Exhibit 2. She confirmed that their association had members throughout the Western Development Area Secondary Plan area including members in the immediate area of the subject application.

[8] Ms. Smith testified on her own behalf. She lives at the house located at 389 Hemlock Avenue. Her rear yard abuts the south side yard of the subject property.

[9] The salient concerns she raised with the Board were that:

1. The 1.5-metre ("m") planting strip is not sufficient to restrict overlook into her property.
2. The parking lot and entrance to the building will cause noise problems and there will be an unacceptable increase in traffic on Millen Road.
3. There will problems from lights shining into her yard from the subject property.
4. She believes that there is not sufficient municipal infrastructure to accommodate the increase in development.
5. She does not believe that the proposed new apartment building would be compatible with the existing development found in the existing neighbourhood.

[10] The Board heard no compelling evidence from the Planners that there were any planning consistency or conformity issues with respect to the 2014 Provincial Policy Statement or with the Provincial Growth Plan for the Greater Golden Horseshoe Area. Clearly, in the Board's judgement, the City's newly approved Official Plan ("UHOP") is consistent with the 2014 Provincial Policy Statement, and is in conformity with the Growth Plan for the Greater Golden Horseshoe Area.

[11] The Board concludes that the matters before it in this case are local in nature, do not affect any provincial interest and should be considered within the context of the City UHOP, the zoning currently in place for the area, and whether the proposed development at this location represents good planning for this part of the City of Hamilton having regard to the policies regime in place for the area.

[12] All planners provided a fulsome review of the applicable UHOP policies, and zoning regulations but arrived at a very different interpretation of how these documents should be applied in this case.

[13] The uncontradicted evidence of the planners is that this application is governed by the City's new UHOP and that the UHOP must be considered in its entirety. They agree that the area is designated Low Density Residential 2b on Land use Map B.7.1-1 Western Development Area Secondary Plan to the UHOP, that the site is currently restricted by the UHOP to low density development such as single and semi-detached dwellings and that an official plan amendment is required to change the density to Medium Density 3 as set out in OPA-16.

[14] Mr. Ariens in his evidence opined that the existing Institutional zoning on the southern half of the property would permit as a matter of right a 15 resident residential care facility or retirement home facility on the property and that due to the size of the site subject to a severance two such facilities might be placed on the property. He sees this as being more intrusive on the neighbours than the proposal now before the Board. The Planners also agree that the new UHOP anticipates that 40% of the new residential growth within the urban part of Hamilton will be in the form of residential intensification within existing developed neighbourhoods (s. 2.4.1.3.c).

[15] They also agree that the applicable criteria for evaluating a residential intensification proposal in the first instance is the criteria set out at s. 2.4.1.4 and that the intensification proposal must be compatibility with the existing character of the area. The Board will include the criteria set out in s. 2.4.1.4 for the ease of the reader.

2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to the existing neighbourhood character so that it maintains, and where possible, enhances and builds upon the desirable established patterns and built forms.
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding areas in terms of use, scale, form and character. In this regard, the city encourages the use of innovative and creative urban design techniques;

- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0- Urban Structure;
- f) infrastructure and transportation capacity; and
- g) the ability of the development to comply with all applicable policies.

[16] The UHOP also set out policies directions in s. 2.4.2 **Residential intensification in the Neighbourhood Designation** which read as follows:

2.4.2.2 when considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in policy B.2.4.1.4
- b) compatibility with adjacent land use including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration with the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public open space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation and cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.

[17] It is also instructive to note that the City's UHOP provides definitions of the terms *Complete Communities* and *Compatible* which read as follows:

Complete Communities: Complete communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided

Compatible means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or “even as being similar to”

[18] The planners agree that these policies together with the housing, built form and Urban Design Policies should also be considered when reviewing an intensification proposal.

[19] Mr. Ramsey in his evidence opined that the subject applications would not satisfy the criteria set out in s. B2.0, s. 2.4.1.4a) , b), d), e), and g) while both Mr. Ariens and Mr. Muto testified that in their opinion all of the applicable criteria set out in the UHOP would be met.

