

**Bill No. 161**

**CITY OF HAMILTON**

**BY-LAW NO. 12-161**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property  
Located at 220 Mud Street West, East of Felker's 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 12-011 of the Planning Committee, at its meeting held on the 12th day of July, 2012, 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. 168;

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

1. That By-law No. 11-091 is hereby repealed in its entirety.
2. That Map No. 10 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 Single Residential "R2" Zone to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 1";

- (b) by changing the zoning from the Single Residential "R2-15" Zone, Modified, to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 2";
- (c) by changing the zoning from the Single Residential "R2" Zone, to the Multiple Residential "RM3-46" Zone, Modified, the lands comprised of "Block 3";
- (d) by changing the zoning from the Open Space "OS" Zone to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 4";
- (e) by change the zoning from the Single Residential "R3-3" Zone, Modified, to the Multiple Residential "RM3-46" Zone, Modified, the lands comprised of "Block 5";
- (f) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 6";
- (g) by changing the zoning from the Single Residential "R2-14" Zone, Modified, to the Single Residential "R3-33" Zone, Modified, the lands comprised of "Block 7";
- (h) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R6-6" Zone, Modified, the lands comprised of "Blocks 8 and 10";
- (i) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Multiple Residential "RM2-29" Zone, Modified, the lands comprised of "Blocks 9 and 11";
- (j) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R6-6" Zone, Modified, the lands comprised of "Blocks 12 and 13";
- (k) by changing the zoning from the Single Residential (Holding) "R3-2(H)" Zone, Modified, to the Multiple Residential "RM3-45" Zone, Modified, the lands comprised of "Block 14";
- (l) by changing the zoning from the Single Residential (Holding) "R3-3(H)" Zone, Modified, to the Multiple Residential "RM5-10" Zone, Modified, the lands comprised of "Block 15"; and,
- (m) by changing the zoning from the Single Residential "R3-3" Zone, Modified, to the Single Residential "R3-34" Zone, Modified, the lands comprised of "Blocks 16, 17, and 18";

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

3. That in addition to the Public Uses set out in Section 4.17 of By-law No. 3692-92 (Stoney Creek), a public walkway shall be included as a permitted use.

4. That Sub-section 6.4.7, "Special Exemptions", of Section 6.4 Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R3-33", as follows:

**"R3-33" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (f), and (g) of Sub-section 6.4.3 of the Single Residential "R3" Zone, on those lands zoned "R3-33" by this By-law, the following shall apply:

- |                           |   |
|---------------------------|---|
| (a) Minimum Lot Area:     | 250 square metres, except 270 square metres for a corner lot.   |
| (b) Minimum Lot Frontage: | 10 metres, except 11.7 metres for a corner lot.   |
| (c) Minimum Front Yard:   | 4.5 metres to the dwelling, except 6.0 metres to an attached garage.  |
| (d) Minimum Side Yard:    | 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2 metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres. |
| Minimum Flankage Yard:    | On a corner lot, the minimum side yard abutting the flankage street shall be 2.4  |

metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

- (f) Maximum Height: 3-storeys and the elevation of the peak of the roof shall be a maximum of 203.0 masl.
- (g) Maximum Lot Coverage: N/A.

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

In addition to the regulations of Sub-section 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;
- b) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres; and,
- c) Stairs may project into any required front yard a distance of not more than 4.5 metres.

5. That Sub-section 6.4.7, "Special Exemptions", of Section 6.4 Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R3-34", as follows:

**"R3-34" Schedule "A", Map No. 10**

In addition to the provisions of the "R3-33" Zone, the following shall also apply:

Notwithstanding the definitions of Lot Line - Front, Lot Line - Rear, and Lot Line - Side within Part 2 - Definitions of By-law No. 3692-92, for those lands Zoned Single Residential "R3-34" Zone, the minimum lot frontage shall be 8.2 metres.

6. That Sub-section 6.7.7, "Special Exemptions", of Section 6.7 Residential "R6" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R6-6", as follows:

**"R6-6" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs 1., 2., 3., 4., 5., and 6., of Sub-section 6.7.3(b) of the Residential "R6" Zone, on those lands zoned "R6-6" by this By-law, the following shall apply:

1. Minimum Lot Area: 380 square metres for an undivided semi-detached lot and 190 square metres for a divided semi-detached lot.
2. Minimum Lot Frontage: 15 metres for an undivided semi-detached lot and 7.5 metres for a divided semi-detached lot.
3. Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to an attached garage.
4. Minimum Side Yard: 1.2 metres on the side of the dwelling not attached by the common wall separating the two dwelling units.
5. Maximum Lot Coverage: N/A.
6. Minimum Rear Yard: 7.5 metres, except 7.0 metres where the lot depth is 27.2 metres or less.

