

**Authority:** Item 9, Planning Committee  
Report 12-016 (PED12169)  
CM: October 30, 2012

**Bill No. 253**

## **CITY OF HAMILTON**

### **BY-LAW NO. 12-**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 455 Jones Road**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 9 of Report 12-016 of the Planning Committee, at its meeting held on the 30th day of October, 2012, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Single Residential “R1” Zone to the Multiple Residential “RM3-44” Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Sub-section 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption “RM3-44”, as follows:

**“RM3-44” - 455 Jones Road, Schedule “A”, Map No. 2**

- (a) Notwithstanding the definition of “ Dwelling Group” in Part 2, Definitions, of Zoning By-law No. 3692-92, on those lands zoned “RM3-44” by this By-law, a “ Dwelling Group” is permitted to consist of a maximum of 6 single detached dwellings.
- (b) Notwithstanding the provisions of Sub-section 6.10.2 “ Permitted Uses For Each Lot”, Paragraphs (a), (b), (c), (d), (f), (h), (j), and Sub-section 1., 3., and 4. of Paragraph (m) of Section 6.10.3 “ Zone Regulations”, of Zoning By-law No. 3692-92, on those lands zoned “RM3-44” by this By-law, only a “ Dwelling Group” consisting of a maximum of 6 single detached dwellings shall be permitted subject to the following:
  - (a) Minimum Lot Area - 2,600 square metres.
  - (b) Minimum Lot Frontage - 34 metres.
  - (c) Minimum Front Yard - 6.0 metres.
  - (d) Minimum Side Yard for Dwelling Groups - 6.0 metres.
  - (f) Minimum Rear Yard for Dwelling Groups - 5.0 metres.
  - (h) Minimum Distance Between Buildings on the Same Lot - 1.5 metres.
  - (j) Maximum Building Height - 9.2 metres.
  - (m) Minimum Landscaped Open Space:
    1. Not less than 43% of the lot area for dwelling groups shall be landscaped, including privacy areas.

3. A landscaped strip shall not be required between a privacy area and the southerly side lot line.
  4. A landscaped strip having a minimum width of 4.0 metres shall be provided and thereafter maintained adjacent to the front lot line, except for points of ingress and egress, and no landscaped strip shall be required along the southerly side lot line.
- (c) Notwithstanding the provisions of Sub-section 1. of Paragraph (a), Paragraphs (b) and (d) of Section 6.10.5 "Regulations For Parking", of Zoning By-law No. 3692-92, on those lands zoned "RM3-44" by this By-law, the following shall apply:
- (a) Minimum Number of Parking Spaces
    4. 2 parking spaces and 0.8 visitor parking spaces for each dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
  - (b) No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached, or duplex dwellings, except that common parking spaces are permitted to be located a minimum of 1 metre from the northerly side lot line.
  - (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line, except that common parking spaces are permitted to be located a minimum of 1 metre from the northerly side lot line.
- (d) Notwithstanding the provisions of Paragraph (d) of Section 4.19.1 "YARD ENCROACHMENTS - General Application", of Zoning By-law No. 3692-92, on those lands zoned "RM3-44" by this By-law, the following shall apply:
- (d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 2.0 metres. The remainder of the provisions of Sub-section 4.19.1(d) shall apply.
  - (e) No windows shall be permitted on the westerly most end elevation of the westerly most building above the 1<sup>st</sup> storey level."
3. 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 "RM3" Zone provisions, subject to the special requirements referred to in Section 2.

4. 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 14<sup>th</sup> day of November, 2012.

