

**Authority:** Item 11, Planning Committee  
Report: 17-013 (PED17124)  
CM: August 18, 2017  
Ward: 9

**Bill No. 186**

## **CITY OF HAMILTON**

### **BY-LAW NO. 17-**

#### **To Amend Zoning By-law No. 3692-92 Respecting Lands located at 440 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";

**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";

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**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;

**WHEREAS**, the Council of the City of Hamilton, in adopting Item 11 of Report 17-013 of the Planning Committee at its meeting held on the 18th day of August 2017, which 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, upon finalization of Official Plan Amendment No. 82;

**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 (Holding) "RM2-44 (H1)" Zone, Modified, the lands comprised in "Blocks 1 & 3";
  - (b) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-33 (H1)" Zone, Modified, the lands comprised in "Block 2";

- (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-44(H2)" Zone, Modified the lands comprised in "Blocks 4 & 6"; and,
- (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-33 (H2)" Zone, Modified, the lands comprised in "Block 5";

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

- 2. That Subsection 6.5.7, "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, "RM2-44", as follows:

**"RM2-44" 440 First Road West, Schedule "A", Map No. 11**

Notwithstanding the provisions of Paragraphs (a), (b), (d), (g), and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, Zone Regulations, Section 4.19 "Yard Encroachments", and Subsection 4.10.3 "Dimensions of Parking Spaces", the regulations of the Residential "RM2-44" Zone, Modified, as established for those lands zoned "RM4-44" by this By-law, the following shall apply:

- (a) 

Minimum Lot Area:	End Unit	230 square metres
	Corner Unit	240 square metres
- (b) 

Minimum Lot Frontage	End Unit	7.5 metres
	Corner Unit	8.5 metres
- (d) 

Minimum Side Yard	End Unit	1.5 metres
	Corner Unit	2.4 metres
- (g) 

Minimum Landscaped Open Space	23 % of the lot area, which may include the privacy area	
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- (i) Maximum Lot Coverage    53 %
- (l) Driveway access onto First Road West, Tilden Avenue, and Bradshaw Drive shall be prohibited.
- (m) Notwithstanding Section 4.13.1, 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 2.0 metre for a

building or porch, including porch foundations walls, and 1.0 metres for eaves or gutters.

All other regulations of the Residential “RM2” Zone shall apply.

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, "R4-33", as follows:

**"R4-33" 440 First Road West, Schedule "A", Map No. 11**

Notwithstanding the provisions of Paragraphs (a), (b), (d), and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, Zone Regulations and Subsection 4.13.1 “Special Setbacks – Daylight Triangles” the regulations of the Residential “R4-33” Zone, Modified, as established for those lands zoned "R4-33" by this By-law, the following shall apply:

(a) Minimum Lot Area Corner Lot 340 square metres

(b) Minimum Lot Frontage Corner Lot 11.0 metres

(d) Minimum Side Yard

1. 1.2 metres shall be provided on the garage side and 0.6 metres shall be provided on the non – garage side of the dwelling unit, subject to a maintenance easement 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.

3. Minimum Flankage Yard: 1.8 metres

(g) Maximum Lot Coverage 46 %

All other regulations of the Residential “R4” Zone shall apply.

- (h) Notwithstanding Section 4.13.1, 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 2.0 metre for a building or porch, including porch foundations walls, and 1.0 metres for eaves or gutters.

All other regulations of the Residential “R4” Zone shall apply.

5. That Subsection 6.9.6: “Special Exceptions” of Section 6.9 Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exception, “RM2-44(H1)”, as follows:

RM2-44(H1) 440 First Road West, Schedule “A”, Map No. 11

Notwithstanding the provisions of Section 3.8 “Holding Zones”, on those lands zoned “RM2-44(H1)” by this By-law, the Holding “H” symbol may be removed by City Council and thereby give effect to the “RM2-44” Zone provisions upon completion of the following:

- a) That Bedrock Drive be constructed in accordance with City of Hamilton standards, to the satisfaction of the Senior Director of Growth Management.
6. That Subsection 6.5.7: “Special Exceptions” of Section 6.5 Single Residential “R4” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exception, “R4-33(H1)”, as follows:

R4-33(H1) 440 First Road West, Schedule “A”, Map No. 11

Notwithstanding the provisions of Section 3.8 “Holding Zones”, on those lands zoned “R4-33(H1)” by this By-law, the Holding “H” symbol may be removed by City Council and thereby give effect to the “R4-33” Zone provisions upon completion of the following:

- a) That Bedrock Drive be constructed in accordance with City of Hamilton standards, to the satisfaction of the Senior Director of Growth Management.
7. That Subsection 6.9.6: “Special Exceptions” of Section 6.9 Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exception, “RM2-44(H2)”, as follows:

RM2-44(H2) 440 First Road West, Schedule “A”, Map No. 11

Notwithstanding the provisions of Section 3.8 “Holding Zones”, on those lands zoned “RM2-44(H2)” by this By-law, the Holding “H” symbol may be removed by City Council and thereby give effect to the “RM2-44” Zone provisions upon completion of the following:

- a) That the subject lands be assembled with lands to the north, within the Nash neighbourhood, to the satisfaction of the City’s Director of Planning and Chief Planner.