[20] The planners also agree that the subject property is located on the west side of Millen Road, south of Barton Street and north of Highway 8 in the former City of Stoney Creek. The consolidated property is an interior lot, of some 0.4 hectares (in size with 62.13 m of frontage along Millen Road. 257 Millen Road was a former church and day care facility and has a dog leg configuration, while the other two lots to the north contained single family homes (Exhibit 4, Tab 2-5A). The uncontradicted evidence of the planners is that this area is made up of single family home constructed in the mid-1950s and that the area is undergoing reinvestment in the form of new and larger single family homes.

[21] Mr. Ramsey opined that the he would define the neighbourhood as the area on either side of Millen Road from Barton Street to Highway 8 as set out at Exhibit 6, Tab 2 while Mr Ariens relies on the Poplar Park Secondary Plan as found in the UHOP to define the neighbourhood to be studied. The only substantive difference in their respective definition of the neighbourhood is that in Mr. Ariens' case Millen Road which is defined as a Minor Arterial road by the UHOP would form the eastern periphery of the Poplar Park neighbourhood (Exhibit 3, Tab 1-11), while in Mr. Ramsey's neighbourhood Millen Road would run through the centre of his study area (neighbourhood).

[22] Mr. Ariens made reference to several policies in the UHOP that encourage intensification to occur along minor arterial roads at the edge and not within the centre of neighbourhoods. He also testified that the UHOP also encourage medium density developments to occur along minor arterial roads forming a transition with lower density uses in the interior of neighbourhoods.

[23] It was Mr. Ramsey's opinion that the current proposal was an over development of the site not contemplated by the UHOP that this apartment development was not a compatible built form with what currently exists in the neighbourhood (single family homes) and would if approved would introduce a destabilizing form of development along Millen Road not contemplated by the secondary plan governing the area (Land use Map B.7.1-1 Western Development Area Secondary Plan). He believes intensification should be achieved using lower density built forms as is currently happening in the neighbourhood and shown in his series of photographs found at Exhibit 6, Tab 3.

[24] Both Mr. Ariens and Mr. Muto opined that a Minor Arterial Road on the edge of an existing neighbourhood under UHOP policy is where medium density intensification should occur. They both testified that in Hamilton much of the residential intensification contemplated by the UHOP is "application driven" as opposed to pre-designated intensification sites being found in the UHOP. It was their opinion that each residential intensification application must be reviewed against the policy regime found in the UHOP. According to Mr. Ariens, the UHOP did not pre-designated residential intensification sites beyond the downtown core and along specifically designated corridors but instead relies upon the policies contained in the UHOP to evaluate residential intensification applications when they are brought forward.

[25] In response to the concerns raised by Mr. Ramsey with respect to ZBA No. 14-117 the Applicant through Mr. Ariens submitted a revised ZBA Exhibit 9 (revised). The substance of the change to the revised by-law is to secure the location of the proposed building in the centre of the lot by fixing the minimum front, side and rear yard setbacks.

The revised By-law maintains the reduction of the off-street parking requirements and eliminates the need for a separately designated loading space.

FINDINGS AND CONCLUSIONS

[26] The Board, after carefully reviewing the evidence, the exhibits filed, the testimony of the Planners, and the participant, together with the submissions of Counsel, makes the following findings.

[27] The salient question for the Board in the first instance is whether the revised proposal is a form of intensification contemplated by the UHOP for this part of the municipality and as such does OPA-16 have regard for the policy directions found in the UHOP when an UHOP amendment is to be considered.

