

Authority: Item 7, Economic Development &
Planning Committee
Report: 07-017 (PED07240)
CM: October 10, 2007

Bill No. 290

CITY OF HAMILTON

BY-LAW NO. 07-290

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 38, 42, and 56 Copes Lane

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 7 of Report 07-017 of the Economic Development & Planning Committee at its meeting held on the 10th day of October, 2007, 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 as follows:
 - (a) by changing the zoning from the Rural Residential "RR" Zone to the Single Residential "R2-54" Zone, the lands comprising "Block 1";
 - (b) by changing the zoning from the Rural Residential "RR" Zone to the Single Residential "R2-56" Zone, the lands comprising "Block 2";

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- (c) by changing the zoning from the Rural Residential “RR” Zone and the Single Residential “R2-50” Zone to the Single Residential “R2-57” Zone, the lands comprising “Block 3”;
- (d) by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R2-58” Zone, the lands comprising “Block 4”;

the lands 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 exemption, “R2-54”, as follows:

“R2-54 38, 42, and 56 Copes Lanes, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential “R2” Zone, on those lands zoned “R2-54” by this By-law, the following shall apply:

- (b) Minimum Lot Frontage: 19.5 metres;
- (c) Minimum Front Yard: 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street;
- (g) Maximum Lot Coverage: 45 percent for two-storey dwellings and 50 percent for one-storey dwellings.

In addition to the provisions of Section 6.3.3 (d) of the Single Residential “R2” Zone, on those lands zoned “R2-54” by this by-law, no part of any second floor elevation or higher shall be located closer than 2.0 metres to a Rural Residential “RR” Zone.

Notwithstanding the provision of Section 4.13.1 “Special Setbacks – Daylight Triangles”, and paragraph (d) of Section 4.19.1 “Yard Encroachments – General Application” on those lands zoned “R2-54” by this By-law, the following shall apply:

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building and 1.5 metres for balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any

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required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard."

3. 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 exemption, "R2-56", as follows:

"R2-56 38, 42, and 56 Copes Lanes, Schedule "A", Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential "R2" Zone, on those lands zoned "R2-56" by this By-law, the following shall apply:

- | | | |
|-----|-----------------------|---|
| (b) | Minimum Lot Frontage: | 22.8 metres; |
| (c) | Minimum Front Yard: | 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street; |
| (g) | Maximum Lot Coverage: | 45 percent for two-storey dwellings and 50 percent for one-storey dwellings. |

In addition to the provisions of Section 6.3.3 (d) of the Single Residential "R2" Zone, on those lands zoned "R2-56" by this by-law, no part of any second floor elevation or higher shall be located closer than 2.0 metres to a Rural Residential "RR" Zone.

Notwithstanding the provision of Section 4.13.1 "Special Setbacks – Daylight Triangles", and paragraph (d) of Section 4.19.1 "Yard Encroachments – General Application" on those lands zoned "R2-56" by this By-law, the following shall apply:

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building and 1.5 metres for balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard. "

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4. 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 exemption, "R2-57", as follows:

"R2-57 38, 42, and 56 Copes Lanes, Schedule "A", Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential "R2" Zone, on those lands zoned "R2-57" by this By-law, the following shall apply:

- | | | |
|-----|-----------------------|---|
| (b) | Minimum Lot Frontage: | 15.0 metres; |
| (c) | Minimum Front Yard: | 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street; |
| (g) | Maximum Lot Coverage: | 45 percent for two-storey dwellings and 50 percent for one-storey dwellings. |

Notwithstanding the provision of paragraph (d) of Section 4.19.1 "Yard Encroachments – General Application" on those lands zoned "R2-57" by this By-law, the following shall apply:

- (d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard. "

5. 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 exemption, "R2-58", as follows:

"R2-58 38, 42, and 56 Copes Lanes, Schedule "A", Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential "R2" Zone, on those lands zoned "R2-58" by this By-law, the following shall apply:

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| (b) | Minimum Lot Frontage: | 21.0 metres; |
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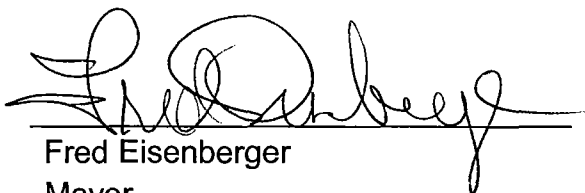
- (c) Minimum Front Yard: 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street;
- (g) Maximum Lot Coverage: 45 percent for two-storey dwellings and 50 percent for one-storey dwellings.

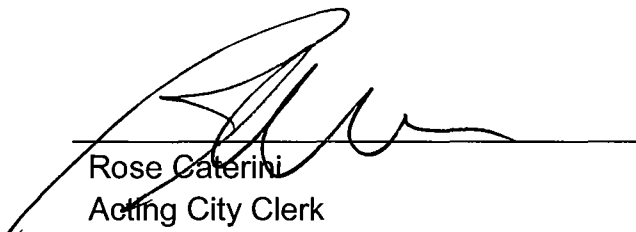
In addition to the provisions of Section 6.3.3 (d) of the Single Residential "R2" Zone, on those lands zoned "R2-58" by this by-law, no part of any second floor elevation or higher shall be located closer than 2.0 metres from a Rural Residential "RR" Zone.

