

**Authority:** Item 21, Planning and Economic  
Development Committee  
Report:05-017 (PED05072)  
CM: August 10,2005

**Bill No. 236**

**CITY OF HAMILTON**

**BY-LAW NO. 05-236**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Rear of the  
Property Located at 24 Second Road West**

**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 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 25 of Report 05-017 of the Planning and Economic Development Committee at its meeting held on the 10<sup>th</sup> day of August, 2005, 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. 16 of Schedule "A" appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,

By-law respecting 24 Second Road West (Page 2 of 3)

- (a) by changing the zoning from the Single Residential "R2" Zone to the Single Residential "R3-25" Zone, the lands composed of Block "1";
- (b) by changing the zoning from the Single Residential "R1" Zone to the Single Residential "R3-25" Zone, the lands composed of Block "2"; and,
- (c) by changing the zoning from the Single Residential "R3" Zone to the Single Residential "R3-25" Zone, the lands composed of Block "3".

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

2. That Section 6.4.7, "Special Exemptions", of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "R3-25", to include the following:

**"R3-25 Rear of the Property Located at 24 Second Road West,  
Schedule "A" , Map No. 16**

Notwithstanding the provisions of Paragraph (d)(3) of Subsection 6.4.3 Zone Regulations, of the Single Residential "R3" Zone, and Subsection 4.13.1, on those lands zoned "R3-25" by this By-law, a minimum flankage side yard of 1.25 metres shall be provided except that an attached garage or attached carport shall not be located within 5.5 metres of the flankage lot line, and a minimum yard of 1.25 metres from the hypotenuse of the daylight triangle shall be provided where the road allowance width of Gatestone Drive is 26 metres."

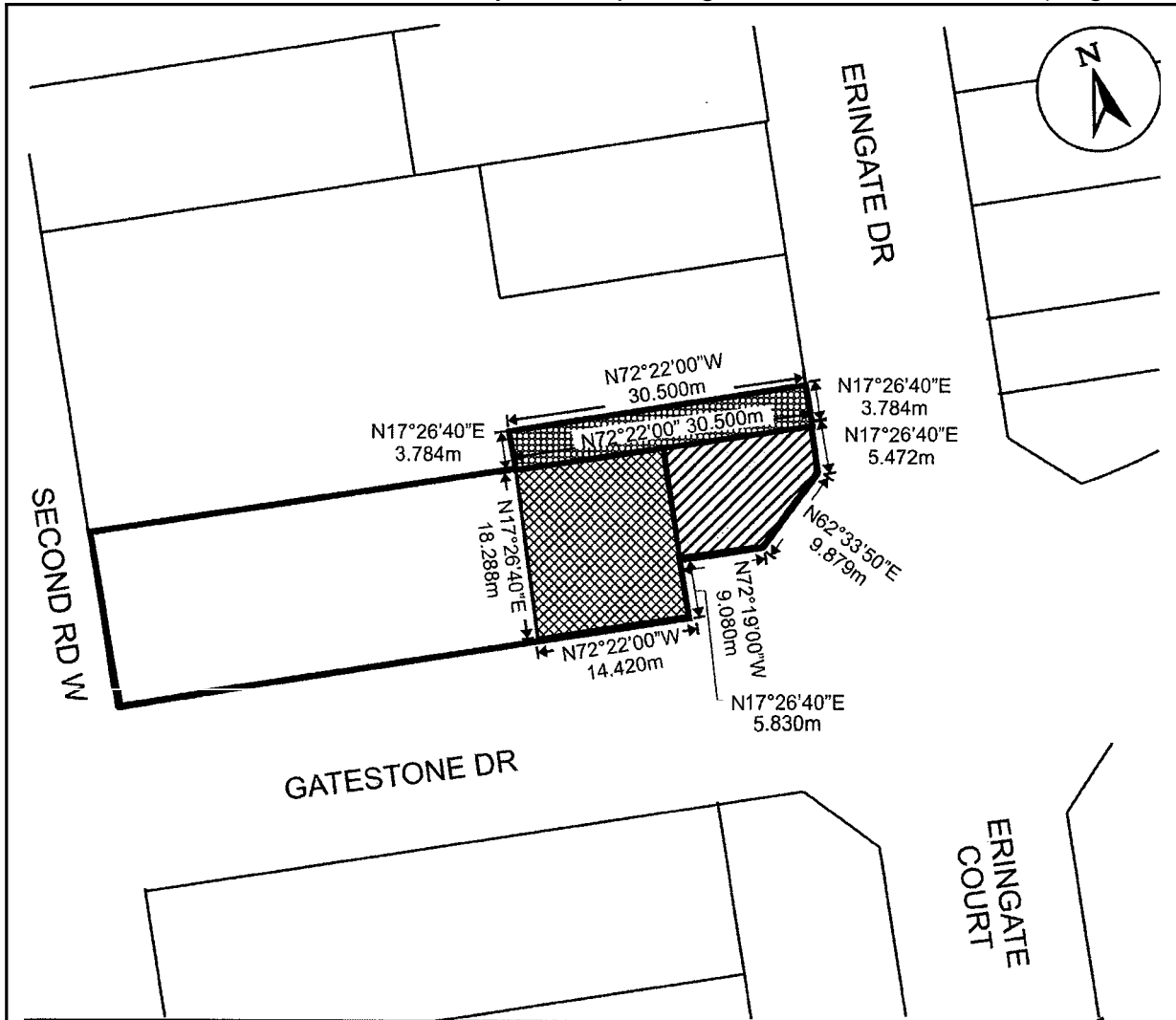
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R3" Zone provisions, subject to the special requirements referred to in Section 2.
4. 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 10<sup>th</sup> day of August, 2005.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

ZAR-05-54



This is Schedule "A" to By-Law No 05-236

Passed the 10th day of August, 2005

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




# Schedule "A"

Map Forming Part of  
 By-Law No. 05-236  
 to Amend By-Law No. 3692-92

## Subject Property

Rear of 24 Second Road West

Change in Zoning from the:

-  Block 1: Single Residential "R2" Zone to the Single Residential "R3-25" Zone
-  Block 2: Single Residential "R1" Zone to the Single Residential "R3-25" Zone
-  Block 3: Single Residential "R3" Zone to the Single Residential "R3-25" Zone



Hamilton

Planning and Economic Development Department



Scale:  
 Not to Scale

Date:  
 July, 2005

File Name/Number:  
**ZAR-05-54**

Planner/Technician:  
**GM/LMM**