[28] The Board finds that s. F1.1.5 of the UHOP to be instructive when considering in the first instance whether an OPA should be approved which states:

1.1.5 When considering amendments to this plan, including secondary plans, the City shall have regard to, among other things. The following criteria:

- a) the impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in the Plan; and
- b) the impact of the proposed change on the City's communities, environment, and economy and the effective administration of the public services

[29] It is clear to the Board from a fully reading of the UHOP that the City has established very aggressive targets for achieving a significant part of its new residential growth from intensification and that at least 40% of this growth is being directed to existing established neighbourhoods. The implementation of this policy direction will require changes to some Official Plan designations. The Board finds that OPA-16 is in conformity with the policy directions to be applied when one considers the advisability of an OPA as set in s. F1.1.5 of the UHOP. The amendment in the Board's judgement satisfies the "City's vision for a sustainable community, as it relates to the objectives,

policies and targets established in the Plan” for intensification within existing neighbourhoods and further the Board heard no compelling evidence that the proposal will have any adverse impacts on the” City’s communities, environment, and economy”

[30] It is equally clear from a fully reading of the UHOP that the municipality anticipates that a full range of housing type will be found within its neighbourhoods subject to the locational, built form, and other urban design criteria set out in the UHOP.

[31] The Board after considering the UHOP policies prefers and accepts the evidence of Mr. Ariens and Mr. Muto that this is an appropriate area for medium density development in the manner being set out in OPA-16. The Board finds the adjustment to permit a density of 104 units per net residential hectare to minor in nature particularly when one considered the 3.0-m road widen being taken across the entire frontage of the subject property.

[32] The Board is also satisfied that the reduction in height to three storeys as set out in OPA-16 for this site is appropriate and will ensure that the development on the site is consistent and compatible with the heights currently permitted by the R-2 zoning and reflected by other new larger homes being constructed in the immediate neighbourhood.

[33] There is no compelling evidence before the Board that that OPA-16 does not support fully the vision objectives and targets set out in the UHOP with respect to residential intensification. Similarly the Board is satisfied that the subject property meets the locational criteria for medium density development found at s. E3.3.1 and E3, 5 of the UHOP.

[34] The unfortunate situation in this case is that the City adopted the old secondary plans of the former City of Stoney Creek as they find effect on the schedule “Land use Map B.7.1-1 Western Development Area Secondary Plan”, which might lead one to believe that the City has determined the density and land uses for this entire area.

[35] However; when one gives a full reading to the UHOP it becomes clear as Mr. Ariens testified that residential intensification is to be “application driven” based upon the policy text and criteria found in the UHOP document. Planning is not a static process and change within the parameters established by the municipality in its planning documents is to be expected.

[36] The Board as stated earlier is satisfied that OPA-16 has had regard for the policies and criteria found in the UHOP and should be approved.

[37] The Board has reviewed the supporting documents filed with the application as part of the City review and finds them fulsome and complete. The parking study prepared by W. B. O’Brien Services is sufficient in the Board’s judgement to allow for the reduction in parking spaces from 65 to 57 spaces and the removal of the one designated loading space being proposed in the revised ZBA Exhibit 9 (revised). Similarly, the Urban Design Brief (Exhibit 4, Tab 2-4C), the Sun /Shadow Study Analysis (Exhibit 4, Tab 2-4D), the Angular Plan Analysis (Exhibit 4, Tab 2-4E), together with the Planning Justification Report (Exhibit 4, Tab 2-4F) lead the Board to conclude and accept the evidence of Mr. Ariens that the apartment building as proposed will have no adverse impacts on any surrounding land uses.

[38] The Participant raised concerns about light shining into her back yard from the parking area. The Board would note that this development is subject to the City’s site plan control process which is in place to deal with the issue of light being directed away from abutting properties. The Board is satisfied the lighting issue can be dealt with through the site plan approval process.

[39] It is the Board’s judgement after reviewing these documents and considering the evidence of the planners and the Participant that the proposed 40 unit, three-storey apartment building as set out on the site plan found at Exhibit 4, Tab 2-5E would be compatible with the existing surrounding development as the term “compatible” is defined in the UHOP document, and would meet the City’s definition and goal of achieving “*Complete Communities*” for this part of the municipality.

