

Authority: Item 14, Economic Development and
Planning Committee
Report: 07-004 (PED07067)
CM: June 27, 2007

Bill No. 196

CITY OF HAMILTON

BY-LAW NO. 07-196

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at
1353, 1357, 1427 Baseline Road and 22 Falcon Road**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section 6.11 of Report 07-004 of the Economic Development and Planning Committee at its meeting held on the 20th day of February, 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), upon approval of Official Plan Amendment No 135;

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

1. Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,

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- (a) by changing the zoning from the Single Residential "R1", "R1-15", Open Space "OS-10", and Park "P" Zones on Schedule "A" to the Single Residential "R1-17" Zone, the lands comprised in "Block 1";
- (b) by changing the zoning from the Single Residential "R1", "R1-7", "R1-7(H)", "R2-41" and Park "P" Zones on Schedule "A" to the Open Space "OS-11" Zone, the lands comprised in "Block 2";
- (c) by changing the zoning from the Single Residential "R1", "R2" and "R2-41" Zones on Schedule "A" to the Open Space "OS" Zone, the lands comprised in "Block 3";
- (d) by changing the zoning from the Single Residential "R1-7", "R1-7(H)", "R1-8", "R2", "R2(H)" and "R2-41" on Schedule "A" to the Multiple Residential "RM1-4" Zone, the lands comprised in "Block 4"; and,
- (e) by changing the zoning from the Single Residential "R1", "R1-7", "R1-7(H)", and "R2-41" Zones on Schedule "A" to Residential "R4-18" Zone, the lands comprised in "Block 5";

the extent and boundaries of which are shown on plans hereto annexed as Schedules "A" and "A-1".

2. That Subsection 6.2.7, "Special Exemptions" of Section 6.2, Single Residential "R1" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R1-17", as follows:

**"R1-17 1353, 1357, 1427 Baseline Road and 22 Falcon Road,
Schedule "A", Map No. 4**

Notwithstanding the provisions of paragraphs (a), (b), (c), (d), (e), (f), and (g), of Subsection 6.2.3, of the "Zone Regulations" of the Single Residential "R1" Zone on those lands zoned "R1-17" by this By-law, the following shall apply:

- a) Minimum Lot Area: 440 square metres
- b) Minimum Lot Frontage: 18 metres
- c) Minimum Front Yard: 3.0 metres; and, 5.8 metres for a garage only.
- d) Minimum Side Yard: 1.2 metres; except, 0.6 metres on the side with an attached garage.
- e) Minimum Flankage Yard: 3.0 metres; and, 5.8 metres for a garage only.
- f) Minimum Rear Yard: 7.0 metres
- g) Maximum Building Height: 12.5 metres

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In addition to the regulations of Section 4.19, "Yard Encroachments", the following encroachments are permitted:

- a) Unenclosed Porch into a front yard: 2.0 metres, including a further encroachment of 0.6 metres for steps
- b) Unenclosed Porch into a flankage yard: 2.0 metres, including a further encroachment of 0.6 metres for steps
- c) Chimneys, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, fireplaces or other architectural features, with or without foundations may project into any required yard 0.6 metres, to a maximum of half the required yard.
- d) Bay Windows and other types of windows, with or without foundation, into a front or rear yard 1.0 metre; and 0.6 metres to a side yard, to a maximum of half the yard
- e) Balconies into any yard: 2.0 metres

Notwithstanding clause (a) of Section 4.16.1, unitary equipment may be located not less than 0.6 metres to any side lot line.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" and paragraphs (b) and (d) of Section 4.19.1 – "Yard Encroachments – General Application" the following provision 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 metres for a building; 0.5 metres for a porch, including porch foundations walls; and, 0.0 metres for eaves or gutters."

- 3. That Subsection 6.8.4, "Special Exemptions" of Section 6.8, Multiple Residential "RM1" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "RM1-4", as follows:

**"RM1-4 1353, 1357, 1427 Baseline Road and 22 Falcon Road,
Schedule "A", Map No. 4**

Notwithstanding the permitted uses of Subsection 6.8.2, of the Multiple Residential "RM1" Zone, only the following uses shall be permitted:

- (a) A Single Detached Dwelling; and,

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(b) A Street Townhouse.

