

**Authority:** Item 4, Planning Committee Report 24-006 (PED24085)  
CM: May 8, 2024 Ward: 10  
Written approval for this by-law was given by Mayoral Decision MDE-2024 12  
Dated May 8, 2024

**Bill No. 065**

## **CITY OF HAMILTON**

### **BY-LAW NO. 24-065**

#### **To Amend Zoning By-law No. 3692-92 with respect to lands located at 560 Grays Road, 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”;

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December 1992, and approved by the Ontario Land Tribunal on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** Council approved Item 4 of Report 24-006 of the Planning Committee, at its meeting held on May 8, 2024;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council amends Zoning By-law No. 3692-92 as follows:

1. That Subsection 6.10.7, “Special Exemptions” of Section 6.10, Multiple Residential “RM3” Zone, be amended by further amending Special Exemption “RM3-58”, as follows:
  1. That Subsection 1. be amended by adding the following definitions:
    - (b) “Dwelling Group”

Means a group of more than one Maisonette, Townhouse, Stacked Back-to-Back Townhouse, or apartment or any combination thereof.

(c) “Dwelling – Stacked Back-to-Back Townhouse”

Means a building divided vertically and horizontally, containing not less than three and not more than twenty-four dwelling units, where each unit shall have a separate entrance from a public or private street.

2. That Subsection 2. be amended by adding the words “for Apartment Dwellings” after the word “Regulations”.

3. That the following subsection be added following Subsection 2 (j):

“3. Regulations for Stacked Back-to-Back Townhouse Dwelling

Notwithstanding the provisions of Subsection 4.13.1 “Daylight Triangle” of the Zoning By-law No. 3692-92, on those lands zoned “RM3-58” by this By-law, the minimum yard from the hypotenuse of the daylight triangle of Frances Avenue and Parkedge Drive shall be 2.0 metres. All other Daylight Triangles shall be provided in accordance with Subsection 4.13.1.

Notwithstanding the provisions of Paragraph (a) of Subsection 6.1.4 “Accessory Buildings in Residential Zones” of the Zoning By-law No. 3692-92, the maximum building height for an accessory building shall be 6.0 metres.

Notwithstanding the provisions of Paragraph (c) of Subsection 6.1.8 “Parking Restrictions in Residential Zones”, the following shall apply:

- c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.

In addition to Subsection 6.10.2 “Permitted Uses for Each Lot” of the Multiple Residential “RM3” Zone, Stacked Back-to-Back Townhouse Dwellings shall also be permitted.

Notwithstanding the Paragraphs (c), (d) as it relates to minimum flankage side yard, (f), (h), (i), (j), (l) and (m) 1. and 4. of Subsection 6.10.3 “Zone Regulations” of the Multiple Residential “RM3” Zone, the following shall apply for Stacked Back- to-Back Townhouse Dwellings:

- (c) Minimum Front Yard – 2.0 metres
- (d) Minimum Flankage Side Yard – 2.0 metres
- (f) Minimum Rear Yard – 14.0 metres
- (h) Minimum Distance Between Buildings on the Same Lot – 8.0 metres
- (i) Maximum Density – 99 units per hectare
- (j) Maximum Building Height – 15 metres
- (l) Privacy Area – Notwithstanding the yard requirements above, each stacked back-to-back townhouse unit shall have a least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 1.5 metres.
- (m) Minimum Landscaped Open Space
  - 1. Not less than 37 percent of the lot area shall be landscaped including privacy areas.
  - 4. A landscaped strip having a minimum width of 1.2 metres shall be provided and thereafter maintained adjacent to any lot line that abuts a street except for points of ingress and egress. Notwithstanding the above, no landscaped strip shall be required adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the intersection

of Frances Avenue and Parkedge  
Drive.

Notwithstanding the provisions of Paragraphs (a), (d), and (e) of Subsection 6.10.5 “Regulations for Parking” of the Multiple Residential “RM3” Zone, the following shall apply:

- (a) Minimum Number of Parking Spaces – 1 parking space and 0.15 visitor parking spaces for each stacked back-to-back townhouse dwelling unit.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 2.0 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.

All other regulations of the Multiple Residential “RM3” Zone shall apply.”

- 3. 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 provisions of the Multiple Residential “RM3-58” Zone, Modified, subject to the special requirements referred to in Section No. 2 of this By-law.
- 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 8<sup>th</sup> day of May, 2024.