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

In addition to the regulations of Sub-section 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- a) Covered porches may project into any required front yard a distance of not more than 3.0 metres;
- b) Bay windows, either with or without foundations, may project into any required front and/or rear yards a distance of not more than 0.9 metres; and,
- c) Stairs may project into any required front yard a distance of not more than 4.5 metres.

7. That Sub-section 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, "RM2-29", as follows:

**"RM2-29" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i) of Sub-section 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-29" by this By-law, the following shall apply:

- |                                    |  |
|------------------------------------|--|
| (a) <u>Minimum Lot Area:</u>       |  |
| Interior Unit                      | 120 square metres.   |
| End Unit                           | 145 square metres.   |
| Corner Unit                        | 185 square metres.   |
| (b) Minimum Lot Frontage:          | 4.45 metres per dwelling unit.   |
| (c) Minimum Front Yard:            | 4.5 metres to the dwelling, except 6.0 metres to the attached garage.  |
| (d) <u>Minimum Side Yard:</u>      | 1.2 metres.  |
| End Unit or Corner Unit            | 2.4 metres, except 6.0 metres for the flankage street line to an attached garage, which fronts on a flankage street. |
| (e) Minimum Rear Yard:             | 7.5 metres, except 7.0 metres where the lot depth is 27.2 metres or less.  |
| (f) Minimum Privacy Area:          | 27 square metres.  |
| (g) Minimum Landscaped Open Space: | 20 per cent of the lot area, which may include the privacy area.   |
| (h) Maximum Building Height:       | 3 storeys.   |
| (i) Maximum Lot Coverage:          | N/A.   |

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

In addition to the regulations of Sub-section 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- d) Covered porches may project into any required front yard a distance of not more than 3.0 metres and 1.8 metres for a flankage yard;

- e) Bay windows, either with or without foundations, may project into any required front, rear, and/or flankage yards a distance of not more than 0.9 metres; and,
  - f) Stairs may project into any required front yard a distance of not more than 4.5 metres.
8. That Sub-section 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-45", as follows:

**"RM3-45" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a) to (m), inclusive, of Sub-section 6.10.3; (a) to (e) of the Multiple Residential "RM3" Zone, and/or any other applicable provision within By-law No. 3692-92 (Stoney Creek), on those lands zoned "RM3-45" by this By-law, the following shall apply:

- (a) Minimum Lot Area: 105 square metres for an individual townhouse unit and 80 square metres for a maisonette unit.
- (b) Minimum Lot Frontage: 4.45 metres for an individual townhouse or maisonette unit.
- (c) Minimum Front Yard: 3.5 metres to the dwelling and 5.75 metres to an attached garage.
- (d) Minimum Side Yard: 1.2 metres, except 2.4 metres for a corner unit.
- (e) Minimum Rear Yard: 6.0 metres only for a townhouse unit.  
  
No buildings or structures, including a fence, shall be permitted within 5.0 metres from the toe-of-slope.
- (f) Minimum Distance Between Buildings on the Same Lot/Block: 12 metres between front walls.  
  
2.4 metres between end walls of a block of townhouses and/or block of maisonette units.

12 metres between rear walls of a block of townhouses and/or block of maisonette units.

7.0 metres between end walls and rear walls of a block of townhouses and/or block of maisonette units.

Separation distances shall not be applied to individual townhouse and/or maisonette units and/or their future property boundaries created by way of an application to remove part lot control and/or established by a condominium corporation.

(g) Maximum Density:

65 units per hectare exclusive of lands designated as Open Space.

(h) Maximum Building Height:

6 storeys.

(i) Maximum Lot Coverage:

N/A.

(j) Privacy Area per Unit:

Shall have a minimum depth of 3.5 metres for a townhouse unit, and shall not apply for maisonettes.

(k) Minimum Landscaped Open Space:

20 per cent and shall be landscaped, including privacy areas for townhouse units, and shall not apply for maisonette units.

(l) A maximum of 9 individual townhouse units shall be permitted within one townhouse block.

(m) A private condominium road shall be considered a public street.

(n) Minimum parking space sizes shall be 2.6 metres x 5.75 metres and 4.4 metres x 5.75 metres for barrier free parking spaces.

(o) Stairs may encroach 3.4 metres into the required front yard of an individual unit as permitted.



