

**Authority:** Item 5, Planning Committee  
Report 22-010 (PED22126)  
CM: June 22, 2022  
Ward: 10

**Bill No. 153**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-153**

#### **To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 541 and 545 Fifty 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 22-010 of the Planning Committee, at its meeting held on the day of June 22, 2022, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

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

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

1. That Map No. 4 to Schedule ‘A’ of Zoning By-law No. 3692-92 (Stoney Creek), is hereby further amended by changing from Neighbourhood Development “ND” Zone and Rural Residential “RR” Zone to Single Residential “R3-45” Zone, Modified, the extent and boundaries of which are shown on plan hereto annexed as Schedule “A”.
2. That Section 6.4.7 “Special Exceptions” of Zoning By-law No. 3692-92 (Stoney Creek), as amended, be amended by adding Special Exception “R3-45” as follows:

**“R3-45” 541 and 545 Fifty Road, Schedule “A” Map No. 4**

For the purpose of this By-law, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road.

In addition to the definition of a Lot in Part 2 of Zoning By-law No. 3692-92 (Stoney Creek), as amended, that for the purposes of this Zone, a vacant land condominium unit within a draft approved or registered plan of condominium shall be considered a Lot.

Notwithstanding the provisions of paragraphs (b), (c), (d), (f) and (g) of Section 6.4.3, Single Residential “R3” Zone, the following shall apply:

- |                                   |   |
|-----------------------------------|---|
| (b) Minimum Interior Lot Frontage | 9.0 metres  |
| (c) Minimum Front Yard            | 6.0 metres to a garage<br>4.5 metres to a dwelling      |
| (d) Minimum Side Yard             | 1.25 metres on a corner lot abutting<br>a private road. |
| (f) Maximum Building Height       | 12.0 metres   |
| (g) Maximum Lot Coverage          | 56 percent  |

Notwithstanding the provisions of paragraphs (c) and (d) of Section 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 1.5 metres to any lot line or closer than 2.7 metres to any dwelling unit located on a lot other than the said lot.
- (d) Parking spaces for physically challenged persons shall have a width of not less than 2.8 metres and a length of not less than 5.8 metres, and to have an additional painted aisle adjacent to the said space of not less than 1.5 metres in width.

Notwithstanding the provisions of paragraph (b) of Section 4.10.3, Dimensions of Parking Spaces, the following provision shall apply:

- (b) For parking spaces within private residential garages, two steps may project not more than 0.6 metres into the required length or width of a parking space.

Notwithstanding the provisions of paragraph (a) of Section 4.10.4, Requirement for Parking for Vehicles of Physically Challenged, the following provision shall apply:

- (a) Minimum rectangular dimensions of 2.8 metres in width and 5.8 metres in length, and to have an additional painted aisle adjacent to the said space of not less than 1.5 metres in width.

Notwithstanding the provisions of paragraph (d) of Section 4.19, Yard Encroachments, the following provision shall apply:

- (d) Balconies, canopies, unenclosed porches, including a cold cellar underneath same, may project into any required side yard abutting a flankage lot line 1.5 metres.

3. That the amending by-law be added to Map No. 4 of Schedule "A" of Stoney Creek Zoning By-law No. 3692-92.
4. 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 Single Residential "R3-45" Zone provisions subject to the special requirements as referred to in Section 2 of this By-law.
5. 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.

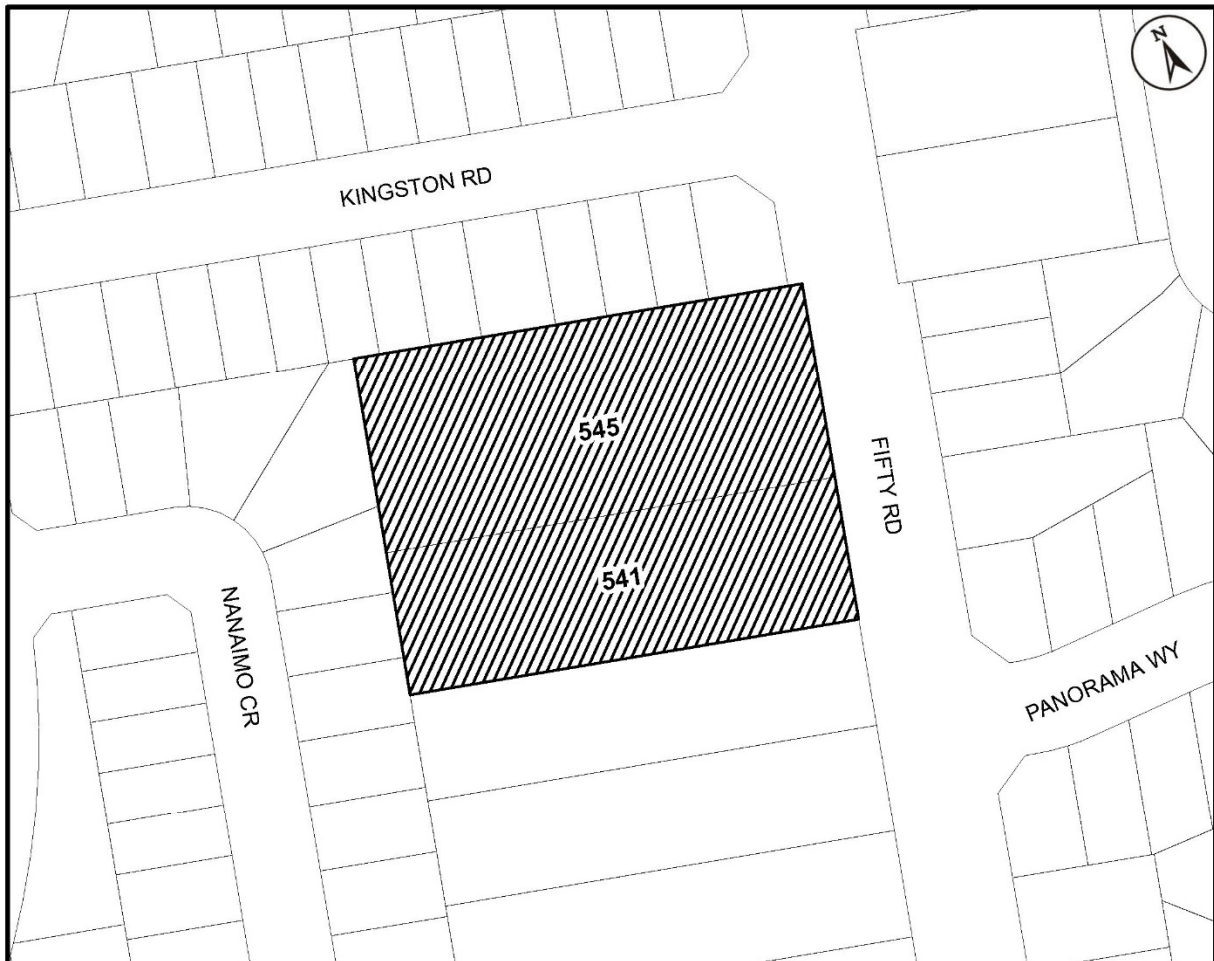
**PASSED and ENACTED** this 22<sup>nd</sup> day of June, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>		
<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 22-_____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b></p> <p>541-545 Fifty Road</p> <p> Change in zoning from the Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone to the Single Residential "R3-45" Zone, Modified</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-045 &amp; 25CDM-202120</p>		
<p>Date: May 3, 2022</p>	<p>Planner/Technician: RD/VS</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	