

**Authority:** Item 16, Planning & Economic  
Development Committee  
Report 05-002 (PD05017)  
CM: January 26, 2005

**Bill No. 007**

## **CITY OF HAMILTON**

### **BY-LAW NO. 05-007**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 821 North Service 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Section 1 of Report 04-003 of the Planning and Economic Development Committee at its meeting held on the 11<sup>th</sup> day of February, 2004, 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. Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,

- (a) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Single Residential “R2-50” Zone, the lands comprised of Block “1”;
- (b) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Single Residential “R2-53” Zone, the lands comprised of Block “2”;
- (c) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Single Residential “R3-22” Zone, the lands comprised of Block “3”;
- (d) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Residential “R5-9” Zone, the lands comprised of Block “4”;
- (e) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Multiple Residential “RM2-11” Zone, the lands comprised of Block “5”;
- (f) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Multiple Residential “RM3” Zone, the lands comprised of Block “6”;
- (g) by changing the zoning from the Neighbourhood Residential “ND” Zone to the General Commercial “GC” Zone, the lands comprised of Block “7”;
- (h) by changing the zoning from the Neighbourhood Residential “ND” Zone to the Open Space “OS” Zone, the lands comprised of Block “8”;
- (i) by the changing the zoning from the Rural Residential “R R Zone to the Single Residential “R3-22” Zone, the lands comprised of Block “9”,

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

2. That Subsection 6.3.7, “Special Exemptions” of Section 6.3, Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “R2-53’ to include the following:

**“R2-53 Part of Lots 11 and 12, Broken Front Concession, Schedule “A”, Map No. 2**

In addition to the regulations of Section 4.19 “Yard Encroachments”, porches and balconies, including porch foundation walls, may project 1.5 metres into the required flankage yard.

All other provisions of the “R2-45” Zone shall apply.”

3. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "R3-22" to include the following:

**"R3-22 Part of Lots 11 and 12, Broken Front Concession, Schedule "A", Map No. 2**

Notwithstanding the provisions of paragraph (d)(i) of Section 6.4.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "R3-22" by this By-law, the minimum side yard on the side of the dwelling containing an attached garage or attached carport may be 0.6 metres except for a side yard which abuts a flankage street.

In addition to the regulations of Section 4.19 "Yard Encroachments", porches and balconies, including porch foundation walls, may project 1.5 metres into the required flankage yard.

All other provisions of the "R3-12" Zone shall apply."

4. That Subsection 6.6.7, "Special Exemptions" of Section 6.6, Residential "R5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "R5-9" to include the following:

**"R5-9 Part of Lots 11 and 12, Broken Front Concession, Schedule "A", Map No. 2**

In addition to the regulations of Section 4.19 "Yard Encroachments", porches and balconies, including porch foundation walls, may project 1.5 metres into the required flankage yard.

All other provisions of the "R5-6" Zone shall apply."

5. That Subsection 6.9.6, "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 provision "RM2-11" to include the following:

**"RM2-11 Part of Lots 11 and 12, Broken Front Concession, Schedule "A", Map No. 2**

In addition to the regulations of Section 4.19 "Yard Encroachments", porches and balconies, including porch foundation walls, may project 1.5 metres into the required flankage yard.

All other provisions of the "RM2-6" Zone shall apply."

