

**Authority:** Item 20, Economic Development and  
Planning Committee  
Report: 08-024 (PED08292)  
CM: December 10, 2008

**Bill No. 293**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-293**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at Highbury Drive**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 20 of Report 08- 024 of the Economic Development and Planning Committee at its meeting held on the 10th day of December, 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. 143;

**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 Multiple Residential "RM3-35" Zone, the lands comprised in "Block 1";

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- (b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-16” Zone, the lands comprised in “Blocks 3 and 7”;
- (c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-23” Zone, the lands comprised in “Blocks 2 and 6”;
- (d) by changing the zoning from the Single Residential “R2” Zone to the Single Residential “R4-23” Zone, the lands comprised in “Block 4”;
- (e) by changing the zoning from the Single Residential “R3” Zone to the Single Residential “R4-23” Zone, the lands comprised in “Block 5”;

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 (Stoney Creek), be amended by adding a new special exemption, “RM3-35”, as follows:

### “RM3-35” Schedule “A”, Map No. 16

Notwithstanding the provisions of Paragraphs (b), (c), (f), (j), (m) of Subsection 6.10.3, and Paragraph (e) of Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-35” by this By-law, the following shall apply:

- (a) Minimum Lot Frontage: 40.0 metres
- (b) Minimum Front Yard: 4.5 metres to the dwelling  
6.0 metres to the attached garage
- (c) Minimum Side Yard: 3.0 metres
- (d) Minimum Rear Yard abutting Single Detached Dwellings or a Street: 6.0 metres
- (e) Minimum Distance between Buildings on the Same Lot: 12.0 metres, except 3.0 metres between end walls
- (f) Minimum Landscape Open Space: 37% of Lot Area
- (g) Location of More than 3 Parking Spaces: Min. 2 metres from a dwelling unit

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3. That Subsection 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, "RM2-16", as follows:

### **"RM2-16" Schedule "A", Map No. 16**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g) and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM2-16" by this By-law, the following shall apply:

- |                             |   |                                     |
|-----------------------------|---|-------------------------------------|
| (a) Minimum Lot Area:       | - | 114 square metres for Interior Lots |
|                             | - | 153 square metres for End Unit Lots |
|                             | - | 210 square metres for Corner Lots   |
| (b) Minimum Lot Frontage:   | - | 4.5 metres for Interior Lots        |
|                             | - | 6.0 metres for End Unit Lots        |
|                             | - | 6.0 metres for Corner Lots          |
| (c) Minimum Front Yard:     | - | 4.5 metres to the dwelling          |
|                             | - | 6.0 metres to the attached garage   |
| (d) Minimum Side Yard:      | - | 1.5 metres for End Unit Lots        |
|                             | - | 1.5 metres for Corner Lots          |
| (e) Minimum Rear Yard:      | - | 6.0 metres                          |
| (f) Minimum Privacy Area:   | - | 27 sq. metres                       |
| (g) Minimum Landscape Area: | - | 26%, which may include privacy area |
| (i) Maximum Lot Coverage:   | - | 53%                                 |

4. 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, "R4-23", as follows:

### **"R4-23" Schedule "A", Map No. 16**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (g) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-23" by this By-law, the following shall apply:

- |                       |   |                                     |
|-----------------------|---|-------------------------------------|
| (a) Minimum Lot Area: | - | 304 square metres for Interior Lots |
|-----------------------|---|-------------------------------------|

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- 384 square metres for Corner Lots
- (b) Minimum Lot Frontage Corner Lot: - 12.0 metres
- (c) Minimum Front Yard: - 4.5 metres to the dwelling  
- 6.0 metres to the attached garage

(d) Minimum Side Yard:

No part of any dwelling shall be located closer than 1.25 metres on one side and 0.0 metres to a side lot line on the other 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, except as provided in Clause (i) below:

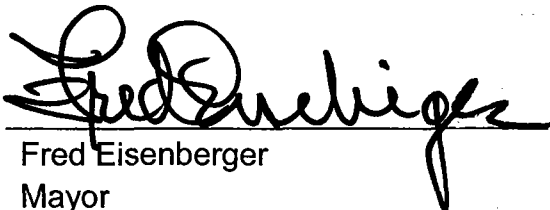
- (i) on a corner lot, the minimum side yard abutting the flankage lot line shall be 1.25 metres.

- (e) Minimum Rear Yard: - 7.0 metres

- (g) Maximum Lot Coverage: - 55%

5. 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 Multiple Residential "RM3-35" Zone on Block 1, the Multiple Residential "RM2-16" Zone on Blocks 3 and 7, and the Single Residential "R4-23" Zone on Blocks 2, 4, 5 and 6, subject to the special requirements referred to in Sections 2, 3 and 4.
6. 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 10<sup>th</sup> day of December, 2008.

  
Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk

# Zoning By-law Respecting Property Located at Highbury Drive

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

Passed the ..10..... day of ..December....., 2008

*[Signature]*  
 Clerk  
 Mayor

## Schedule "A"

Map Forming Part of  
 By-Law No. 08- 293

to Amend By-law No. 3692-92

### Subject Property

### Proposed Zoning Changes

- Block 1:** Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-35" Zone, modified.
- Block 2 & 6:** Change in Zoning from Neighbourhood Development "ND" Zone to Single Residential "R4-23" Zone, modified.
- Block 3 & 7:** Change in Zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM2-16" Zone, modified.
- Block 4:** Change in Zoning from Single Residential "R2" to Single Residential "R4-23" Zone, modified.
- Block 5:** Change in Zoning from Single Residential "R3" Zone to Single Residential "R4-23" Zone, modified.

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-07-106, OPA-07-032/25T-200722

Date:  
 Oct 22, 2008

Planner/Technician:  
 CB / NH



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT