



**Authority:** Item 2, Planning Committee  
Report 20-014 (PED20187)  
CM: November 25, 2020  
Ward: 9

**Bill No. 262**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-262**

#### **To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 56 Highland Road West, Stoney Creek**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 2 of Report 20-014 of the Planning Committee at its meeting held on the 25th day of November, 2020, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 141.

**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 is as follows:
  - a. by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding (Block 1); and,
  - b. by changing the zoning from the Single Residential “R2” Zone to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding (Block 2);

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

2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "RM3-68(H)", as follows:

**"RM3-68(H)" 56 Highland Road West, Schedule "A" Map No. 16**

Notwithstanding the definition of "Dwelling – Maisonette" of Part 2 – Definitions, a "Dwelling – Maisonette" means back-to-back street townhouse dwellings or back-to-back townhouse dwellings containing not more than ten dwelling units within a building which may front on either a public street, a private common element condominium road or both.

Notwithstanding the definition of "Dwelling – Street Townhouse" of Part 2 – Definitions, a "Dwelling – Street Townhouse" means a building containing not less than three and not more than ten dwelling units where each unit is located on a separate lot with frontage on a public street, a private common element condominium road or both and is separated from each adjoining unit by a common or party wall or walls above grade for a minimum height of one storey above grade. Such common or party wall may enclose a heated or unheated part of the dwelling unit or private garage or a combination thereof.

Notwithstanding the definition of "Dwelling – Townhouse" of Part 2 – Definitions, a "Dwelling – Townhouse" means a building containing not less than three and not more than ten dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit and which may front on either a public street, a private common element condominium road or both.

Notwithstanding the definition of "Lot", "Street" and "Highway" of "Part 2 – Definitions" and Section 4.6, for the purposes of this By-law, a private common element condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the private common element condominium road are permitted within the private common element condominium road.

In addition to the provisions/regulations of this By-law, prior to the registration of a plan of subdivision, individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control, 20 maisonette dwelling units and 26 street townhouse dwelling units, shall be permitted on one parcel of land.

Notwithstanding Subsections 4.16.1 (a) and (b), mechanical and unitary equipment may be located within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum

setback of 0.5 metres from a side lot line and is screened from the street by an enclosure or landscaping; and, within a required side yard or required rear yard provided such equipment has a minimum setback of 0.5 metres from the side lot line or rear lot line.

Notwithstanding Subsection 6.10.3, or any other regulation of this by-law to the contrary, the following regulations shall apply to street townhouses and maisonettes where each dwelling unit is on a separate lot:

(a) Minimum Lot Area

Interior Unit:	150 square metres for street townhouse and 80 square metres for maisonette.
End Unit:	175 square metres for street townhouse and 95 square metres for maisonette.
Corner Unit:	200 square metres for street townhouse and 110 square metres for maisonette.

(b) Minimum Lot Frontage

Interior Unit:	6 metres
End Unit:	7.2 metres
Corner Unit:	7.5 metres

(c) Minimum Front Yard 4.5 metres except 6.0 metres to a garage.

(d) Minimum Side Yard

(i) Interior Unit: 0 metres

(ii) End Unit:

Street Townhouses:	1.2 metres, except: <ol style="list-style-type: none"><li>0.0 metres for the side yard related to the common side lot line;</li><li>2.33 metres for the street townhouse unit from the east side lot line adjacent to the lands known as 135 Upper Centennial Parkway; and,</li></ol>
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3. 2.95 metres for the street townhouse unit from the south side lot line adjacent to the lands known as 20 and 36 Highland Road West.
- Maisonettes: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.
- (iii) Corner Unit: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.
- (f) Minimum Rear Yard 6.0 metres for street townhouses and 0.0 metres for maisonettes.
- (h) Minimum Distance Between Buildings on the Same Lot Shall not apply.
- (i) Maximum Density Shall not apply.
- (j) Maximum Building Height 3 Storeys and 11 metres.
- (k) Maximum Lot Coverage Shall not apply.
- (l) Minimum Privacy Area 36 square metres for each street townhouse unit and 4.0 square metres for each maisonette unit which may include porches, decks, balconies and verandahs.
- (m) Minimum Landscaped Open Space
1. 30 percent of the lot area for each street townhouse unit and 10 percent of the lot area for each maisonette unit.
  2. A minimum 1.5 metre wide landscaped strip shall be provided between the lot line abutting another Residential Zone and a private street, except where there are private streets, driveways or sidewalks.

3. A minimum 1.8 metre high solid fence shall be provided along the lot lines abutting another Residential Zone, except where there are private streets, driveways or sidewalks.

Notwithstanding Subsections 6.1.8 (c) and 6.10.5 (a) and (d), the following regulations shall apply:

- a) Minimum Number of Parking Spaces  
2 parking spaces and 0.4 visitor parking spaces per dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
- d) No parking space shall be provided closer than 1.5 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot.

Subsections 4.13.1, 6.1.12, and 6.10.4 shall not apply.

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “RM3-68(H)” by this By-law, the Holding (H) symbol may be removed and thereby give effect to the “RM3-68” Zone provisions, upon completion of the following:

- (a) The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 30 dwelling units, to the satisfaction of the Senior Director, Growth Management.
  - (b) City Council may remove the ‘H’ symbol and thereby give effect to the “RM3-68” (Multiple Residential) Zone, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.
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 Multiple Residential “RM3” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
  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** this 16<sup>th</sup> day of December, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-16-057






This is Schedule "A" to By-law No. 20-  
Passed the ..... day of ....., 2020

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Mayor  
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Clerk

**Schedule "A"**  
**Map forming Part of**  
**By-law No. 20-\_\_\_\_\_**  
**to Amend By-law No. 3692-92**

**Subject Property**  
56 Highland Road West

-  Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding
-  Block 2 - Change in Zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding

Scale: N.T.S	File Name/Number: ZA-16-057/JHOPA-16-021/25T-201608	 <b>Hamilton</b>
Date: October 8, 2020	Planner/Technician: TV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		