

**Authority:** Item 31, Economic Development  
and Planning Committee  
Report 09-016 (PED09201)  
CM: August 13, 2009

**Bill No. 199**

## **CITY OF HAMILTON**

### **BY-LAW NO. 09-199**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property  
Located at 390 Highland Road West**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 31 of Report 09-016 of the Economic Development and Planning Committee, at its meeting held on the 13<sup>th</sup> day of August, 2009, 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 (the Official Plan of the former City of Stoney Creek) with the approval of Official Plan Amendment No. 151.

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

**By-law Respecting 390 Highland Road West**  
**Page 2 of 6**

1. That Map No. 15 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 "R4-20" Zone, the lands comprised in "Block 2";
  - (b) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone, the lands comprised in "Blocks 3 and 4";
  - (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-33" Zone, the lands comprised in "Block 5"; and,
  - (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-39" Zone, the lands comprised in "Block 6";

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 (Stoney Creek), be amended by adding a new Special Exemption, "R4-20", as follows:

**"R4-20" 390 Highland Road, Schedule "A", Map No. 15**

Notwithstanding the provisions of Paragraph (b) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-20" by this By-law, the following shall apply:

- (b) Minimum Lot Frontage

Corner Lot       -       9.3 metres

3. That Subsection 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new Special Exemption, "RM-33", as follows:

**"RM3-33" 390 Highland Road, Schedule "A", Map No. 15**

Notwithstanding the Permitted Uses of Subsection 6.10.2 for the Multiple Residential "RM3" Zone, those lands zoned "RM3-33" by this By-law, may only be used for maisonettes, townhouses, and uses, buildings or structures accessory thereto.

Notwithstanding the provisions of Paragraphs (b), (c), (d), (i) and (m) 1. and 4. of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-33" by this By-law, the following shall apply:

- |     |   |                      |
|-----|---|----------------------|
| (b) | Minimum Lot Frontage:   | 49.0 metres          |
| (c) | Minimum Front Yard:   | 4.5 metres           |
| (d) | Minimum Side Yard<br>(abutting a zone for a single<br>detached dwelling): | 5.0 metres           |
| (i) | Maximum Density:  | 45 units per hectare |
| (m) | 1. Minimum Landscaped Open Space:   | 45 per cent          |
|     | 2. Minimum Landscape Strip<br>abutting a street                           | 3.5 metres           |

Notwithstanding the provisions of Paragraphs (a)1., and (e) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-33" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces:
1. 2 parking spaces and 0.35 visitor parking spaces for each maisonette and townhouse dwelling unit.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 metre to the front face of any dwelling unit or 2.0 metres to the side of any dwelling unit located on the same lot.

4. That Subsection 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new Special Exemption, "RM-39", as follows:

**"RM3-39" 390 Highland Road, Schedule "A", Map No. 15**

Notwithstanding the Permitted Uses of Subsection 6.10.2 for the Multiple Residential "RM3" Zone, those lands zoned "RM3-39" by this By-law, may only be used for maisonettes, townhouses, and uses, buildings or structures accessory thereto.

Notwithstanding the provisions of Paragraphs (b), (d), (f), (i) and (m) of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-39" by this By-law, the following shall apply:

- (b) Minimum Lot Frontage: 13.5 metres
- (d) Minimum Side Yard  
(abutting a zone for a single detached dwelling): 3.5 metres
- Minimum Side Yard  
(abutting an Open Space Zone): 4.5 metres
- (f) Minimum Rear Yard  
(abutting a zone for a single detached dwelling): 6.0 metres
- (i) Maximum Density: 45 units per hectare
- (m) Minimum Landscaped Open Space: 45 per cent

Notwithstanding the provisions of Paragraphs (a)1., (d), and (e) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-39" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces:
  - 1. 2 parking spaces and 0.4 visitor parking spaces for each maisonette and townhouse dwelling unit.
- (d) A parking space may be located 0.0 metres from an Opens Space Zone.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 metre to the front face of any dwelling unit, or 2.0 metres to the side of any dwelling unit located on the same lot.

Notwithstanding the provisions of Paragraph (c) of Subsection 6.1.8 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-39" by this By-law, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, a parking space may be located 0.0 metres from the lot line abutting an Open Space Zone.

- 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,

- (b) Minimum Lot Frontage: 13.5 metres
- (d) Minimum Side Yard  
(abutting a zone for a single detached dwelling): 3.5 metres  
  
Minimum Side Yard  
(abutting an Open Space Zone): 4.5 metres
- (f) Minimum Rear Yard  
(abutting a zone for a single detached dwelling): 6.0 metres
- (i) Maximum Density: 45 units per hectare
- (m) Minimum Landscaped Open Space: 45 per cent

Notwithstanding the provisions of Paragraphs (a)1., (d), and (e) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-39" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces:
  - 1. 2 parking spaces and 0.4 visitor parking spaces for each maisonette and townhouse dwelling unit.
- (d) A parking space may be located 0.0 metres from an Open Space Zone.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 metre to the front face of any dwelling unit, or 2.0 metres to the side of any dwelling unit located on the same lot.