Notwithstanding the provisions of Subsection 6.8.3, of the "Zone Regulations" of the Multiple Residential "RM1" Zone, on those lands zoned "RM1-4" by this By-law, the following shall apply:

(a) SINGLE DETACHED DWELLING

1. Minimum Lot Area
Interior Lot: 210 square metres
Corner lot: 250 square metres
2. Minimum Lot Frontage
Interior Lot: 9 metres
Corner Lot: 11 metres
3. Minimum Front Yard: 3.0 metres; and, 5.8 metres for a garage only.
4. Minimum Side Yard: 1.2 metres; except, 0.6 metres on the side with an attached garage.
5. Minimum Flankage Yard: 3.0 metres; and, 5.8 metres for a garage only.
6. Minimum Rear Yard: 7.0 metres
7. Maximum Building Height: 12.5 metres
8. Minimum Number of Parking Spaces – 2 per dwelling of which only one may be provided in the required front yard. Tandem parking is permitted.
9. Home Occupations are permitted in accordance with Section 4.8

(b) STREET TOWNHOUSE DWELLINGS

1. Minimum Lot Area
Interior and End Units: 130.0 square metres
Corner Unit: 200.0 square metres
2. Minimum Lot Frontage
Interior and End Units: 5.5 metres
Corner Units: 7.0 metres
3. Minimum Front Yard: 3.0 metres; and 5.8 metres for a garage only.
4. Minimum Side Yard: 1.2 metres, except for the side yard related to the common wall of the street townhouse

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dwelling unit, in which case a minimum 0 metre side yard shall be permitted.

5. Minimum Flankage Yard: Minimum 3.0 metres; and minimum 5.8 metres for a garage only.
6. Minimum Rear Yard: 7.0 metres
7. Maximum Building Height: 12.5 metres
8. Maximum Number of Units per Building – 8 Townhouse units

Applicable to both (a) and (b)

Notwithstanding clause (a) of Section 4.16.1, unitary equipment may be located not less than 0.6 metres to any side lot line.

In addition to the regulations of Section 4.19, "Yard Encroachments", the following encroachments are permitted:

- a) Unenclosed Porch into a front yard: 2.0 metres, including a further encroachment of 0.6 metres for steps
- b) Unenclosed Porch into a flankage yard: 2.0 metres, including a further encroachment of 0.6 metres for steps
- c) Chimneys, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, fireplaces or other architectural features, with or without foundations may project into any required yard 0.6 metres, to a maximum of half the required yard.
- d) Bay Windows and other types of windows, with or without foundation, into a front or rear yard 1.0 metre; and 0.6 metres to a side yard, to a maximum of half the yard
- e) Balconies into any yard: 2.0 metres

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" and paragraphs (b) and (d) of Section 4.19.1 – "Yard Encroachments – General Application" the following provision 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 metres for a building; 0.5 metres for a porch, including porch foundations walls; and, 0.0 metres for eaves or gutters".

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4. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R4-18", as follows:

**"R4-18 1353, 1357, 1427 Baseline Road and 22 Falcon Road,
Schedule "A", Map No. 4**

Notwithstanding the provisions of paragraphs (a), (b), (c), (d), (e), (f), and (g), of Subsection 6.5.3, of the "Zone Regulations" of the Single Residential "R4" Zone on those lands zoned "R4-18" by this By-law, the following shall apply:

- a) Minimum Lot Area
 - Interior Lot 210.0 square metres
 - Corner lot 250.0 square metres
- b) Minimum Lot Frontage
 - Interior Lot 9 metres
 - Corner Lot 11 metres
- c) Minimum Front Yard 3.0 metres; and, 5.8 metres for a garage only.
- d) Minimum Side Yard 1.2 metres; except, 0.6 metres on the side with an attached garage.
- e) Minimum Flankage Yard 3.0 metres; and, 5.8 metres for a garage only.
- f) Minimum Rear Yard 7.0 metres
- g) Maximum Building Height 12.5 metres