[40] The Board would note that the UHOP anticipates in s. 2.4.1.4 a “balanced evaluation of the criteria in b) through g) and not slavish adherence to all criteria. The Board is satisfied that the amended application as reflected on OPA-16 and the ZBA Exhibit 9 (revised) meets these tests. The Board in this regard prefers and adopts the evidence of Mr. Ariens and Mr. Muto.

[41] The Board is also satisfied that the revised ZBA Exhibit 9 (revised) is sufficient to secure the development substantially in the form found on the site plan (Exhibit 4, Tab 2-5E) and should be approved.

[42] The Board heard no compelling evidence that the proposed development would pose any traffic issues along Millen Road. The more compelling evidence is that Millen Road is functioning as a minor arterial road at an acceptable level of service and that this development will not diminish this level of service. Nor was any compelling evidence lead to allow the Board to conclude that the site cannot be appropriately serviced with full municipal services.

[43] Clearly, a different and less intensive form of intensification would be authorized by the UHOP (e. g townhouses). However, that is not the test set out in the UHOP. Nor does the document place any firm policy direction that new intensification proposals must be the same in built form as what currently exists. The fundamental UHOP test is whether the proposed intensification will result in the compatible integration of the development with the surrounding areas in terms of use, scale, form and character. The Board finds the proposed development as reflected in the revised ZBA Exhibit 9 (revised) meets this test. The lot coverage of the proposed building is similar to the coverage permitted for single family homes. The proposed side and rear yard setbacks are greater than those found in the existing Institutional zone and will provide an appropriate separation distance for the new building from the existing homes that flank the subject property resulting in no over-sight or shadow impacts beyond what one might expect in an urban area and should be approved. The mass and height of the building is no different than what is permitted as-of-right in the current R-2 Zone albeit the built form is different.

[44] The Board is satisfied that the revised ZBA as set out at Exhibit 9 (revised) represent good planning and should be approved.

[45] The Board notes that Counsel for the Appellant referred the Board to two cases: 1340791 Ontario Ltd. appeal at 121 Fiddlers Green, Hamilton (OMB File No. PL120037) and case Recchia Developments Inc. appeal 321 York Street, Hamilton (OMB File No. PL140448) in which the Board rejected the appeal and upheld the decision of the Council of the Municipality.

[46] In this case, the City Council supported the application and for the reasons set out in this Decision the Board finds no reasons to overturn the decision of City Council to approved OPA-16.

[47] Similarly at no time during the course of this hearing did any party by way of motion pursuant to s. 34(24.4) request that the amended ZBA Exhibit 9 (revised) be returned to City Council for further consideration nor does the Board finds that the changes proposed to the ZBA Exhibit 9 (revised) during the course of this hearing to be such that they would lead the Board to believe they might have altered the decision of City Council to approve this proposal. The revised site plans submitted by the Applicant clearly meets the directions of City Council and the revisions to the ZBA, presented at this hearing, provide greater assurance that the proposal found at Exhibit 4, Tab 2-5E, will be built substantially in accordance with the site plan.

[48] The Board for all of the reasons set out in this Decision makes the following orders.

ORDER

[49] The Board orders that the appeal by the Lakewood Beach Community Council from a decision of the Council of the City of Hamilton to adopt Official Plan Amendment No. 16 to the Urban Hamilton Official Plan is dismissed, and Official Plan Amendment No. 16 as adopted by Hamilton City Council on May 14, 2014, is approved.

[50] The Board orders that appeal by the Lakewood Beach Community Council from the decision of the Council of the City of Hamilton to pass a Zoning By-law Amendment being By-law No. 14-117 is allowed in part and Zoning By-law Amendment No. 14-117 is amended as set out in Attachment “1” to this order. In all other respects, the Board orders that the appeal is dismissed.

“J. P. Atcheson”

J. P. ATCHESON
MEMBER

Ontario Municipal Board

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ATTACHMENT "1"

Authority: Item 5
Planning Committee
Report 14-004 (PED14010)
CM: March 26, 2014
Bill No. 117

CITY OF HAMILTON

BY-LAW NO. 14-117

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 257, 259 and 261 Millen Road (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 5 of Report 14-004 of the Planning Committee, at its meeting held on the 18th day of March, 2014, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of OPA No. 16.

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

1. That Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:

- (a) by changing the zoning from the Single Residential “R2” Zone to the Multiple Residential “RM3-53” Zone, Modified, the lands comprised of “Block 1”;
- (b) by adding lands from Zoning By-law No. 05-200 to the Multiple Residential “RM3-53 Zone, Modified, the lands comprised of “Block 2”;

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

2. That Sub-section 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, “RM3-53(H)”, as follows:

“RM3-53” 257, 259 and 261 Millen Road, Schedule “A”, Map No. 6

Notwithstanding the provisions of Sub-Section 6.10.2, of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-53” by this By-law, the following permitted uses shall apply:

- (a) one apartment building, containing a maximum of 40 units

Notwithstanding the provisions of Sub-Section 6.10.3, Paragraphs (a), (c), (e), (g), (i), (m) 3., & 4., of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-53” by this By-law, the following shall apply:

- | | |
|--|------------------------|
| (a) Minimum Lot Area | 3,800 square metres |
| (c) Minimum Front Yard | 5.8 m to the building |
| (e) Minimum Side Yard for Apartment Buildings: | |
| Northerly Side Yard | 15.0 m to the building |
| Southerly Side Yard | 15.0 m to the building |
| (g) Minimum Rear Yard for Apartment Buildings | 16.0 m to the building |
| (i) Maximum Density | 104 units per ha. |
| (m) Minimum Landscaped Open Space | |

3. A landscaped strip having a minimum width of 1.5 m, which shall include a minimum 2 metre high fence with trees beside the fence, shall be provided along the north and south property lines.

A landscaped strip having a minimum width of 3.0 m, which shall include a minimum 2 metre high fence with trees beside the fence, shall be provided along the west property line.

4. A landscape strip having a minimum width of 3.0 m shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.

Notwithstanding the provisions of Sub-Section 6.10.5, Paragraphs (a)(2.), (b), (d), and (e) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-53" by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces:

2. 1.0 parking space and 0.35 visitor parking spaces for each one bedroom dwelling unit.

- (b) No common parking space shall be located closer than 1.5 metres from a Zone for single detached, semi-detached, or duplex dwellings.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 m to the northerly and southerly lot line, and 3.0 m to the westerly lot line.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 m to the building on the same lot.

Notwithstanding the Parking Regulations in Section 4.10.3 (a), Dimensions of Parking Spaces, no parking space shall be less than 2.6 m in width x 5.5 m in length, unless otherwise provided for in this By-law.

Notwithstanding the Parking Regulations in Section 4.10.4 (a), Requirement for Parking Designated for Vehicles of Physically Challenged, no parking space shall be less than 4.4 m in width x 5.5 m in length.

Notwithstanding the Loading Regulations in Section 4.9.2, Schedule of Required Loading Spaces, no loading space shall be required.