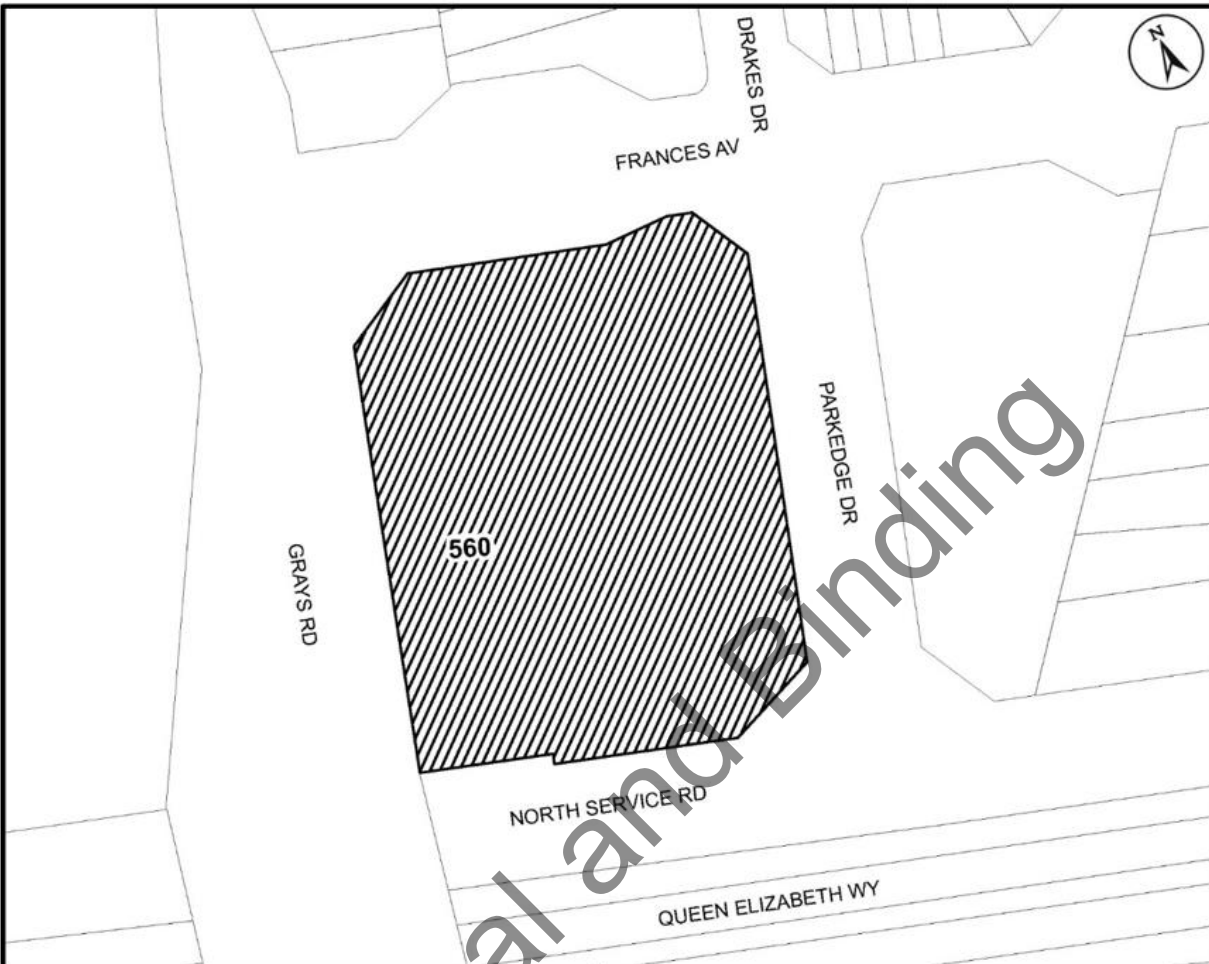
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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-24-005



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 24-_____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b></p> <p>560 Grays Road, Stoney Creek (Ward 10)</p> <p> Lands to be further amended from the Multiple Residential "RM3-58" Zone, Modified</p>
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Scale: N.T.S	File Name/Number: ZAC-24-005	
Date: March 19, 2024	Planner/Technician: MF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		