

Authority: Item 6, Planning Committee  
Report 22-009 (PED22097)  
CM: June 8, 2022  
Ward: 9

Bill No. 131

**CITY OF HAMILTON  
BY-LAW NO. 22-131**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands Located at 250-256 First Road West**

**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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 22-009 of the Planning Committee, at its meeting held on the 8<sup>th</sup> day of June, 2022, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

**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. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding on 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, "RM3-70(H)" Zone, Modified, Holding, as follows:


**“RM3-70(H)” Zone, Modified, Holding, 250-256 First Road West, Schedule  
“A”, Map No. 16**

- a) For the purposes of this By-law, First Road West shall be deemed to be the front lot line;
- b) A maximum of four dwelling units shall be permitted to have minimum dwelling unit width of 5.8 metres and a maximum of 21 dwelling units shall be permitted to have a minimum dwelling unit width of 5.9 metres;
- c) Notwithstanding the provisions of Paragraphs (c), (d), (f), (i), (k), (l), (m) (1), (m) (3) and (m) (4) of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
- a. Minimum Yard Regulations for Maisonettes, Townhouses and Dwelling Groups:
- i) Front Yard – 1.5 metres
  - ii) Side Yard - 1.5 metres
  - iii) Flankage Side Yard – 1.5 metres
  - iv) Rear Yard – 6.0 metres
- b. Maximum Density: 45 units per hectare.
- c. Maximum Lot Coverage: 40%
- d. Minimum Landscaped Open Space:
- i) A landscaped strip shall have a minimum width of 1.5 metres along First Road West and Mud Street West, except 4.0 metres abutting a daylight triangle;
  - ii) A minimum landscaped open space of 30% of the lot area shall be provided;
- e. Minimum Privacy Area for Maisonettes, Townhouses and Dwelling Groups: Each maisonette and townhouse unit shall have at least one area which serves as a privacy area and shall have a minimum depth of 4.0 metres;
- d) In addition to the provisions of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
- (a) The minimum setback to a dwelling from a condominium road shall be 3.5 metres;

- (b) The minimum setback to a garage from a condominium road shall be 6.0 metres;
  - e) Notwithstanding Section 6.10.5 (a) (1) and (1) (e) of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
    - a. Regulations for Parking:
      - i) 2 parking spaces and 0.45 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces;
      - ii) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1 metre to any dwelling unit located on the same lot;
    - f) Notwithstanding Section 4.19.1(d), an unenclosed porch and deck may project into the northerly side yard abutting the Mud Street West street line and the southerly side yard to a maximum of 1.5 metres.
    - g) On those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the “H” symbol may be removed by way of an amending Zoning By-law, from all of the lands subject to this provision when the following conditions have been satisfied:
      - i. That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands to the satisfaction of the Director of Growth Management.
      - ii. It is demonstrated that development of the subject lands will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill, to the satisfaction of the Director of Planning.
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 “RM3-70(H)” Zone, Modified, Holding provisions, subject to the special requirements referred to in Sections 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*.

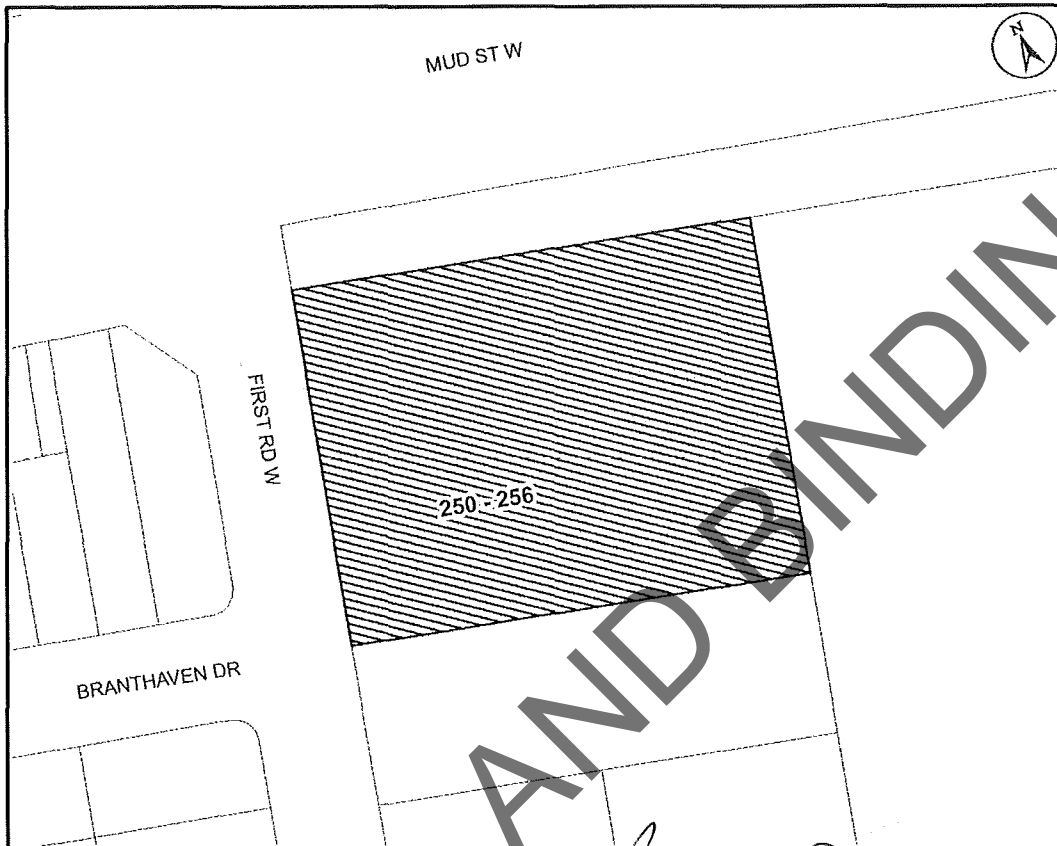
PASSED this 8<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
B. Johnson  
Acting Mayor

  
\_\_\_\_\_  
A. Holland  
Clerk

ZAC-20-026

NOT FINAL AND BINDING



This is Schedule "A" to By-law No. 22-131  
 Passed the 8 day of June, 2022

*Brenda Johns*  
 Mayor  
*Holland*  
 Clerk


**Schedule "A"**


Map forming Part of  
 By-law No. 22-131

to Amend By-law No. 3692-92

**Subject Property**

250 - 256 First Road West

 Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding

Scale: N.T.S	File Name/Number: ZAC-20-026	 Hamilton
Date: April 11, 2022	Planner/Technician: CT/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		