

**Authority:** Item 7, Planning Committee  
Report 21-019 (PED21221)  
CM: December 15, 2021  
Ward: 7

**Bill No. 249**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 311 and 313 Stone Church Road East**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 21-019 of the Planning Committee at its meeting held on the 15<sup>th</sup> day of December, 2021, which recommended that Zoning By-law No. 6593, 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. 157;

**AND WHEREAS** this By-law shall not come into effect until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd as it effects the lands at 311 and 313 Stone Church Road East.

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

1. That Sheet Nos. E18b and E18c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
  - a) by changing the zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 1;
  - b) by changing the zoning from the “AA” (Agricultural) District to the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified; the lands comprised of Block 2;
  - c) by changing the zoning from the “AA” (Agricultural) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified; the lands comprised of Block 3;
  - d) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified; the lands comprised of Block 4;
  - e) by changing the zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 5; and,
  - f) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 6;

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

2. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
  - a) For the purpose of this By-law, a private road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping including architectural feature walls, columns and gates, and outdoor amenity spaces are permitted uses within the private roads;
  - b) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:

“**Swale**” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route, as

shown on the drainage plan for the lot approved by the Director, Growth Management Division;

- c) Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale;
  - d) Notwithstanding Subsection 9 (2), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
  - e) Notwithstanding Subsection 9 (3) (i), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres;
  - f) Notwithstanding Subsection 9 (3) (ii), a side yard depth along each lot line of a width of at least 1.2 metres, except the side yard depth along the northern boundary of Block 1, which shall be of a width of at least 2.4 metres;
  - g) Notwithstanding subsections (e) and (f) above, and in addition to Subsection 9(3)(iii), where a swale is located within a yard provided for in Subsections (e) and (f) above, the setback shall be deemed to be the distance which is the greater of:
    - i) Such setback as provided in Subsections (e) and (f) above; or,
    - ii) The measurement calculated by adding 0.6 metres to the width of the swale within such setback;
  - h) Notwithstanding Subsections 18A. (1) (a) & (b), the minimum parking ratio required for a single detached dwelling shall be 2.0 spaces per unit and the minimum visitor parking shall be 0.4 spaces per unit.
3. That the "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:
- a) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:

**"Swale"** shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route, as shown on the drainage plan for the lot approved by the Director, Growth Management Division;
  - b) Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale;

- c) Notwithstanding Subsection 10E (3), no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;
  - d) Notwithstanding Subsection 10E (4):
    - i) A yard of a depth of not less than 3.0 metres from the north property line;
    - ii) A yard of a depth of not less than 3.0 metres from the south property line;
    - iii) A yard of a depth of not less than 7.0 metres from the east property line;
    - iv) A yard of a depth of not less than 7.0 metres from the southeast property line; and,
    - v) A yard of a depth of not less than 7.0 metres from the west property line;
  - e) Notwithstanding Subsection 10E (5), the distance between two end walls shall not be less than 3.0 metres;
  - f) Subsections 10E (8) and (9) shall not apply to a Maisonette Dwelling;
  - g) Notwithstanding Subsection 10E (10), there shall be provided and maintained on the same lot an amount not less than 28% of the area of the lot on which buildings or structures are situated, as landscaped area;
  - h) Notwithstanding subsection d) above, and in addition to Subsection 9(3)(iii), where a swale is located within a yard provided for in subsection d) above, the setback shall be deemed to be the distance which is the greater of:
    - i) Such setback as provided in subsection d) above; or,
    - ii) The measurement calculated by adding 0.6 metres to the width of the swale within such setback;
  - i) Notwithstanding Subsections 18A. (1) (a) & (b), the parking ratio required for townhouse dwelling with garage parking space enclosed or attached to each dwelling unit or Townhouse Dwelling and Maisonette Dwelling shall be at least 1.25 spaces per unit and the minimum visitor parking shall be at least 0.25 spaces per unit; and,
  - j) Notwithstanding Subsections 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.8 metres long;
4. That the "RT-30" (Street - Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks 3 and 4, be modified to include the following special requirements:

- a) Notwithstanding Subsection 10F (3), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
  - b) Notwithstanding Subsection 10F (4) (a), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres;
  - c) Notwithstanding Subsections 10F (4) (c) (i), (ii) and (iii) and (d), the side yard depth and setback from a daylighting triangle shall be at least 1.2 metres, except for a side yard abutting Stone Church Road East the depth shall be at least 6.0 metres;
  - d) Subsection 10F (5) shall not apply; and,
  - e) Notwithstanding Subsection 10F (6), there shall be provided a lot area of not less than 165.0 square metres;
5. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks 5 and 6, be modified to include the following special requirements:
- a) Notwithstanding Subsection 9 (2), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
  - b) Notwithstanding Subsection 9 (3) (i), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres; and,
  - c) Subsections 18A. (1) (f), (9) and (10) shall not apply;
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 “C” (Urban Protected Residential, Etc.) District, the “RT-20” (Townhouse - Maisonette) District, or the “RT-30” (Street - Townhouse) District provisions, as applicable, subject to the special requirements referred to in Sections 2 through 5 of this By-law;
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedules S-1811;
8. That Sheet Nos. E18b and E 18c of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1811; and,
9. 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 15<sup>th</sup> day of December, 2021.