In addition to the regulations of Section 4.19, "Yard Encroachments", the following encroachments are permitted:

- a) Unenclosed Porch into a front yard: 2.0 metres, including a further encroachment of 0.6 metres for steps
- b) Unenclosed Porch into a flankage yard: 2.0 metres, including a further encroachment of 0.6 metres for steps
- c) Chimneys, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, fireplaces or other architectural features, with or without foundations may project into any required yard 0.6 metres, to a maximum of half the required yard.
- d) Bay Windows and other types of windows, with or without foundation, into

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a front or rear yard 1.0 metre; and 0.6 metres to a side yard, to a maximum of half the yard

e) Balconies into any yard: 2.0 metres

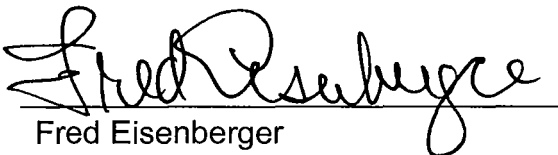
Notwithstanding clause (a) of Section 4.16.1, unitary equipment may be located not less than 0.6 metres to any side lot line.

Notwithstanding Section 4.13.1 "Special Setbacks - Daylight Triangles" and paragraphs (b) and (d) of Section 4.19.1 – "Yard Encroachments – General Application" the following provision 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 metres for a building; 0.5 metres for a porch, including porch foundations walls; and, 0.0 metres for eaves or gutters."

5. 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 27th day of June, 2007.