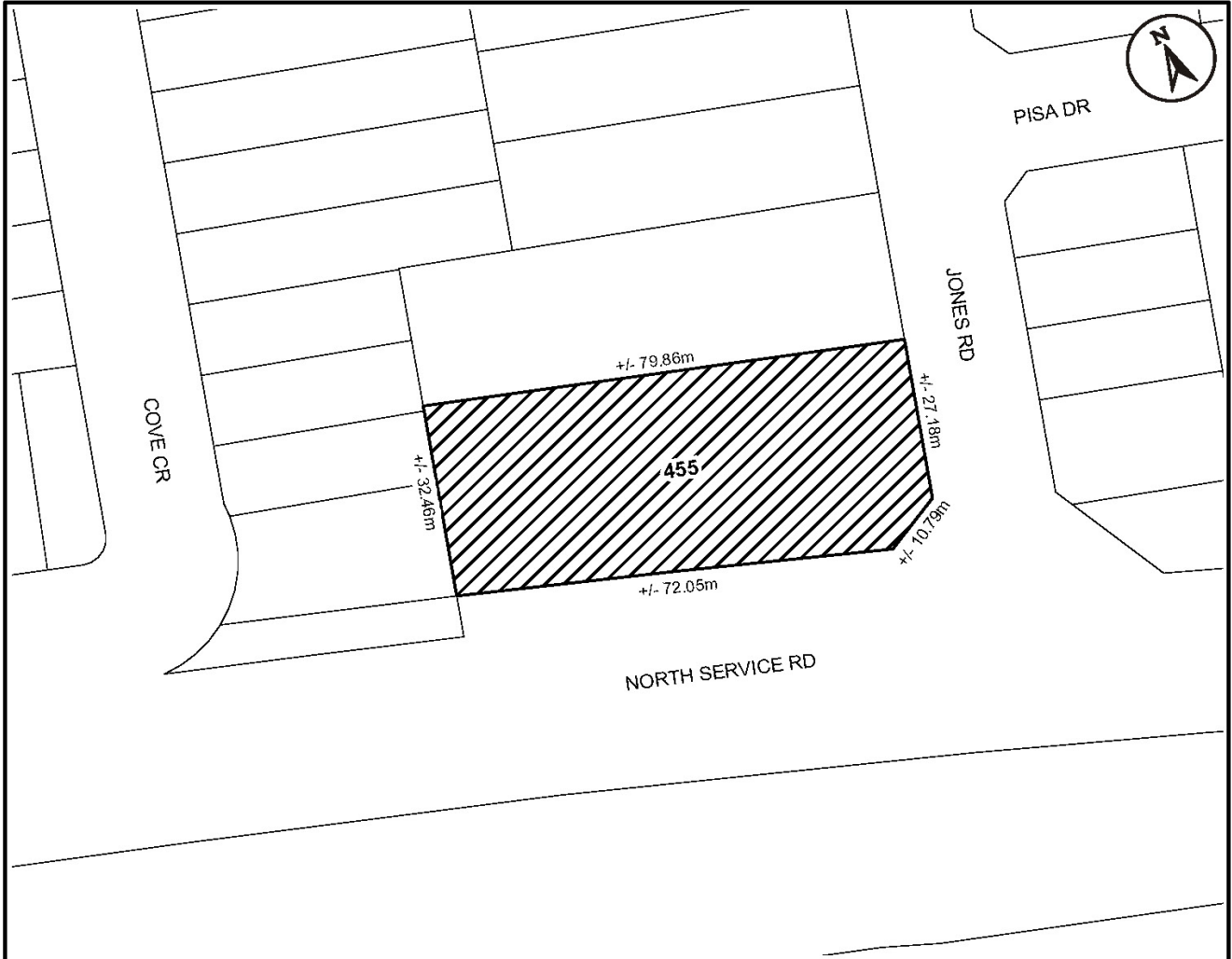
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R. Bratina  
Mayor

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R. Caterini  
City Clerk


ZAC-11-022



This is Schedule "A" to By-Law No. 12-  
 Passed the ..... day of ....., 2012

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 Mayor  
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 Clerk

**Schedule "A"**  
  
 Map Forming Part of  
 By-Law No. 12-\_\_\_\_\_  
  
 to Amend By-law No. 3692-92

**Subject Property**  
 455 Jones Road, Stoney Creek  
 Change in Zoning from the Single Residential "R1"  
 Zone to the Multiple Residential "RM3-44" Zone

Scale:  
 N.T.S.  
 Date:  
 Aug. 9, 2012

File Name/Number:  
 ZAC-11-022  
 Planner/Technician:  
 GM/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