Notwithstanding the provision of paragraph (d) of Section 4.19.1 "Yard Encroachments – General Application" on those lands zoned "R2-58" by this By-law, the following shall apply:

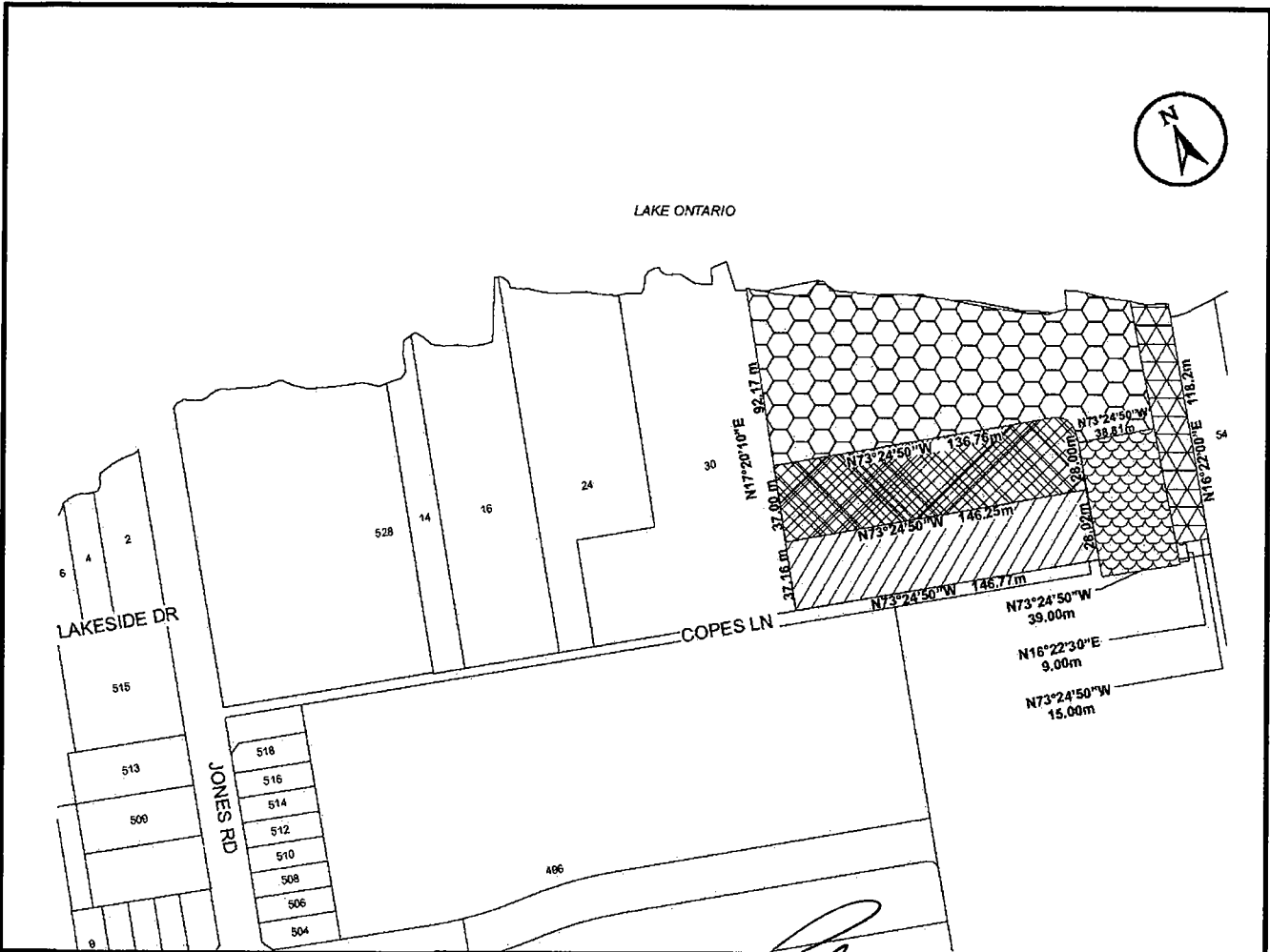
- (d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard. "
6. No building or structure shall be erected, altered, extended or enlarged, or shall any building or structure or part thereof be used, or shall any land be used, except in accordance with the Single Residential "R2" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4 and 5.
7. 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 and ENACTED this 10th day of October, 2007.


Fred Eisenberger
Mayor


Rose Caterini
Acting City Clerk

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This is Schedule "A" to By-Law No. 07- 290

Passed the 10th... day of ...October....., 2007






[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of By-Law No. 07- 290

to Amend By-law No. 3692-92

Subject Property 38, 42 and 56 Copes Lane, Stoney Creek

-  **Block 1:** Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-54" Zone.
-  **Block 2:** Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-56" Zone.
-  **Block 3:** Change in Zoning from the Rural Residential "RR" Zone and the Single Residential "R2-50" Zone to the Single Residential "R2-57" Zone.
-  **Block 4:** Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-58" Zone.
-  **Block 5:** Refer to By-law No. 05-200.

Scale: N.T.S.	File Name/Number: ZAC-06-104, 25T-200620
Date: Sept 5, 2007	Planner/Technician: TH/KA