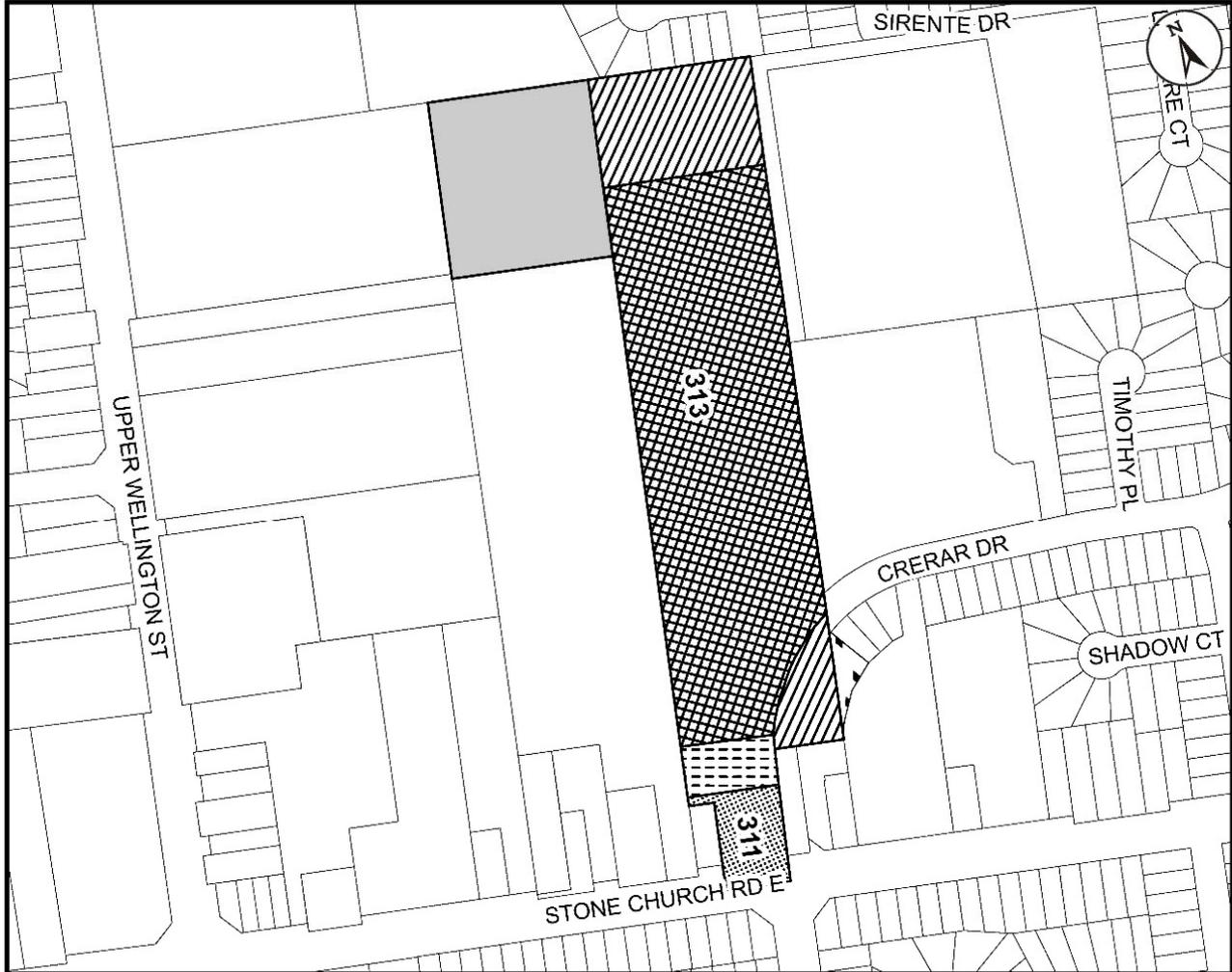
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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-21-009  
UHOPA-21-005



This is Schedule "A" to By-law No. 21-  
Passed the ..... day of ....., 2021

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Mayor  
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Clerk

**Schedule "A"**  
**Map forming Part of**  
**By-law No. 21-\_\_\_\_\_**  
**to Amend By-law No. 6593**

- Subject Property**  
311 and 313 Stone Church Road East
-  Block 1 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
  -  Block 2 – Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1811" (Townhouse - Maisonette) District, Modified
  -  Block 3 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
  -  Block 4 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
  -  Block 5 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
  -  Block 6 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
  -  Refer to By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006 & UHOPA-21-005	 Hamilton
Date: December 2, 2021	Planner/Technician: TV/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		