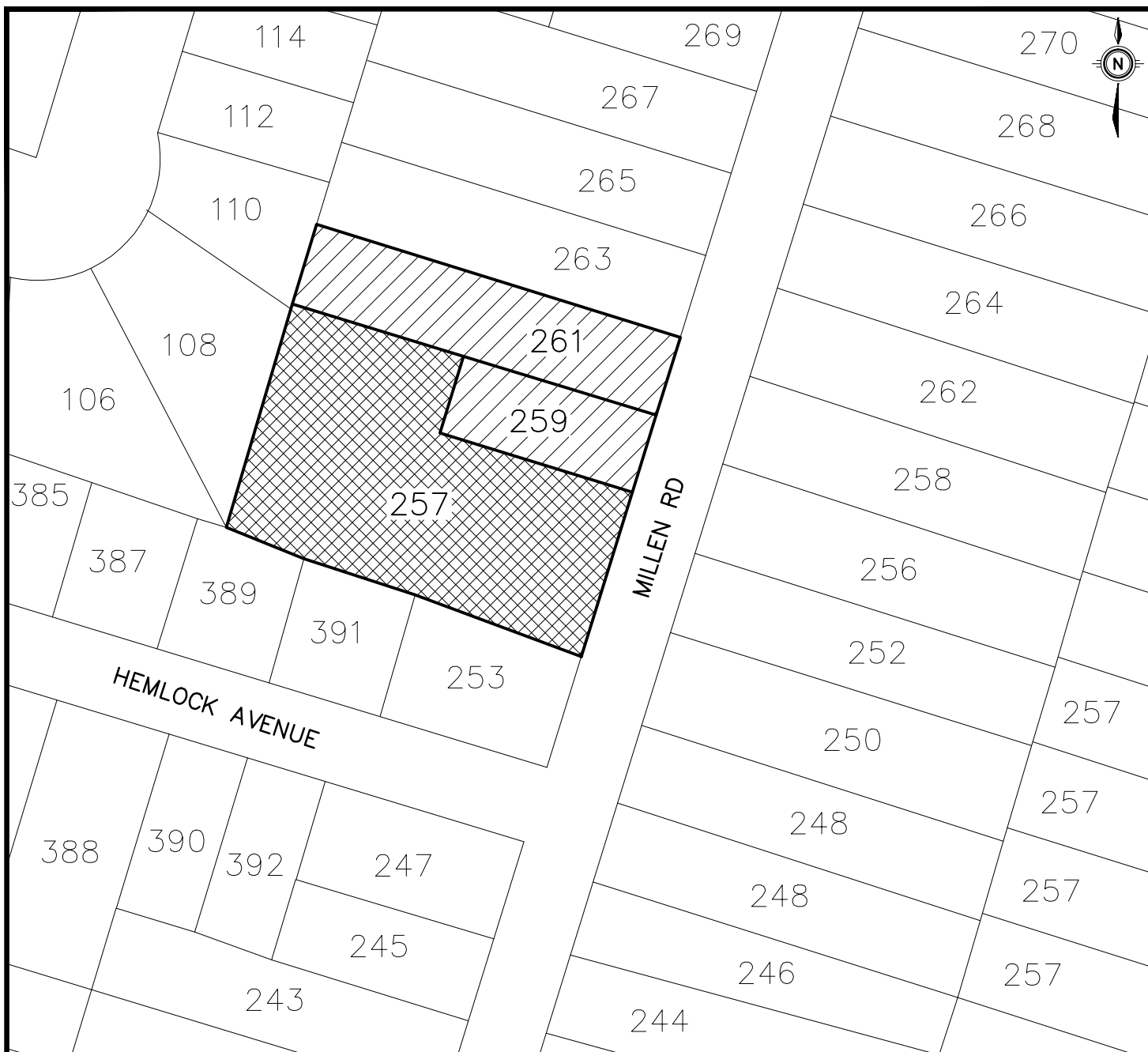
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2.

4. That the Clerk is hereby authorized and directed to proceed with giving the notice of passing of this By-law, in accordance with the Planning Act.

PASSED this ____ day of _____, 2015.

F. Eisenberger
Mayor

R. Caterini
City Clerk



This is Schedule "A" to By-Law No.14-117
Passed the.....day of, 2015

Clerk

Mayor

Schedule "A"
Map Forming Part of
By-Law No. 14-117
to Amend By-Law No. 3692-92

Subject Property



BLOCK 1 -Lands to be incorporated into the Multiple Residential 3 "RM3-53" Stoney Creek Zoning By-law "3692-92" from the Hamilton Zoning By-law "05-200".



BLOCK 2 -Change zoning designation from Single Residential 2 "R2" zone to Multiple Residential 3 "RM3-53" zone.

Scale:
N.T.S

Date:
2015

File Name/Number:
ZAC-12-001 OPA-12-001
257, 259 & 261 MILLEN RD.
CITY OF HAMILTON



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Zoning By-law Amendment