

**Authority:** Item 8, Planning Committee  
Report: 13-006 (PED13075)  
CM: April 16, 2013

**Bill No. 111**

## **CITY OF HAMILTON**

### **BY-LAW NO. 13-111**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 259 Dewitt Road**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8 of Report 13-006 of the Planning Committee, at its meeting held on the 24th day of April, 2013, 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. That Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended;
  - (i) by changing from the Neighbourhood Development "ND" Zone to the Single Residential "R3-38" Zone, Modified, the lands identified as "Block 1";
  - (ii) by changing from the Single Residential "R2" Zone to the Single Residential "R3-38" Zone, Modified, the lands identified as "Block 2";
  - (iii) by changing from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone, the lands identified as "Block 3"; and,
  - (iv) by changing from the Single Residential "R4" Zone to the Single Residential "R3-38" Zone, the lands identified as "Block 4";

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

2. 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 Special Exemption, "R3-38"; as follows:

**"R3-38" - 259 Dewitt Road, Schedule "A", Map No. 6**

Notwithstanding Section 6.4.3, "Zone Regulations", of Zoning By-law No. 3692-92, the regulations of the Single Residential "R3-33" Zone, as established under By-law No. 12-161, shall apply on those lands zoned "R3-38" by this By-law, save and except for Regulations (a); (b); (d); and, (f), the following shall apply:

- |                           |  |
|---------------------------|--|
| (a) Minimum Lot Area:     | 330 sq m.  |
| (b) Minimum Lot Frontage: | 11.0m, except 11.7m for a corner lot.  |
| (d) Minimum Side Yard:    | 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m, except: |

On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 6.0m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required; and,


On a lot where an emergency spillway / overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

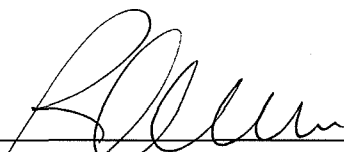
(f) Maximum Building Height: 11.0m.

All other regulations of the Single Residential "R3-33" Zone shall apply.

3. 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" Zone provisions, subject to the special requirements referred to in Section 2.
4. 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 24<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
City Clerk

ZAC-12-004



This is Schedule "A" to By-Law No. 13- 111

Passed the ..24th.. day of ...April....., 2013

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






## Schedule "A"

Map Forming Part of  
 By-Law No. 13-111

to Amend By-law No. 3692-92

### Subject Property

259 Dewitt Rd

-  **Block 1:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-38" Zone.
-  **Block 2:** Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3-38" Zone.
-  **Block 3:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone
-  **Block 4:** Change in Zoning from the Single Residential "R4" Zone to the Single Residential "R3-38" Zone
-  Refer to By-Law No. 05-200

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-12-004 / 25T201201

Date:  
 February 8, 2013

Planner/Technician:  
 AC / AL



**Hamilton**