Notwithstanding the provisions of Paragraph (c) of Subsection 6.1.8 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-39" by this By-law, the following shall apply:

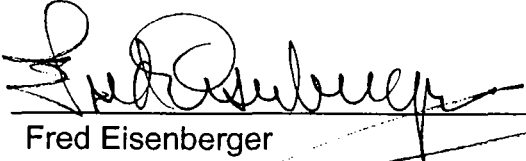
- (c) Where the required minimum number of parking spaces is four or more, a parking space may be located 0.0 metres from the lot line abutting an Open Space Zone.

- 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 Single Residential "R4" Zone, and the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Sections 2, 3 and 4.

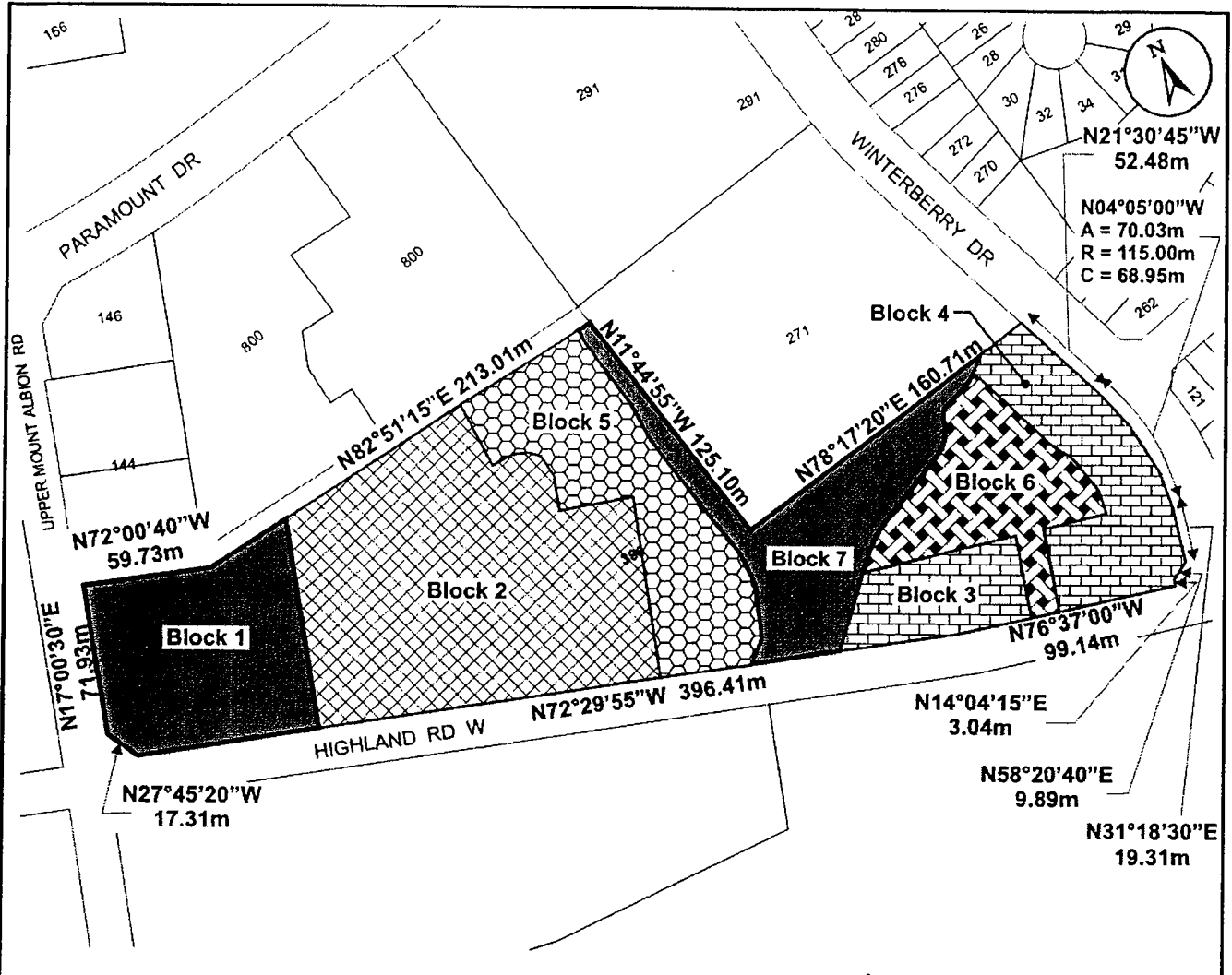
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this 16th day of September, 2009.

  
Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk







ZAC-07-040/25T-200706/OPA-07-010



This is Schedule "A" to By-Law No. 09-199  
Passed the 16th day of September, 2009

*[Signature]*  
Clerk  
*[Signature]*  
Mayor

**Schedule "A"**  
  
Map Forming Part of  
By-Law No. 09-199  
  
to Amend By-law No. 3692-92

- Subject Property**  
390 Highland Road West
-  Block 1 - Refer to By-Law No. 05-200
  -  Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-20" Modified Zone
  -  Blocks 3 and 4 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone
  -  Block 5 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-33" Modified Zone
  -  Block 6 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-39" Modified Zone
  -  Block 7 - Refer to By-Law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-07-040 / OPA-07-10 / 25T200706
Date: Sep. 24, 2009	Planner/Technician: JM / NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

