

Authority: Item 3, Planning Committee
Report 15- 017 (PED15164)
CM: November 11, 2015

Bill No. 259

CITY OF HAMILTON

BY-LAW NO. 15-259

**To Amend Zoning By-law No. 3692-92 (Stoney Creek),
Respecting Lands located at 435 First Road West, Stoney Creek**

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 Hamilton" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 3 of Report 15-017 of the Planning Committee at its meeting held on the 11th day of November, 2015, which 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 Urban Hamilton Official Plan;

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

1. That Map No. 11 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 Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-54" exception" Zone, the lands comprised in "Block 14";

- (b) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-32" Zone, the lands comprised in "Block 15" ;
- (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-42" Zone, the lands comprised in "Block 16";
- (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-32 (H)" Zone, the lands comprised in "Block 17";

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

- 2. That Subsection 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM2-54", as follows:

"RM2-54" 435 First Road West, Schedule "A", Map No. 11

Notwithstanding the definitions of Part 2 for a "Street" and / or "Highway", the following definition shall apply:

For the purposes of the "RM2-54" Zones, private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, Section 4.13.1 "Special Setbacks – Daylight Triangles", and Section 4.19 "Yard Encroachments", the following regulations shall apply:

(a) Minimum Lot Area:	Interior Unit	89 m ²
	End Unit	95 m ²
	Corner Unit	100 m ²
(b) Minimum Lot Frontage:	Interior Unit	5.0 metres
	End Unit	6.7 metres
	Corner Unit	7.6 metres

For those units fronting Street "A" in Draft Plan 25T-201301R, the required frontage shall be 4.7 metres, except 6.1 metres for an end unit and 7.3 metres for a corner unit (For these units, the front lot line shall be deemed to be Street "A").

- (c) Minimum Front Yard: 4.5 metres to the dwelling unit, except 6.0 metres to the garage door face;
- 3.0 metres to the front of the rear lane dwelling unit, except 7.0 metres to the garage (For a rear lane unit, the front lot line shall be deemed to be Street "A")
- (d) Minimum Side Yard: End Unit 1.2 metres
Corner Unit 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.
- (e) Minimum Rear Yard: 6.0 metres to dwelling unit, except 7.5 metres abutting a zone for single, semi-detached or duplex dwellings, or a street.
- 3.5 metres to rear lane dwelling unit, except 6.0 metres to garage door face and 2.4 metres to corner radius for corner unit.
- (f) Minimum Privacy Area: A privacy area with a minimum depth of 4.5 m, except for rear lane towns which will have a minimum depth of 3.0 m.
- (g) Minimum Landscaped Open Space: 30 percent, except 10 percent for the rear lane dwelling units

- (i) Maximum Lot Coverage: N/A

In addition to the provisions of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, the following additional regulation shall apply:

- (l) Maximum Density 50 units per hectare

Notwithstanding the provisions of Paragraphs (a) and (e) of Subsection 6.9.4 of the Multiple Residential "RM2" Zone, Regulations for Parking, on those lands zoned "RM2-54" by this Bylaw, the following shall apply:

- (a) Minimum number of parking spaces shall be 2 parking spaces and 0.25 visitor parking spaces per dwelling unit.
- (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.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted for all uses permitted:

- (j) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.6 metres for the rear lane dwelling units. Covered porches may project into the flankage yard setback a distance of not more than 1.6 metres;
- (k) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres;
- (l) Stairs may project into any required front yard a distance of not more than 3.0 metres and a flankage yard of not more than 2.4 metres; and,
- (m) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or garage side yard a distance of not more than 0.6 metres.

Notwithstanding Section 4.13.1 "Special Setbacks Daylight Triangles" the following shall apply:

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 0.5 metres for a building or porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

3. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "R4-32", as follows:

"R4-32" 435 First Road West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) (f) and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, Zone Regulations, and Section 4.19 "Yard Encroachments", the regulations of the Residential "R4-31" Zone, Modified, as established under By-law No. 14-180, shall apply on those lands zoned "R4 - 32" by this By-law, save and except for regulations (b) and (f), the following shall apply:

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|-----|--------------------------|---|-------------|
| (b) | Minimum Lot Frontage: | Interior Unit | 9.0 metres |
| | | Corner Unit | 11.0 metres |
| (f) | Maximum Building Height: | 2 storeys, or maximum 10.3 metres for "Block 17" on Schedule "A"; otherwise, 3 storeys or a maximum of 11.0 metres to the peak of the average grade of the front of the dwelling. | |

All other regulations of the Residential "R4" Zone shall apply.

4. That Subsection 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "RM2-42", as follows:

"RM2-42" 435 First Road West Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, Zone Regulations, Section 4.13.1 "Special Setbacks – Daylight Triangles", and Section 4.19 "Yard Encroachments", the regulations of the Multiple Residential "RM2-40" Zone, as established under By-law No. 14-180, shall apply on those lands zoned "RM2 - 42" by this By-law, save and except for regulations (b), (c), (d), (f), (g) and (h); and, "Yard Encroachment" regulation (c), and "Special Setbacks – Daylight Triangles" the following shall apply:

- | | | | |
|-----|-----------------------|--|------------|
| (b) | Minimum Lot Frontage: | Interior Unit | 6.0 metres |
| | | End Unit | 7.8 metres |
| | | Corner Unit | 8.0 metres |
| (c) | Minimum Front Yard: | 3.5 metres to the dwelling
6.0 metres to the garage door face | |
| (d) | Minimum Side Yard: | End Unit | 1.5 metres |
| | | Interior Unit | 0.0 metres |

Corner Unit	2.4 metres abutting flankage street
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- (f) Minimum Privacy Area: 25 square metres per unit
- (g) Minimum Landscaped: 15 %

All other regulations of the Multiple Residential "RM2" Zone shall apply.

In addition to the regulations of Subsection 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (c) Stairs may project into any required front yard a distance of not more than 3.5 metres and a flankage yard of not more than 2.4 metres.

Notwithstanding Section 4.13.1 "Special Setbacks Daylight Triangles" the following shall apply:

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 0.5 metres for a building or porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

- 5. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "R4-32 (H)", as follows:

"R4-32 (H)" 435 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4-32 (H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R4-32" Zone provisions in Section 3 above, upon completion of the following:

- a) That the owner / applicant shall provide and receive approval of a wastewater options report, to the satisfaction of the Senior Director of Growth Management; and,
 - b) That the owner / applicant shall provide and receive approval of a Visual Impact Assessment, to the satisfaction of the Director of Planning and Chief Planner, and the Niagara Escarpment Commission.
- 6. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R4" Zone and the Multiple "RM2" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4, and 5 of this By-law.

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

PASSED this 11th day of November, 2015.

Fred Eisenberger
Mayor

R. Caterini
City Clerk







ZAC-13-005R



This is Schedule "A" to By-law No. 15-
 Passed the day of, 2015

 Mayor

 Clerk

<h2>Schedule "A"</h2> <p>Map Forming Part of By-Law No. 15-_____</p> <p>to Amend By-law No. 3692-92 Map 11</p>		<p>Subject Property 435 First Road West</p> <p> Block 14 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-54" Zone</p> <p> Block 15 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-32" Zone</p> <p> Block 16 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-42" Zone</p> <p> Block 17 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-32(H)" Holding Zone</p> <p> Refer to By-law 05-200</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-13-005R/25T-201301R</p>	 Hamilton
<p>Date: Oct. 16, 2015</p>	<p>Planner/Technician: RC/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		