

Authority: Item 5, Economic Development and
Planning Committee
Report: 08-011(PED08133)
CM: June 25, 2008

Bill No. 163

CITY OF HAMILTON

BY-LAW NO. 08-163

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 21 Upper Centennial Parkway

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 08-011 of the Economic Development and Planning Committee at its meeting held on the 25th day of June, 2008, 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 the approval of Official Plan Amendment No. 140

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 as follows:
 - (a) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-21" Zone, the lands comprised in "Block 1";
 - (b) by changing the zoning from the Community Shopping Centre "SC2-2" Zone to the Single Residential "R4-21", the lands comprised in "Block 2";

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

2. That Subsection 6.5.7, "Special Exemptions", of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "R4-21", as follows:

"R4-21" Schedule "A", Map No. 16

Notwithstanding the provisions of Paragraphs (a), (b), (d) and (e) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-21" by this By-law, the following shall apply:

(a) Minimum Lot Area

Interior Lot	-	247 square metres
Corner Lot	-	400 square metres

(b) Minimum Lot Frontage

Interior Lot	-	9.15 metres
Corner Lot	-	13 metres

(c) Minimum Side Yard

No part of any dwelling shall be located closer than 1.2 metres to a side lot line, except as provided in Clauses (i), (ii), and (iii) below:

- (i) the minimum side yard on the side of the dwelling containing an attached garage or attached carport may be 0.6 metres, except for a side yard abutting a flankage street;
- (ii) on an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3.0 metres; and,
- (iii) on a corner lot, the minimum side yard abutting the flankage lot line shall be 3.0 metres and a maximum of 4.5 metres, except where an attached garage or attached carport fronts on the flankage road, in which case, the minimum side yard abutting the flankage lot line shall be 6.0 metres.

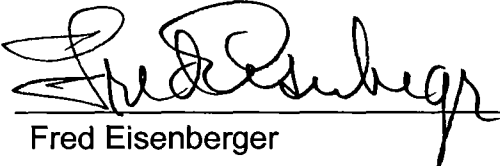
- (d) Minimum Rear Yard - 7.0 metres

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Notwithstanding the provisions of Subsection 4.13.1 **SPECIAL SETBACKS – Daylight Triangles** on those lands zoned “R4-21” by this By-law, a minimum yard of 2.2 metres will be required from the hypotenuse of the daylight triangle.

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 “R4” Zone, 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 25th day of June, 2008.



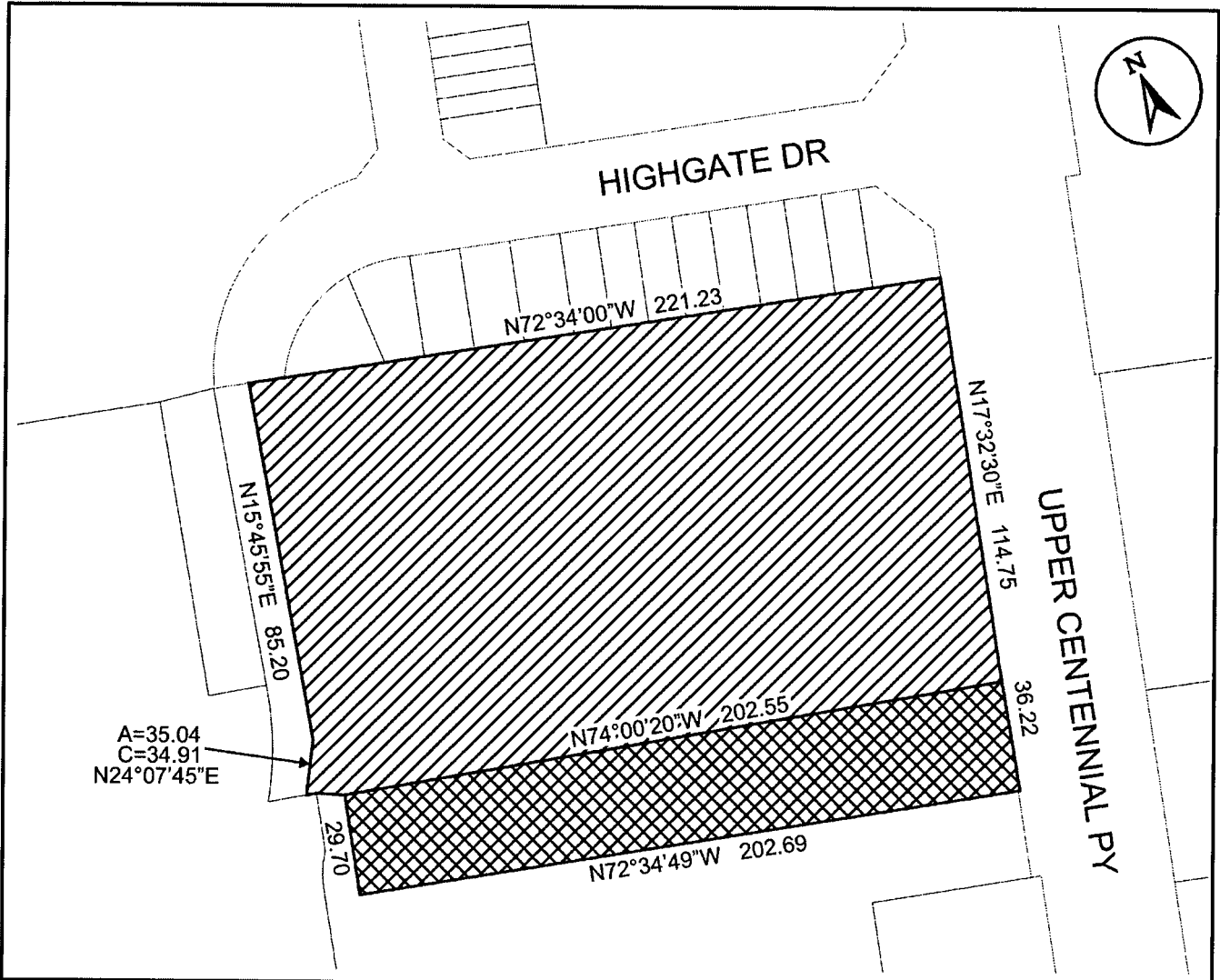
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-08-006

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This is Schedule "A" to By-Law No. 08-163

Passed the .25..... day ofJune....., 2008

[Signature]
 Clerk
 Mayor


Schedule "A"


Map Forming Part of
 By-Law No. 08- 163

to Amend By-law No. 3692-92

Subject Property

Zoning Changes:

 **Block 1** - Change in Zoning from "Neighbourhood Development ND" Zone to "Single Residential R4-21" Zone.

 **Block 2** - Change in Zoning from "Community Shopping Centre SC2-2" Zone to "Single Residential R4-21" Zone.

Scale:
 N.T.S.

File Name/Number:
 OPA-08-001 / ZAC-08-006

Date:
 Feb. 8, 2008

Planner/Technician:
 CB/MC



Hamilton