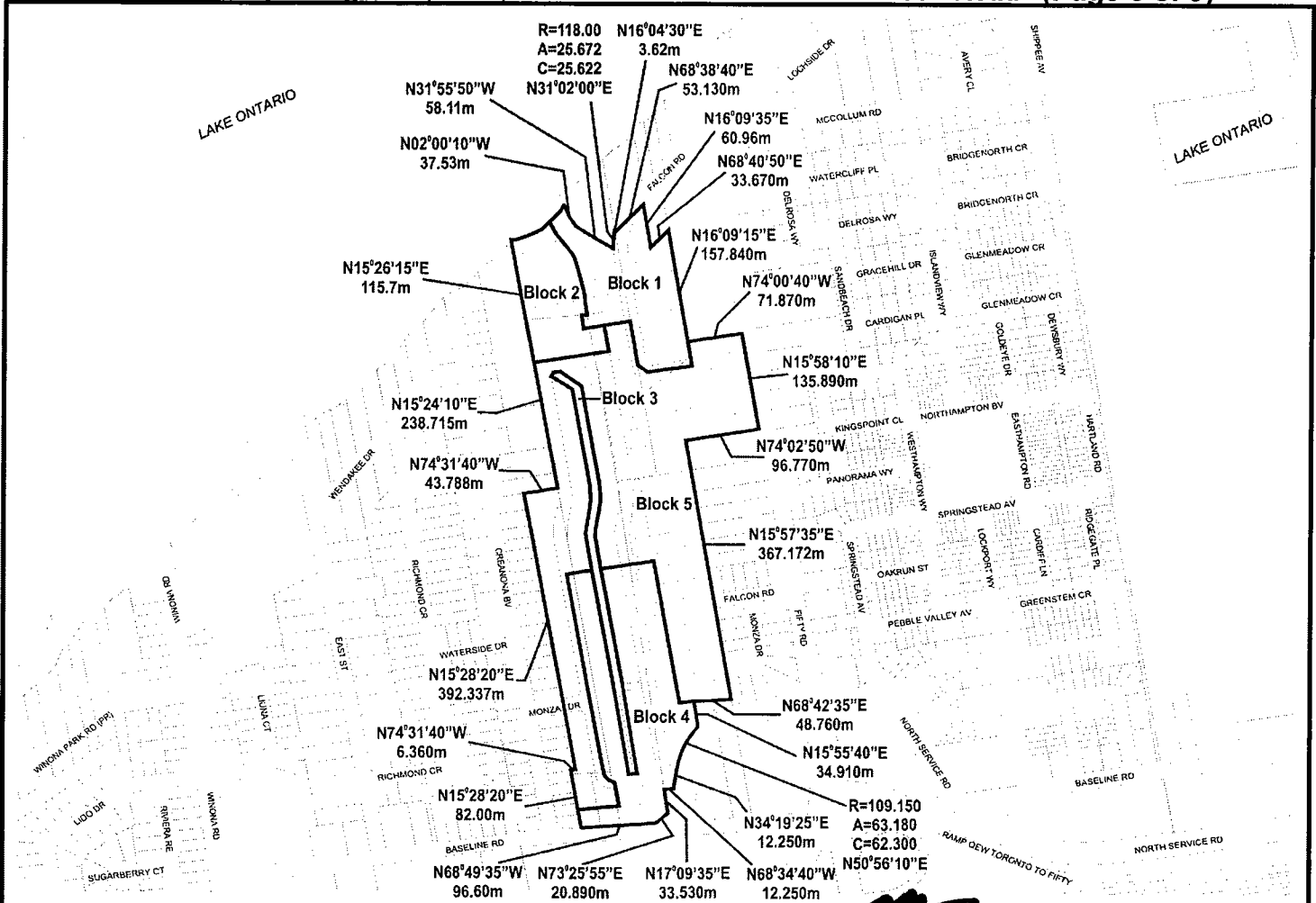


Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-06-49



This is Schedule "A" to By-Law No. 07-196

Passed the ...27th. day of ...June....., 2007

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 07- 196

to Amend By-law No. 3692-92

Subject Property

Part of Lot 21, Concession 3.

- Block 1** Change in Zoning from the Single Residential "R1", "R1-15", Open Space "OS-10", and Park "P" Zones to the Single Residential "R1-17" Zone
- Block 2** Change in Zoning from the Single Residential "R1", "R1-7", "R1-7(H)", "R2-41", and Park "P" Zones to the Open Space "OS" Zone
- Block 3** Change in Zoning from the Single Residential "R1", "R2" and "R2-41" Zones to the Open Space "OS" Zone
- Block 4** Change in Zoning from Single Residential "R1-7", "R1-7(H)", "R1-8", "R2", "R2(H)" and "R2-41" to the Multiple Residential "RM1-4" Zone
- Block 5** Change in Zoning from Single Residential "R1", "R1-7", "R1-7(H)", and "R2-41" Zones to Residential "R4-18" Zone

Scale:
N.T.S.