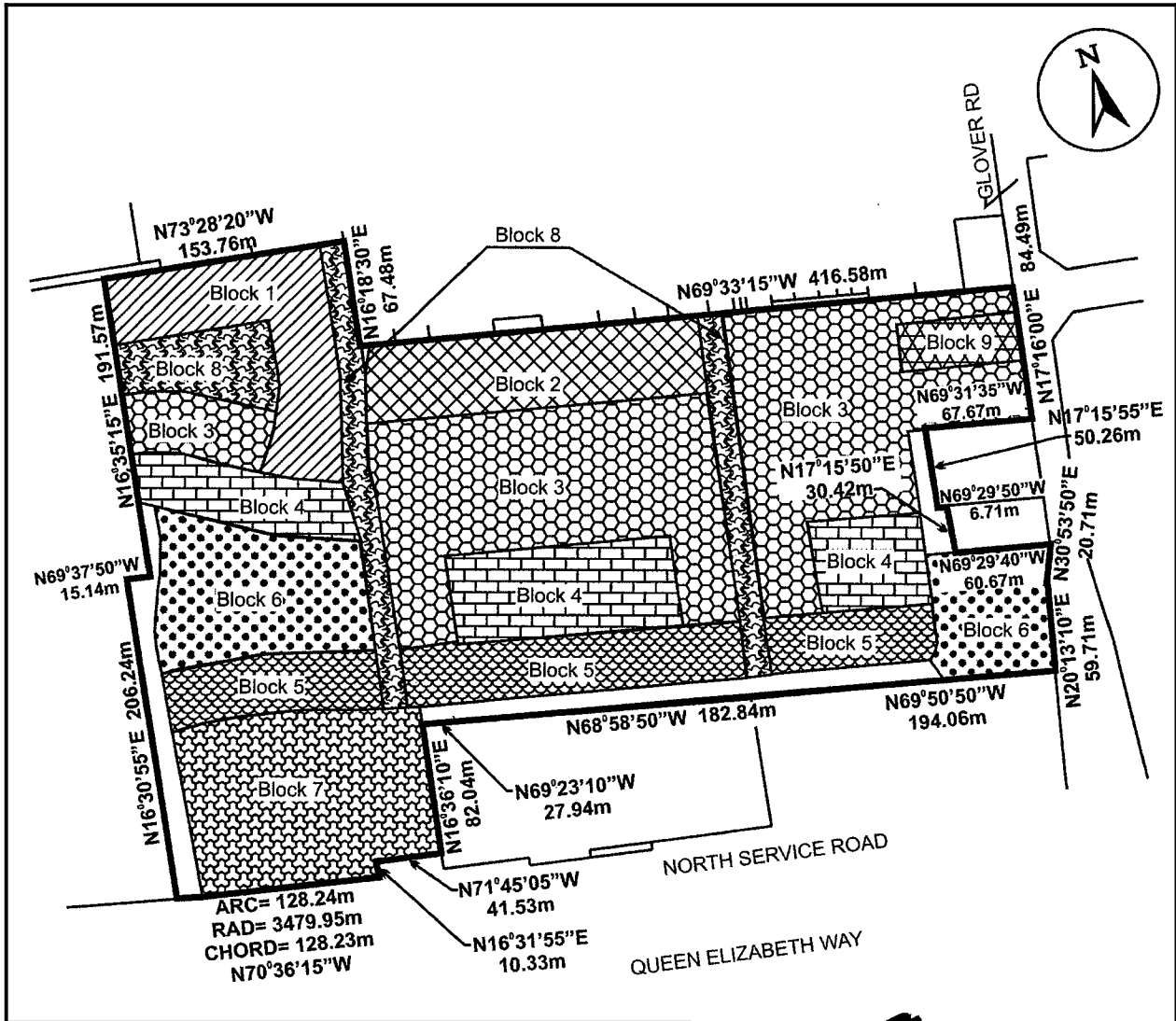
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this 26th day of January, 2005.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

ZAC-03-39



This is Schedule "A" to By-Law No. 05-007

Passed the 26th day of January, 2005

*[Signature]*  
Clerk  
*[Signature]*  
Mayor

# Schedule "A"

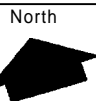
Map Forming Part of  
By-Law No. 05-007  
to Amend By-Law No. 3692-92



## Subject Property

Change in Zoning from the Neighbourhood Development "ND" Zone to:

- |  |   |
|--|---|
| Block 1 - Single Residential "R2-50" Zone    | Block 6 - Multiple Residential "RM3" Zone                                     |
| Block 2 - Single Residential "R2-53" Zone    | Block 7 - General Commercial "GC" Zone  |
| Block 3 - Single Residential "R3-22" Zone    | Block 8 - Open Space "OS" Zone  |
| Block 4 - Residential "R5-9" Zone            | Block 9 - from Rural Residential "RR" Zone to Single Residential "R3-22" Zone |
| Block 5 - Multiple Residential "RM2-11" Zone |   |



Scale:  
Not to Scale

Date:  
January 18, 2005

File Name/Number:  
OPA-03-13/ZAC-03-39/257-200309

Planner/Technician:  
PD/NB