Notwithstanding Sub-section 6.10.5 "Regulation for Parking" (d) and (e), permit visitor parking space to be located closer than 2.75 metres from a dwelling unit on the same lot. Future property and/or unit boundaries created through a Condominium Act or a Planning Act application shall not be subject to this modified zoning requirement.

Notwithstanding Sub-section 4.13.1 "Daylight Triangles" of Section 4.13 "Special Setbacks", permit a minimum yard of 1.0m from the hypotenuse of a daylight triangle.

9. That Sub-section 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-46", as follows:

**"RM3-46" Schedule "A", Map No. 10**

In addition to the provisions of the "RM3-45" Zone, the following shall also apply:

(h) Maximum Building Height: 3-storeys.

10. That Sub-section 6.12.6, "Special Exemptions", of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM5-10", as follows:

**"RM5-10" Schedule "A", Map No. 10**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (g), (h), (i), and (j) of Sub-section 6.12.3 of the Multiple Residential "RM5" Zone, on those lands zoned "RM5-10" by this By-law, the following shall apply:

(a) Minimum Lot Area: 0.5 hectares.

(b) Minimum Lot Frontage: 30.0 metres.

(c) Minimum Front Yard: 6.0 metres.

(d) Minimum Side Yard: 7.5 metres.

Minimum Flankage Yard: 6.0 metres.

(g) Maximum Lot Coverage: 50 per cent.

(h) Maximum Density: 99 units per hectare.

(i) Maximum Building Height: 6 storeys.

(j) For the purposes of this special provision, where a lot zoned "RM5-10" is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area, Minimum Rear Yard, and Minimum Interior Side Yard.

11. 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 "R3", "R6", "RM2", "RM3", and "RM5" Zones, subject to the special requirements referred to in Sections 4, 5, 6, 7, 8, 9, and 10.
12. 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 12<sup>th</sup> day of July, 2012.



R. Bratina  
Mayor



R. Caterini  
City Clerk









ZAC-11-051  
OPA-11-008  
25T-201108



This is Schedule "A" to By-Law No. 12-161  
 Passed the 12th... day of July....., 2012

*R. Butrin*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**  
 Map 1 of 2  
 Map Forming Part of  
 By-Law No. 12-161  
 to Amend By-law No. 3692-92

- Subject Property**
-  Block 1 - Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3-33" Zone, Modified.
  -  Block 2 - Change in Zoning from the Single Residential "R2-15" Zone, Modified to the Single Residential "R3-33" Zone, Modified.
  -  Block 3 - Change in Zoning from the Single Residential "R2" Zone, to Multiple Residential "RM3-46" Zone, Modified.
  -  Block 4 - Change in Zoning from the Open Space "OS" Zone to the Single Residential "R3-33" Zone, Modified.
  -  Block 5 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to Multiple Residential "RM3-46" Zone, Modified.
  -  Block 6 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R3-33" Zone, Modified.
  -  Block 7 - Change in Zoning from the Single Residential "R2-14" Zone, Modified to the Single Residential "R3-33" Zone, Modified.
  -  Refer to By-law No. 05-200.

Scale: N.T.S.	File Name/Number: ZAC-11-051_OPA-11-008_25T-201108
Date: April 24, 2012	Planner/Technician: JM/KA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





This is Schedule "A" to By-Law No. 12- 161

Passed the 12<sup>th</sup>.... day of ..July....., 2012

*R. Bratna*  
Mayor  
*[Signature]*  
Clerk








## Schedule "A"

Map 2 of 2

Map Forming Part of  
By-Law No. 12- 161

to Amend By-law No. 3692-92

### Subject Property

-  Block 8 and 10 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R6-6" Zone, Modified.
-  Block 9 and 11 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Multiple Residential "RM2-29" Zone, Modified.
-  Block 12 and 13 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R6-6" Zone, Modified.
-  Block 14 - Change in Zoning from the Single Residential "R3-2(H)" Holding Zone, Modified to Multiple Residential "RM3-45" Zone, Modified.
-  Block 15 - Change in Zoning from the Single Residential "R3-3(H)" Holding Zone, Modified to Multiple Residential "RM5-10" Zone, Modified.
-  Block 16, 17 and 18 - Change in Zoning from the Single Residential "R3-3" Zone, Modified to the Single Residential "R3-34" Zone, Modified.
-  Refer to By-law No. 05-200.

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-051\_OPA-11-008\_25T-201108

Date:  
April 24, 2012

Planner/Technician:  
JM/KA



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT