

Authority: Item, [REDACTED]
Economic Development and
Planning Committee
Report: 14- [REDACTED] (PED14138)
CM: [REDACTED]

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 420 First Road West

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 [REDACTED] of Report 14- [REDACTED] of the Planning Committee at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

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 "RM2-40" Zone, Modified, the lands comprised of "Blocks 1, 3, 7 and 14";
- (b) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-41" Zone, Modified, the lands comprised of "Blocks 2 and 4";
- (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-31" Zone, Modified, the lands comprised of "Blocks 5 and 10";
- (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-31(H1)" Zone, Modified, the lands comprised of "Block 11";
- (e) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-31(H1, H2)" Zone, Modified, the lands comprised of "Blocks 6 and 12";
- (f) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-40(H1)" Zone, Modified, the lands comprised of "Blocks 8 and 15";
- (g) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-40(H1, H2)" Zone, Modified, the lands comprised of "Block 13";
- (h) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-41(H)" Zone, Modified, the lands comprised of "Block 9";
- (i) by changing the zoning from the Neighbourhood Development "ND" Zone to the Local Commercial (Holding) "LC(H1)" Zone, the lands comprised of "Block 16";
- (j) by changing the zoning from the Neighbourhood Development "ND" Zone to the Local Commercial (Holding) "LC(H2)" Zone, the lands comprised of "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 (Stoney Creek), be amended by adding a new special exemption, "RM2-40", as follows:

"RM2-40" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs a), (b), (c), (d), (e), (g) and (i) of Subsection 6.9.6 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-40" by this By-law, the following shall apply:

- (a) Minimum Lot Area:
 - Interior Unit 150 square metres.
 - End Unit 195 square metres.
 - Corner Unit 240 square metres.

- (b) Minimum Lot Frontage: 5.6 metres per dwelling unit, except 8.0 metres for a corner unit.

- (c) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the attached garage door face.

- (d) Minimum Side Yard: 1.2 metres, except; on a corner lot the minimum side yard abutting the flankage street shall be 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: 7.0 metres

- (g) Minimum Landscaped Open Space: 20 per cent of the lot area, which may include the privacy area.

- (i) Maximum Lot Coverage: N/A.

Notwithstanding Sub-section 4.10.3 "Dimensions of Parking Spaces" on those lands zoned "RM2-40" by this By-law the following shall apply:

- a) The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

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

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;

- b) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres;
- c) Stairs may project into any required front yard a distance of not more than 4.5 metres; and,
- d) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or garage side yard a distance of the more than 0.6 metres.

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

- a) Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 1.0 metres for a building or porch, including porch foundations walls, and 0.5 metres for eaves or gutters.
3. 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, "RM2-40(H1)", as follows:

"RM2-40(H1)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM2-40(H1)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "RM2-40" Zone provisions in Section 2 above, upon completion of the following:

- (a) That all residential lands within 160 metres of the working licenced limits of the active quarry or the limits of the former quarry under rehabilitation shall not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the Holding (H) Zone have been finalized to the satisfaction of the Director of Planning.
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, "RM2-40(H1, H2)", as follows:

"RM2-40(H1, H2)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM2-40(H1, H2)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "RM2-40" Zone provisions in Section 2 above, upon completion of the following:

- (a) That all residential lands within 160 metres of the working licenced limits of the active quarry or the limits of the former quarry under rehabilitation shall

not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the Holding (H) Zone have been finalized to the satisfaction of the Director of Planning; and,

- (b) That those lands located within the 50 dBA sound level demarcation of the All Around Contracting facility not be developed until such time as the facility ceases to operate, to the satisfaction of the Director of Planning.
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, "R4-31", as follows:

"R4-31" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-31" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 250 square metres, except 290 square metres for a corner lot.
- (c) Minimum Frontage: 9.2 metres to the dwelling, except 11.0 metres for a corner lot.
- (c) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the garage door face.
- (d) Minimum Side Yard: 1.2 metres, one the garage side and 0.6 metres on non-garage side, subject to a maintenance agreement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard with a side yard setback less than 1.2 metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.

On a lot where an emergency/overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0 metre side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

Minimum Flankage Yard: On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres to the flankage street line.

(e) Minimum Rear Yard: 7.0 metres.

(g) Maximum Lot Coverage: N/A.

Notwithstanding Sub-section 4.10.3 "Dimensions of Parking Spaces" on those lands zoned "R4-31" by this By-law the following shall apply:

a) The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

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

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;
- b) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres;
- c) Stairs may project into any required front yard a distance of not more than 4.5 metres and a flankage yard of not more than 2.4 metres; and,
- d) 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.
- e) A decorative pillar on the garage face may encroach into the front yard, but shall not encroach into the required parking space.

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

a) Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 1.0 metre for a building or porch, including porch foundations walls, and 1.0 metre for eaves or gutters.