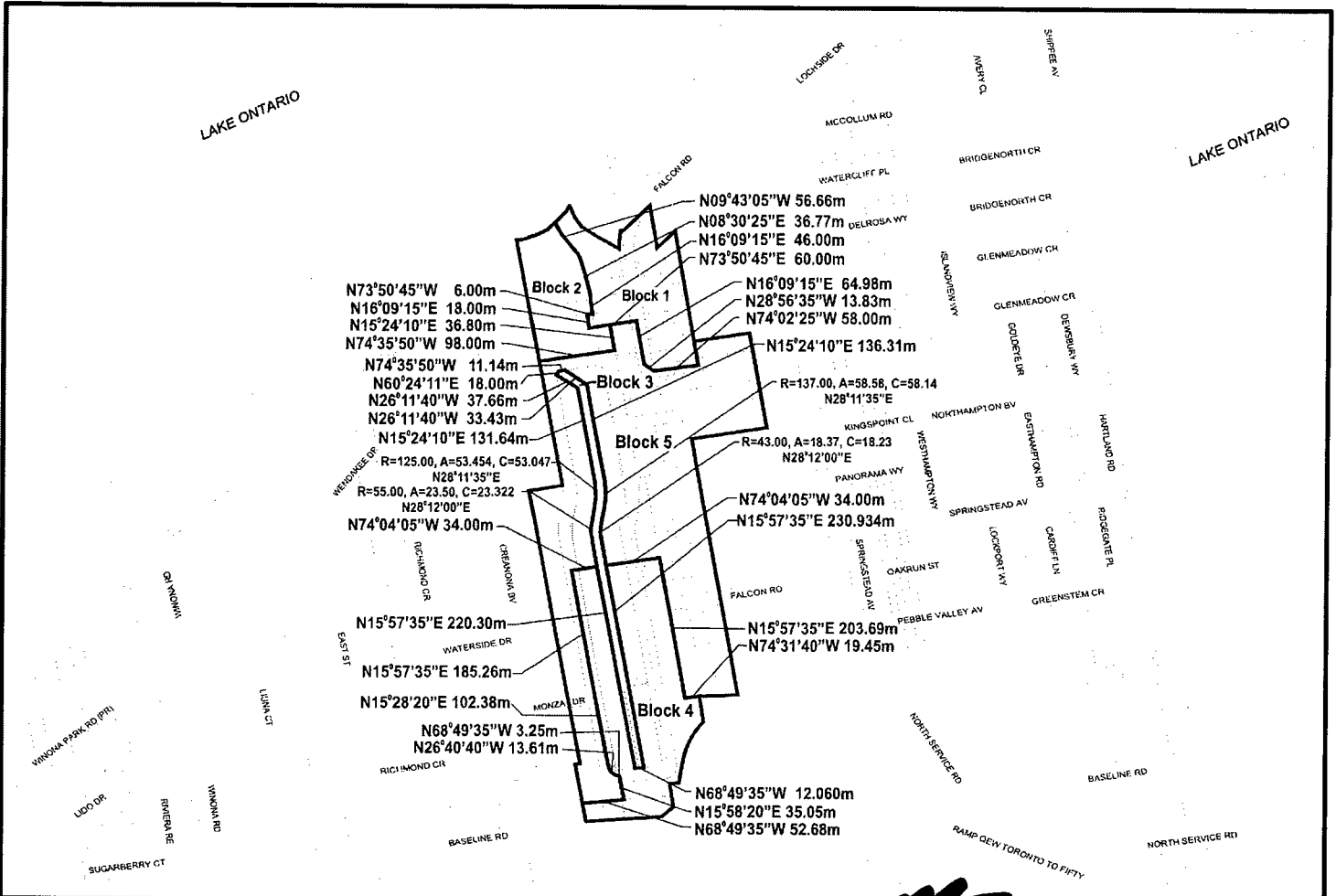
File Name/Number:
25T-200608 / OPA-06-11
ZAC-06-49

Date:
Jan. 19, 2007

Planner/Technician:
KW/IF



Hamilton



This is Schedule "A-1" to By-Law No. 07-196

Passed the ...27.th. day ofJune....., 2007

[Signature]
 Clerk
 Mayor

Schedule "A-1"

Map Forming Part of
 By-Law No. 07-196

to Amend By-law No. 3692-92

Subject Property

Part of Lot 21, Concession 3.

- Block 1** Change in Zoning from the Single Residential "R1", "R1-15", Open Space "OS-10", and Park "P" Zones to the Single Residential "R1-17" Zone
- Block 2** Change in Zoning from the Single Residential "R1", "R1-7", "R1-7(H)", "R2-41", and Park "P" Zones to the Open Space "OS" Zone
- Block 3** Change in Zoning from the Single Residential "R1", "R2" and "R2-41" Zones to the Open Space "OS" Zone
- Block 4** Change in Zoning from Single Residential "R1-7", "R1-7(H)", "R1-8", "R2", "R2(H)" and "R2-41" to the Multiple Residential "RM1-4" Zone
- Block 5** Change in Zoning from Single Residential "R1", "R1-7", "R1-7(H)", and "R2-41" Zones to Residential "R4-18" Zone

Scale:
 N.T.S.

File Name/Number:
 25T-200608 / OPA-06-11
 ZAC-06-49

Date:
 May 17, 2007

Planner/Technician:
 KW/IF



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT