

**Authority:** Item 13, Planning Committee  
Report 18-012 (PED18180)  
CM: August 17, 2018  
Ward: 9

**Bill No. 240**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 121 and 125 Highway 8 (Stoney Creek)**

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

**WHEREAS**; the City of Hamilton is the successor to certain area municipalities, including the former municipality known as “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton –Wentworth”;

**WHEREAS**; the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**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 13 of Report 18-012 of the Planning Committee, at its meeting held on the 17<sup>th</sup> day of August, 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided.

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

1. That Map No. 5 of Schedule “A” – appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
  - (a) By adding to the Stoney Creek Zoning By-law No. 3692-92, the lands the extent and boundaries of which are shown as “Block 2” on a plan hereto annexed as Schedule “A”;
  - (b) By establishing a Multiple Residential “RM4-10” Zone, Modified, to the lands and extent and boundaries of which are shown on as “Block 2” on a plan hereto annexed as Schedule “A”; and,

- (c) By changing the zoning from the General Commercial “GC” Zone to the Multiple Residential “RM4-10” Zone, Modified, on the lands the extent and boundaries of which are shown as “Block 1” on a plan hereto annexed as Schedule “A”.
2. That Subsection 6.11.6 “Special Exceptions”, of Section 6.11 Multiple Residential “RM4” Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exception, “RM4-10”, as follows:

**“RM4-10” 121 and 125 Highway No. 8, Schedule “A”, Map No. 5**

Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), (j) of Subsection 6.11.3 of the Multiple Residential “RM4” Zone, (a), (c) of Subsection 6.11.4, and Subsections 4.7.1, 4.9.1(c), 4.10.3(a), 4.19.1(d) and 6.1.8(c), the following regulations shall apply:

- (c) Minimum Front Yard 2.5 metres
- (d) Minimum Side Yard 3.7 metres (westerly)  
2.7 metres (easterly)
- (f) Increased Yards shall not apply
- (h) Maximum Residential Density 220 dwelling units per hectare
- (j) Minimum Landscaped Open Space
1. The landscaped areas shall not be less than 25 percent of the lot area of which the requirement for landscaping in one area which is not the front yard shall not apply.
  2. A landscaped strip having a minimum width of 2.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.

Notwithstanding the provisions of Subsection 6.11.4 (a), the following number of parking spaces shall apply:

| Dwelling Units | Minimum Number of Parking Spaces | Maximum Number of Parking Spaces |
|----------------|----------------------------------|----------------------------------|
| 1-14           | 0.7 per unit                     | 1.25 per unit                    |
| 15-50          | 0.85 per unit                    | 1.25 per unit                    |
| 51+            | 1 per unit                       | 1.25 per unit                    |

Notwithstanding the provisions of Subsection 6.11.4 (c), at least 45 percent of the required tenant parking shall be underground and/or within the apartment buildings. Underground parking shall not be bound by setback requirements; however,

underground parking above grade shall be setback a minimum of 3 metres from any lot line.

In addition to Part 2 “Definitions”, the definition of Amenity Area shall also include communal lounges.

In addition to Subsection 4.7.1, the following shall not be included in the determination of the building height as specified for the zone in which the building is located:

- (t) furniture storage area located within a mechanical penthouse; and,
- (u) vestibule connected and providing access to the elevator bulkhead and mechanical penthouse.

Notwithstanding the provisions of Subsection 4.10.3(a), the following regulations shall apply:

- (a) Required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 3.0 metres by 5.8 metres.
- (b) Notwithstanding (a) above, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.

Notwithstanding the provision of Subsection 4.9.1 (c), each loading space shall not be less than 9 metres long and 3.6 metres wide and have a vertical clearance of not less than 4.3 metres.

In addition to the provisions of Subsection 4.19.1(d), the maximum encroachment for a balcony and canopy into any required side yard shall be 1.0 metres.

All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.

Notwithstanding the provisions of Subsection 6.1.8 (c), where the required minimum number of parking spaces is four or more, no parking shall be provided closer than 1.5 metres to any lot line.

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 Multiple Residential “RM4” 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 17<sup>th</sup> day of August , 2018

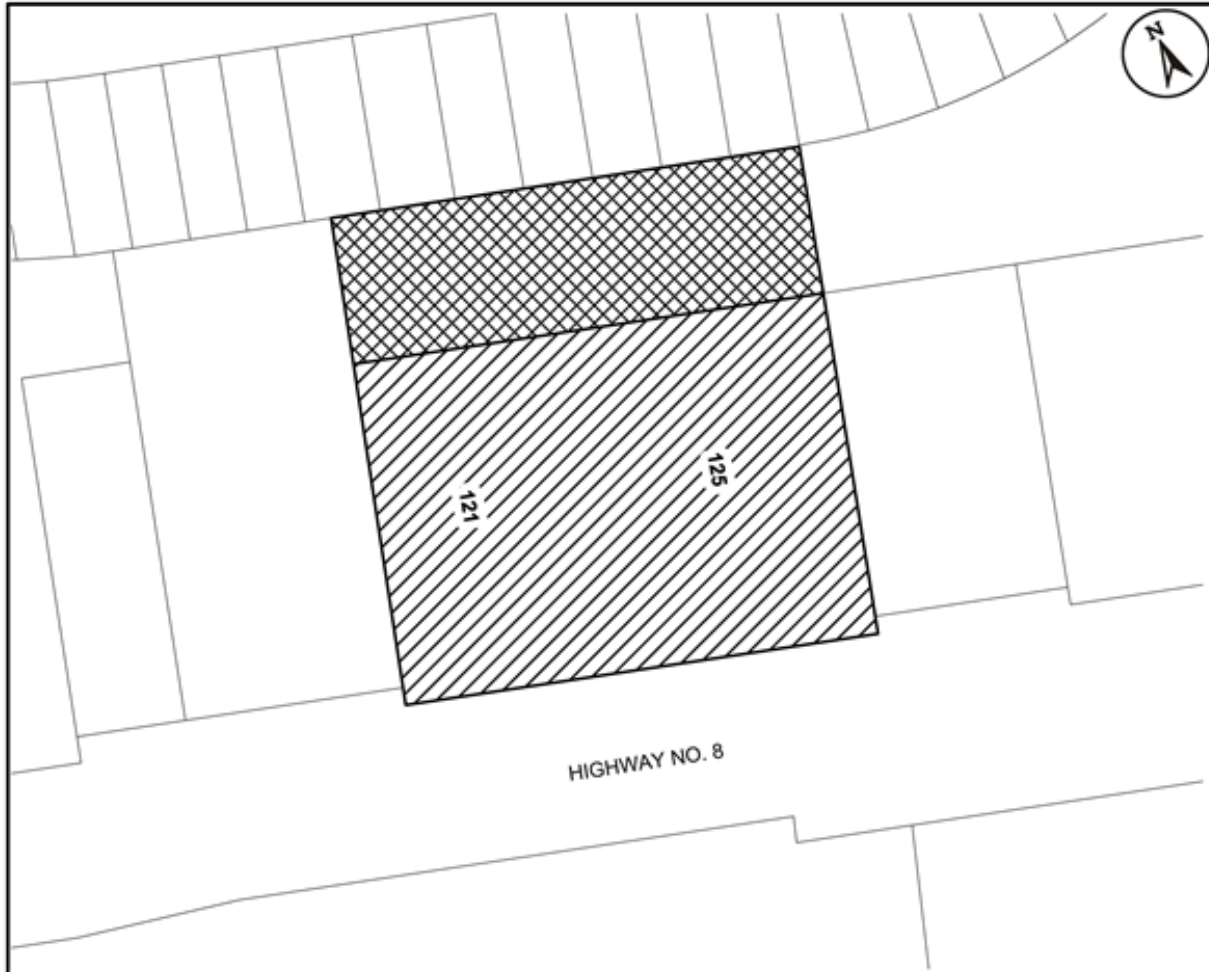
---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

ZAC-17-085



|   |                                      |
|---|--------------------------------------|
| This is Schedule "A" to By-law No. 18-<br><br>Passed the ..... day of ....., 2018 | -----<br>Mayor<br><br>-----<br>Clerk |
|---|--------------------------------------|

|   |   |
|---|---|
| <h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of<br/>By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 3692-92</p> | <p><b>Subject Property</b><br/>                 121 &amp; 125 Highway No. 8, Stoney Creek</p> <p> <b>Block 1</b> - Change in zoning from the General Commercial "GC" Zone to the Multiple Residential "RM4-10" Zone, Modified</p> <p> <b>Block 2</b> - Lands added to By-law No. 3692-92 and zoned Multiple Residential "RM4-10" Zone, Modified</p> |
|---|---|

|  |                                 |  |
|--|---------------------------------|--|
| Scale:<br>N.T.S.                             | File Name/Number:<br>ZAC-17-085 |  |
| Date:<br>April 6, 2018                       | Planner/Technician:<br>AL/AL    |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |                                 |  |