6. 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, "R4-31(H1)", as follows:

"R4-31(H1)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4-31(H1)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R4-31" Zone provisions in Section 5 above, upon completion of the following:

- a) That those lands located within the 50 dBA sound level demarcation of the All Around Contracting facility not be developed until such time as the facility ceases to operate, to the satisfaction of the Director of Planning.
7. 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, "R4-31(H1, H2)", as follows:

"R4-31(H1, H2)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4-31(H1, H2)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R4-31" Zone provisions in Section 5 above, upon completion of the following:

- a) That all residential lands within 160 metres of the working licenced limits of the active quarry or the limits of the former quarry under rehabilitation shall not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the Holding (H) Zone have been finalized to the satisfaction of the Director of Planning; and,
 - b) That those lands located within the 50 dBA sound level demarcation of the All Around Contracting facility not be developed until such time as the facility ceases to operate, to the satisfaction of the Director of Planning.
8. 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, "RM2-41", as follows:

"RM2-41" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provisions of Paragraphs a), (b), (c), (d), (e), (g) and (i) of Subsection 6.9.6 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-41" by this By-law, the following shall apply:

- (a) Minimum Lot Area:
 - Interior Unit 150 square metres.
 - End Unit 195 square metres.
 - Corner Unit 240 square metres.

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|---|--|
| (b) Minimum Lot Frontage: | 5.6 metres per dwelling unit, except 8.0 metres for a corner unit. |
| (c) Minimum Front Yard: | 4.5 metres to the dwelling, except 6.0 metres to the attached garage. |
| (d) Minimum Side Yard: | 1.2 metres, except; on a corner lot the minimum side yard abutting the flankage street shall be 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
(Rear Garage Townhouses) | 1.5 metres to the detached garage and 6.0 metres to the dwelling or the attached garage. |
| (g) Minimum Landscaped Open Space: | 15 per cent of the lot area, which may include the privacy area. |
| (i) Maximum Lot Coverage: | N/A. |

Notwithstanding Sub-section 4.10.3 "Dimensions of Parking Spaces" on those lands zoned "RM2-41" by this By-law the following shall apply:

- a) The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Stairs shall be permitted to encroach 0.5 metres into the length of this parking space.

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

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;
- b) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres;
- c) Stairs may project into any required front yard a distance of not more than 4.5 metres; and,

- d) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or garage side yard a distance of the more than 0.6 metres.

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

- a) Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 1.0 metres for a building or porch, including porch foundations walls, and 0.5 metres eaves or gutters.
9. 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, "RM2-41(H)", as follows:

"RM2-41(H)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM2-41(H)" by this By-law, the Holding (H) Zone may be removed and thereby give effect to the "RM2-41" Zone provisions in Section 8 above, upon completion of the following:

- a) That all residential lands within 160 metres of the working licenced limits of the active quarry or the limits of the former quarry under rehabilitation shall not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the Holding (H) Zone have been finalized to the satisfaction of the Director of Planning;
 - b) That those lands located within the 50 dBA sound level demarcation of the All Around Contracting facility not be developed until such time as the facility ceases to operate, to the satisfaction of the Director of Planning; and,
 - c) That land assembly occur with lands to the south in order to establish appropriately sized lots, to satisfaction of the Director of Planning.
10. That Subsection 8.2.4, "Special Exemptions", of Section 8.2 Local Commercial "LC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "LC(H1)", as follows:

"LC(H1)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM2-41(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "LC(H1)", Zone provisions in Section 10 above, upon completion of the following:

- a) That those lands located within the 50 dBA sound level of the rock crushing establishment (All Around Contracting Yard) not be developed until such

time as the establishment ceases to operate, to satisfaction of the Director of Planning.

11. That Subsection 8.2.4, "Special Exemptions", of Section 8.2 Local Commercial "LC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "LC(H2)", as follows:

"LC(H2)" 420 First Road West, Schedule "A", Map No. 11

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM2-41(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "LC(H2)", Zone provisions in Section 10 above, upon completion of the following:

