

**Authority:** Item 10, Economic Development  
and Planning Committee  
Report: 10-001 (PED10014)  
CM: January 27, 2010

**Bill No. 016**

## **CITY OF HAMILTON**

### **BY-LAW NO. 10-016**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting the Lands Located on the west side of Upper Centennial Parkway,  
south of Highgate Drive, and known as Part of Lot 25, Concession 8, Stoney Creek**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 10 of Report 10-001 of the Economic Development and Planning Committee, at its meeting held on the 19th day of January, 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon approval of Official Plan Amendment No. 155;

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

1. That Map No. 16 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 "R4-21" Zone to the Multiple Residential "RM2-22" Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

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2. 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 Exemption, "RM2-22", as follows:

**"RM2-22" - Part of Lot 25, Concession 8, Schedule "A", Map No. 16**

Notwithstanding the provisions of Paragraph (d) of Section 6.9.3, "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM2-22" by this by-law, the following shall apply:

- (d) Minimum Side Yard  
End Unit - 1.8 metres

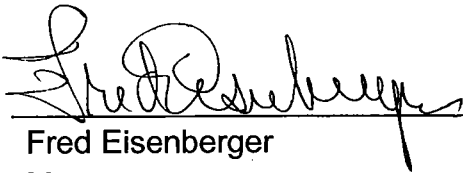
In addition to the provisions of Section 6.9.3, "Zone Regulations" and Section 4.19, "Yard Encroachments" of Zoning By-law No. 3692-92, on those lands zoned "RM2-22" by this By-law, unenclosed porches, bay windows, and side entrances shall be provided and maintained for all corner units.

In addition to the regulations of Section 4.19 "Yard Encroachments", unenclosed porches, including porch foundation walls, may project into any required side yard of a corner unit, a distance of not more than 1.5 metres.

Notwithstanding Section 4.13.1, "Special Setbacks - Daylight Triangles", any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 1.5 metres for an unenclosed porch, including porch foundation walls.

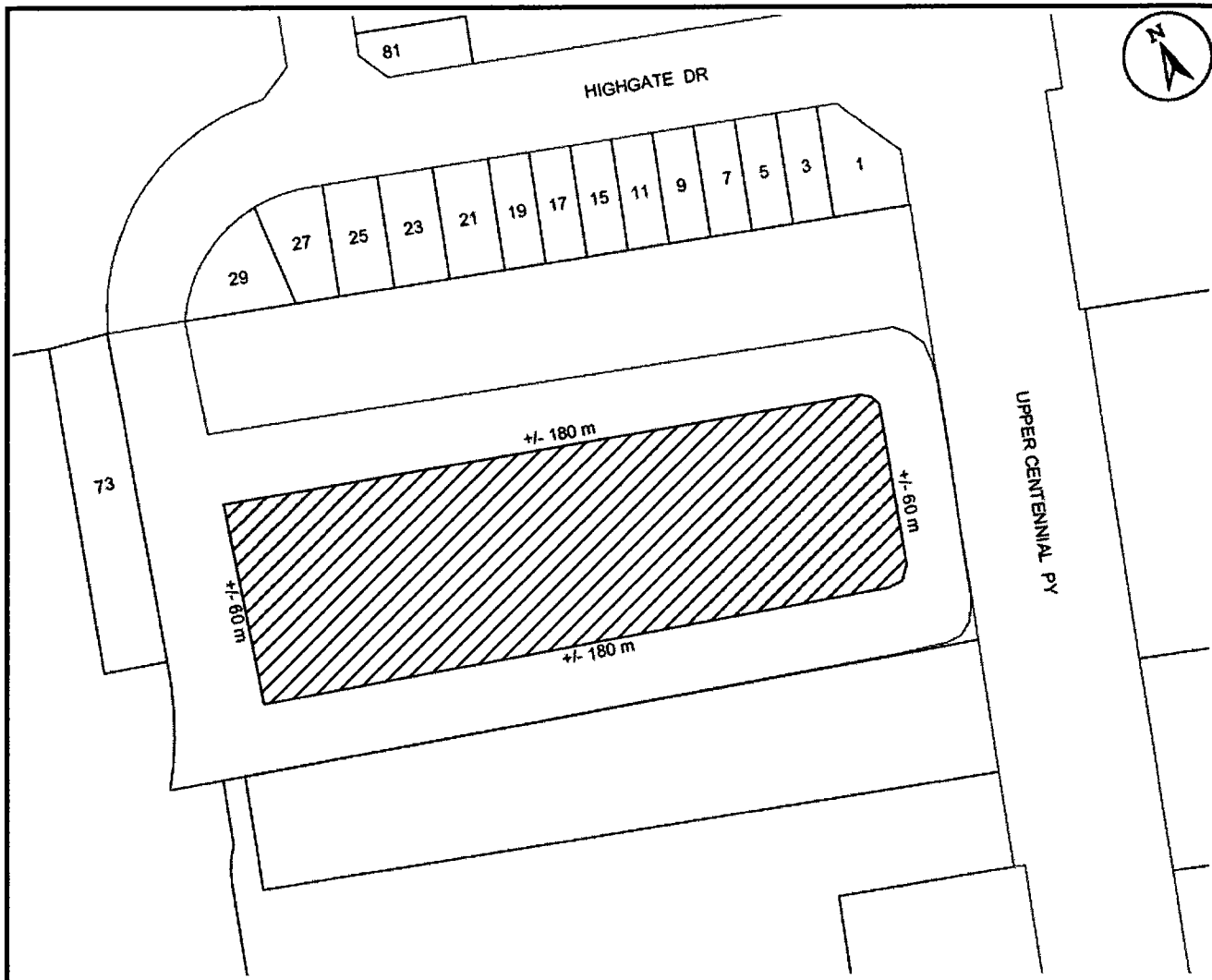
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM2" Zone provisions, subject to the special requirements referred to in Section 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 27<sup>th</sup> day of January, 2010.

  
Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk

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This is Schedule "A" to By-Law No. 10-016

Passed the 27<sup>th</sup>..... day of ..January....., 2010

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

**Schedule "A"**

Map Forming Part of  
By-Law No. 10-016

to Amend By-law No. 3692-92

**Subject Property**



Change in zoning from Single Residential "R4-21" Zone to Multiple Residential "RM2-22" Zone, modified.

Scale:  
N.T.S.

File Name/Number:  
ZAC-09-037, OPA-09-010,  
25T-200801(R)

Date:  
November 19, 2009

Planner/Technician:  
JH/KA



Hamilton