

**Authority:** Item 12, Economic Development and  
Planning Committee  
Report: 08-016 (PED08197)  
CM: September 10, 2008

**Bill No. 207**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-207**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located Within Part of Lot 28, Concession 7 (Saltfleet)**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 12 of Report 08-016 of the Economic Development and Planning Committee at its meeting held on the 10<sup>th</sup> day of September, 2008, 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. 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 “R4-22” Zone, the lands comprised in Block “1” and Block “2”;
- (b) by changing the zoning from the Residential “R6” Zone to the Single Residential “R4-22” Zone, the lands comprised in Block “3” and Block “4”;  
and,
- (c) by changing the zoning from the Residential “R6” Zone to the Residential “R6-4” Zone, the lands comprised in Block “5” and Block “6”,

on 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, “R4-22”, as follows:

**“R4-22” Schedule “A”, Map No. 16**

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e) and (g) of Subsection 6.5.3 of the Single Residential “R4” Zone, on those lands zoned “R4-22” by this By-law, the following shall apply:

- (a) Minimum Lot Area
  - Interior Lot - 300 square metres
  - Corner Lot - 400 square metres
- (c) Minimum Front Yard - 6.0 metres to the face of an attached garage and 4.5 metres to the face of the dwelling,
- (d) 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 (1), (2), and (3) below:
  - 1. The minimum side yard on the side of the dwelling containing an attached garage or attached carport may be 0.6 metres, provided;
    - (a) that a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of each of the abutting lots; and,
    - (b) that the abutting lands are located in the same zone.

2. 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,
3. 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.

(e) Minimum Rear Yard - 7.0 metres

(g) Maximum Lot Coverage - N/A

3. That Subsection 6.7.7, "Special Exemptions", of Section 6.7 Single Residential "R6" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, "R6-4", as follows:

**"R6-4" Schedule "A", Map No. 16**

Notwithstanding the provisions of Paragraphs (4), and (7) of Subsection 6.7.3 (b) of the Single Residential "R6" Zone, on those lands zoned "R6-4" by this By-law, the following shall apply:

4. 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), (iii), (iv) and (v) below:
  - (i) An attached garage or attached carport may be erected at a distance of not less than 1 metre from a side lot line which does not abut 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, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 5.5 metres of the flankage lot line.
  - (iv) No side yard is required along the common wall separating the two dwelling units.

**By-law Respecting Property Located Within Part of Lot 28, Concession 7 (Saltfleet)**

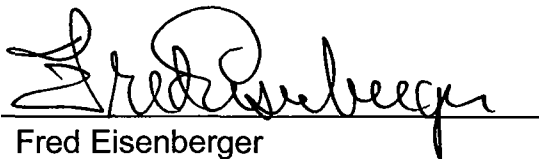
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- (v) Where there is no common wall separating the two dwelling units, the minimum side yard shall be 0.6 metres, provided that a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of each of the abutting lots.

7. Maximum Lot Coverage - N/A

4. 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 "R4" and Single Residential "R6" Zones, subject to the special requirements referred to in Sections 2 and 3.
5. 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 and ENACTED** this 10th day of September, 2008.



Fred Eisenberger  
Mayor

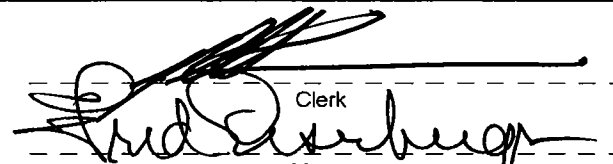


Kevin C. Christenson  
City Clerk

ZAC-07-085



This is Schedule "A" to By-Law No. 08- 207  
Passed the ..10th.. day of ....September, 2008







  
Clerk  
Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 08- 207

to Amend By-law No.3692-92

### Subject Property

-  Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-22" Zone.
-  Block 2 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-22" Zone.
-  Block 3 - Change in zoning from the Residential "R6" Zone to the Single Residential "R4-22" Zone.
-  Block 4 - Change in zoning from the Residential "R6" Zone to the Single Residential "R4-22" Zone.
-  Block 5 - Change in zoning from the Residential "R6" Zone to the Residential "R6-4" Zone.
-  Block 6 - Change in zoning from the Residential "R6" Zone to the Residential "R6-4" Zone.

Scale: N.T.S.	File Name/Number: ZAC-07-085/25T-200714
Date: August 13, 2008	Planner/Technician: DF/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