8. That Subsection 6.5.7: “Special Exceptions” of Section 6.5 Single Residential “R4” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exception, “R4-33(H2)”, as follows:

R4-33(H2) 440 First Road West, Schedule “A”, Map No. 11

Notwithstanding the provisions of Section 3.8 “Holding Zones”, on those lands zoned “R4-33(H2)” by this By-law, the Holding “H” symbol may be removed by City Council and thereby give effect to the “R4-33” Zone provisions upon completion of the following:

- a) That the subject lands be assembled with lands to the north, within the Nash Neighbourhood, to the satisfaction of the City’s Director of Planning and Chief Planner.
9. 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, 5, 6, 7, and 8 of this By-law.
10. 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 18<sup>th</sup> day of August, 2017.

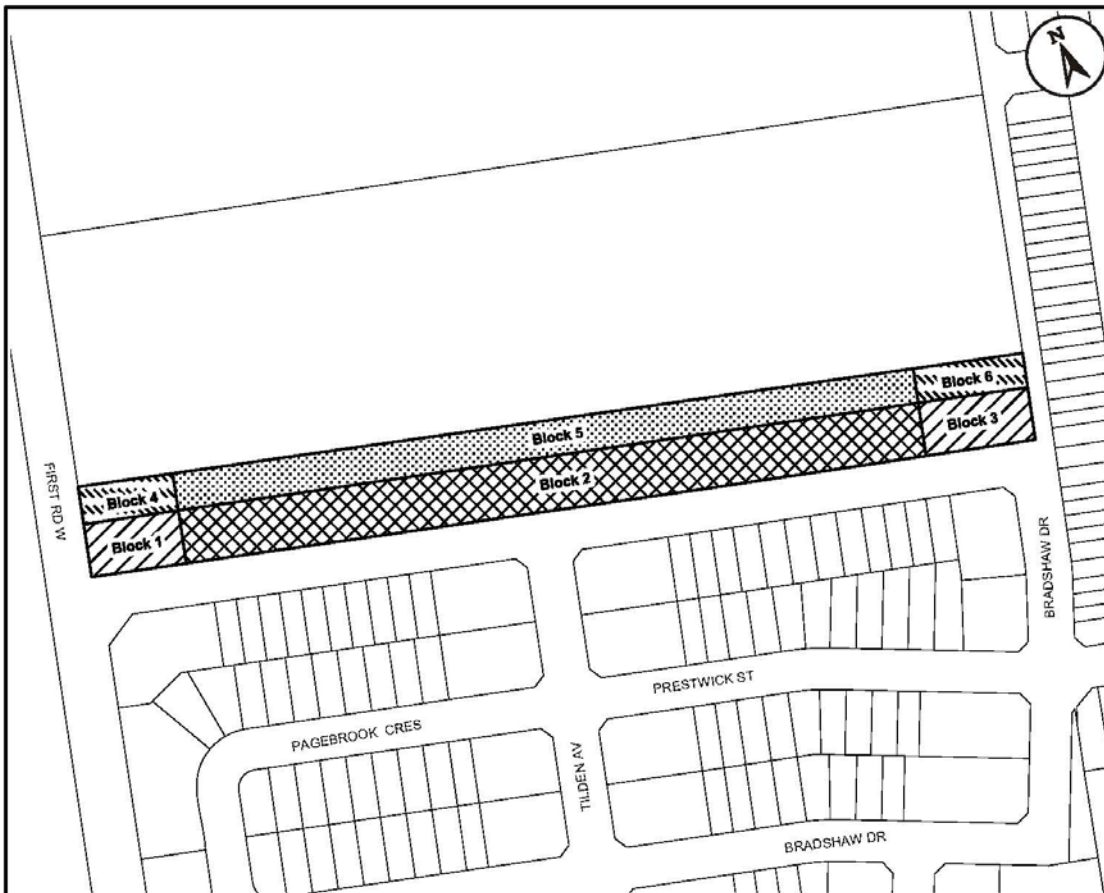
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J. Farr  
Acting Mayor

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R. Caterini  
City Clerk

ZAC-15-059



This is Schedule "A" to By-law No. 17-  Passed the ..... day of ....., 2017	----- 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. 17-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p>		<p><b>Subject Property</b> 440 First Road West</p> <ul style="list-style-type: none"> <li> <b>Blocks 1 &amp; 3</b> - Change in Zoning from Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-44(H1)" Zone, Modified</li> <li> <b>Block 2</b> - Change in Zoning from "Neighbourhood Development" Zone to the Single Residential (Holding) "R4-33(H1)" Zone, Modified</li> <li> <b>Blocks 4 &amp; 6</b> - Change in Zoning from Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-44(H2)" Zone, Modified</li> <li> <b>Block 5</b> - Change in Zoning from Neighbourhood Development "ND" Zone to the Single Residential (Holding) "R4-33(H2)" Zone, Modified</li> </ul>
Scale: N.T.S.	File Name/Number: ZAC-15-059/ UHOPA-16-02/25T-2015.10	<p><b>Hamilton</b></p>
Date: August 16, 2017	Planner/Technician: RC/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		