

**Authority:** Item 8  
Planning Committee  
Report: 13-019 (PED13188)  
CM: December 3, 2013

**Bill No. 309**

## **CITY OF HAMILTON**

### **BY-LAW NO. 13-**

#### **To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 83 - 89 Stone Church Road West (Hamilton)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule 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 Hamilton”, and is the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 8 of Report 13-019 of the Planning Committee, at its meeting held on the 11th day of December, 2013, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan in accordance with the provisions of the Planning Act.

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

1. That Sheet No. E-9c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended as follows:
  - (a) By changing the zoning from the “D-‘H’” (Urban Protected Residential - One and Two Family Dwelling) District, with a Holding Provision, to the “DE-2/S-1700”-‘H’ (Multiple Dwellings) District, Modified, with a Holding Provision;
  - (b) By changing the zoning from the “C” (Urban Protected Residential) District, to the “DE-2/S-1700”-‘H’ (Multiple Dwellings) District, Modified, with a Holding Provision; and,
  - (c) By changing the zoning from the “AA” (Agricultural) District to the “DE-2/S-1700” (Multiple Dwellings) District, Modified, to the “DE-2/S-1700”-‘H’ (Multiple Dwellings) District, Modified, with a Holding Provision;

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

2. That the “DE-2” (Multiple Dwellings) District regulations, as contained in Section 10B of Zoning By-law No. 6593, are modified to include the following special provisions:
  - (a) That notwithstanding Section 2(2)(J)(xiii) of Zoning By-law No. 6593, the Stone Church Road West lot line shall be deemed to the front lot line.
  - (b) That notwithstanding Section 2(2)(H)(via) of Zoning By-law No. 6593, a shed existing on the date of the passing of this By-law, being the 11th day of December, 2013, shall be permitted in a Planting Strip.
  - (c) That notwithstanding Section 10B(3)(iii) of Zoning By-law No. 6593, a westerly (exterior) side yard of a depth of at least 1.0m, and an easterly (interior) side yard of a depth of at least 3.5m, shall be provided and maintained.
  - (d) That notwithstanding Section 18(3)(vi)(c) of Zoning By-law No. 6593, an open stairway may project into a required side yard not more than 2.8m.
  - (e) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, no loading space shall be provided.

- (f) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a minimum parking space size of 2.6m wide x 5.5m long shall be provided and maintained.
  - (g) That notwithstanding Sections 18A(11)(b) and 18A(12) of Zoning By-law No. 6593, the parking area shall be 2.0m from the Stone Church Road West lot line, and a 2.0m planting strip shall be provided.
  - (h) That notwithstanding Section 18A(12) of Zoning By-law No. 6593, a 1.0m planting strip shall be provided on the southerly side yard, and a 1.5m planting strip shall be provided on the easterly side yard.
  - (i) That notwithstanding Section 18A(25) of Zoning By-law No. 6593, where a 3-storey, multiple dwelling is adjacent to a residential district that does not permit such uses, an access driveway to the multiple dwelling shall be located not less than 1.0m from the rear lot line.
3. That the 'H' symbol may be removed at such time as the following has been satisfied:
- a. That the owner/applicant demonstrate that the properties municipally known as 83 and 89 Stone Church Road West have been merged in the same name and title to the satisfaction of the Director of Planning.
4. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1700.
5. That Sheet E-9c of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1700.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

**PASSED** this 11th day of December, 2013.

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R. Bratina  
Mayor

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R. Caterini  
Clerk

ZAC-13-018






This is Schedule "A" to By-law No. 13-  
 Passed the ..... day of ....., 2013

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 Mayor  
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 Clerk

**Schedule "A"**  
  
 Map Forming Part of  
 By-law No. 13-\_\_\_\_\_  
  
 to Amend By-law No. 6593

**Subject Property**  
 83 - 89 Stone Church Road West

-  Block 1: Change in Zoning from the "D-H" (Urban Protected Residential - One and Two Family Dwelling) District, with a Holding Provision to the "DE-2/S-1700"-H' (Multiple Dwelling) District, Modified, with a Holding Provision.
-  Block 2: Change in Zoning from the "C" (Urban Protected Residential) District, to the "DE-2/S-1700"-H' (Multiple Dwelling) District Modified, with a Holding Provision.
-  Block 3: Change in Zoning from the "AA" (Agricultural) District, with a Holding Provision to the "DE-2/S-1700"-H' (Multiple Dwelling) District Modified, with a Holding Provision.

Scale: N.T.S.	File Name/Number: ZAR-13-018	
Date: October 31, 2013	Planner/Technician: TL/DB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		