

**Authority:** Item 6, Planning Committee  
Report: 15-004 (PED15028)  
CM: March 11, 2015

**Bill No. 073**

## **CITY OF HAMILTON**

### **BY-LAW NO. 15-**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Modifications and Updates**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 15-004 of the Planning Committee, at its meeting held on the 11<sup>th</sup> day of March, 2015, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

**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;

**AND WHEREAS** this By-law is in conformity with the Rural Hamilton Official Plan and Urban Hamilton Official Plan;

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

1. That Map No. 9 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is hereby amended by removing the lands from By-law No. 3692-92, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That **PART 2: DEFINITIONS** is amended:
  - (a) by deleting and replacing the definition of height:

**Height**

Means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

- (b) by deleting and replacing the definition of lot coverage:

**Lot Coverage**

Shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

3. That **PART 4: GENERAL PROVISIONS FOR ALL ZONES** is amended:
  - (a) by adding Subsection **4.10.11 Parking Exemption for Downtown** as follows:

**4.10.11 Parking Exemption for Downtown**

Notwithstanding Subsection 4.10.9 above, for any permitted commercial use(s) within the Central Area Commercial “CA1” and “CA2” Zones, except a medical clinic, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 4.10.9 above, shall only apply to the commercial use or uses contained within the increased gross floor area.

- (b) by deleting and replacing Section **4.11 SIGN AND FENCE REGULATIONS** to read as follows:

#### **4.11.1 Signs**

Notwithstanding any other provision of this By-law, signs shall solely be permitted in accordance with the provisions of the City of Hamilton Sign By-law No. 10-197.

- (c) by deleting and replacing Section **4.16 UNITARY EQUIPMENT** to read as follows:

#### **4.16 MECHANICAL AND UNITARY EQUIPMENT**

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

- a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,
- b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

4. That **PART 6: RESIDENTIAL ZONES** is amended:

- (a) by adding “, except those accessory to a single detached, semi-detached, converted, duplex, triplex, fourplex or street townhouse

dwelling,” after “Adequate access to a residential parking area” in clause (e) of Subsection **6.1.8 Parking Restrictions In Residential Zones**.

- (b) by renumbering **6.1.20 Urban Farm** as 6.1.10 and replacing all references in the By-law to 6.1.20 with 6.1.10.
- (c) by renumbering **6.1.21 Community Gardens** as 6.1.11 and replacing all references in the By-law to 6.1.21 with 6.1.11.
- (d) by adding a new Subsection 6.1.12:

#### **6.1.12 Common Elements Condominium**

Notwithstanding the regulations of the “RM3” Zone, townhouse dwelling units may be developed in accordance with the applicable street townhouse regulations of the “RM2” Zone. For the purposes of these Zones, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s)

- (e) by adding “6.1.10” before “6.9.3” in Subsection **6.10.4 Regulations For Street Townhouses** to read as follows:

Street Townhouses shall be permitted in accordance with Sections 6.1.10, 6.9.3, 6.9.4 and 6.9.5.

- 5. That **PART 7: NEIGHBOURHOOD DEVELOPMENT** is amended by renumbering Subsection **7.1.5 Special Exemptions** as Subsection **7.1.7**.
- 6. That **PART 8: COMMERCIAL ZONES** is amended by revising the introduction and clause b) of Subsection **8.1.7 Outdoor Patio Restaurants** to read as follows:

#### **8.1.7 Outdoor Patio Restaurants**

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

- b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

7. That **PART 12: ADMINISTRATION AND ENFORCEMENT** be amended by revising Subsection **12.1 ADMINISTRATION** to read as follows:

This By-law shall be administered by the City's Director, Building Division, Chief Building Official.

8. 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 11<sup>th</sup> day of March, 2015.

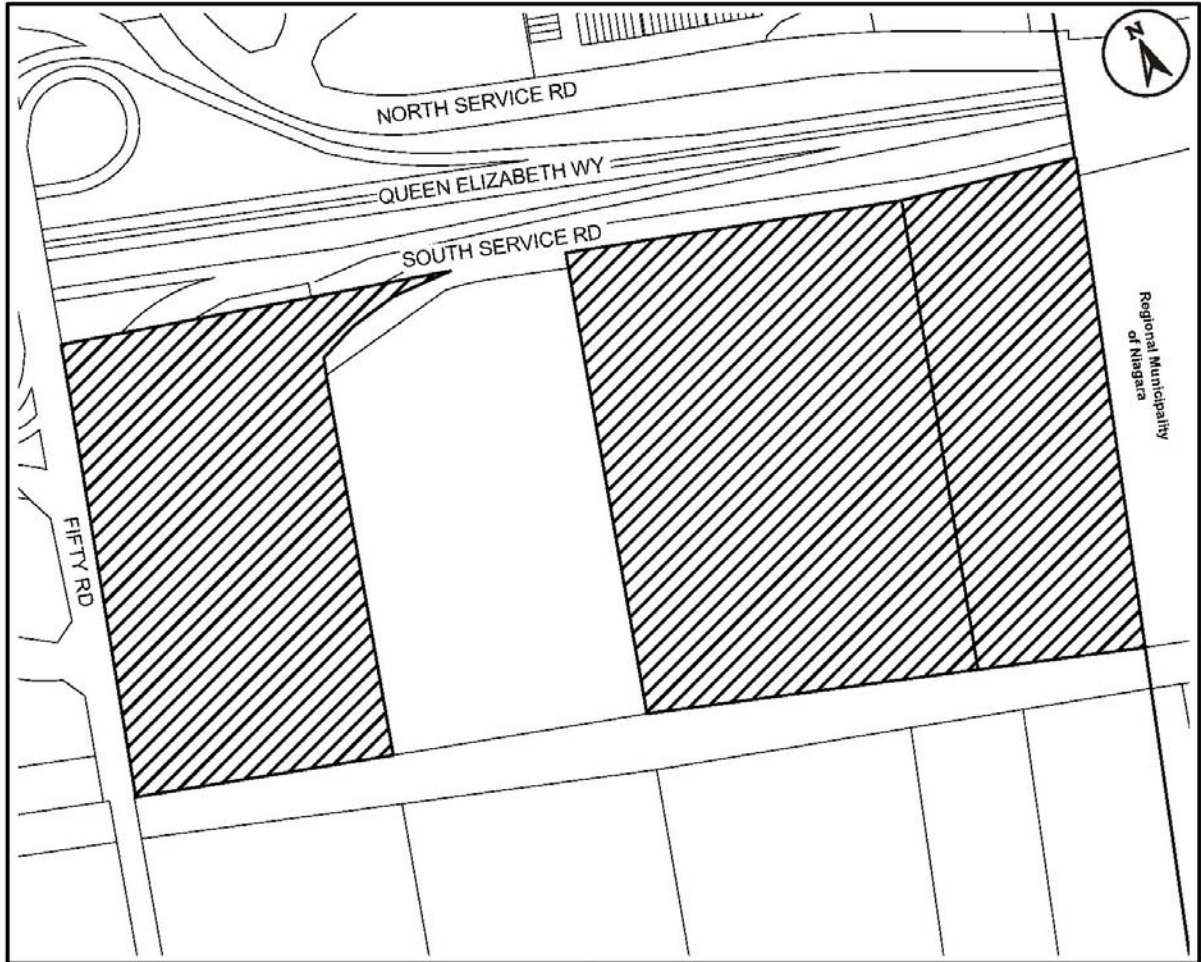
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Fred Eisenberger  
Mayor

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Rose Caterini  
City Clerk

CI-14-H



This is Schedule "A" to By-law No. 15-073  Passed the ...11 <sup>th</sup> ... day of ..... March....., 2015	----- Mayor ----- ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of                  By-law No. 15-073</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p>	<p><b>Subject Property</b></p> <div style="display: flex; align-items: center; margin-bottom: 10px;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <p style="font-size: small; margin: 0;">Lands to be removed from By-law No. 3692-92 and added to By-law No. 05-200</p> </div>
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Scale: N.T.S.	File Name/Number: CI-14-H	<p style="margin: 0;"><b>Hamilton</b></p>
Date: January 27, 2015	Planner/Technician: PD/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		