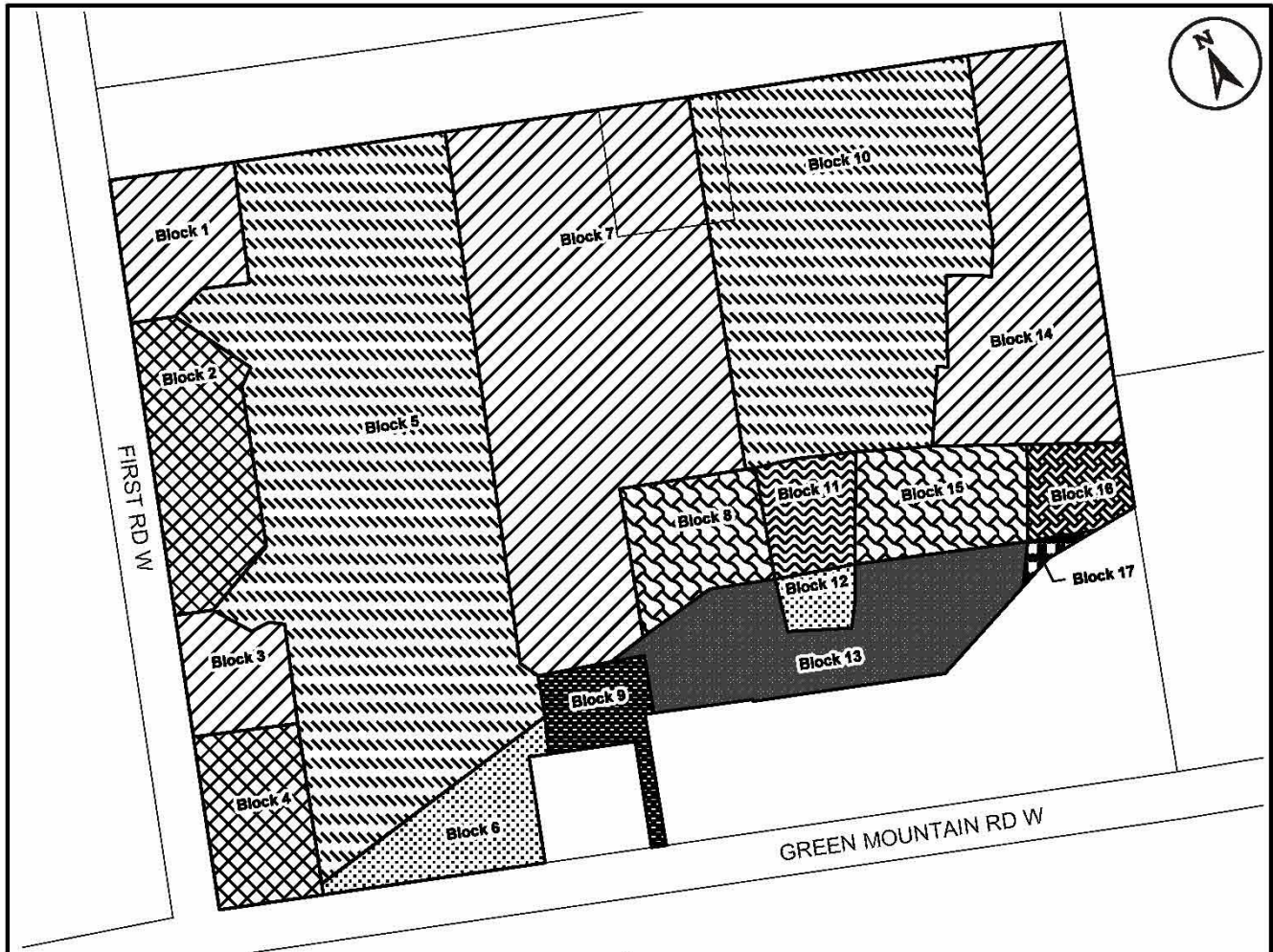
- a) That all residential lands within 160 metres of the working licenced limits of the active quarry or the limits of the former quarry under rehabilitation shall not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the Holding (H) Zone have been finalized to the satisfaction of the Director of Planning; and,
- b) That those lands located within the 50 dBA sound level demarcation of the All Around Contracting facility not be developed until such time as the facility ceases to operate, to the satisfaction of the Director of Planning.
12. 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 "RM2", Single Residential "R4" and Local Commercial "LC" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.
13. 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 and ENACTED this [redacted] day of [redacted], 2014.

R. BRATINA
MAYOR

ROSE CATERINI
CLERK

ZAC-09-007(R)
25T-200901(R)



This is Schedule "A" to By-Law No. 14-
Passed the day of, 2014

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-law No. 14-_____

to Amend By-law No. 3692-92

- Subject Property**
- Blocks 1, 3, 7 & 14** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-40" Zone, Modified
 - Blocks 2 & 4** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-41" Zone, Modified
 - Blocks 5 & 10** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-31" Zone, Modified
 - Block 11** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-31(H1)" Zone, Modified
 - Blocks 6 & 12** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-31 (H1, H2)" Zone, Modified
 - Blocks 8 & 15** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-40(H1)" Zone, Modified
 - Block 9** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-40(H1)" Zone, Modified
 - Blocks 13** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-40 (H1, H2)" Zone, Modified
 - Block 16** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Local Commercial (Holding) "LC (H1)" Zone
 - Block 17** - Change in Zoning from the Neighbourhood Development "ND" Zone to the Local Commercial (Holding) "LC (H2)" Zone

Scale: N.T.S.	File Name/Number: ZAC-09-007(R) & 25T-200901(R)
Date: February 21, 2014	Planner/Technician: JM/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

