

**Authority:** Item 18, Planning Committee  
Report 18-014  
CM: September 26, 2018  
Ward: 9

**Bill No. 346**

## **CITY OF HAMILTON**

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

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 928 Queenston Road, Stoney Creek**

**WHEREAS** Council approved Item 18 of Report 18-014 of the Planning Committee at its meeting held on the 26<sup>th</sup> day of September, 2018;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No.116.

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

1. That Map No.1195 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 705, H32) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.

2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"705. Within the lands zoned Mixed Use Medium Density (C5, 705, H32) Zone, identified on Map Nos. 1194 and 1195 of Schedule "A" and described as 928 Queenston Road, the following special provisions shall apply:

a) Notwithstanding Sections 5.2 b) i) and ii), 10.5.1.1 i) 1., 10.5.3 a) ii), 10.5.3 d) ii) and iii), and 10.5.3 g) vi), the following special provisions shall also apply:

b) REGULATIONS

a) Restriction of Uses  
within a Building

1. The finished floor elevation of any dwelling unit shall be a minimum of 0.0 metres above grade.

2. All residential units 0.9m below grade shall have a minimum setback of 32.2 metres.

- b) Building Setback from a Street Line (Lake Avenue Drive)
  - ii) Maximum 32.2 metres.
- c) Minimum Building Step back from Queenston Road
  - i) 3.8 metres for the 5<sup>th</sup> to 10<sup>th</sup> storey and 6.3 metres for the 11<sup>th</sup> to 14<sup>th</sup> storeys.
- d) Building Height
  - ii) Maximum 49.0 metres; and,
  - iii) In addition to Section 10.5.3 d) i) and notwithstanding subsection ii) above, any building height above the 2<sup>nd</sup> storey shall be step-back from the rear lot line 14.5 metres for the 3<sup>rd</sup> to 6<sup>th</sup> storey, 22.3 metres for the 7<sup>th</sup> and 8<sup>th</sup> storeys, 30.9 metres for the 9<sup>th</sup> to 11<sup>th</sup> storey, 34.6 metres for the 12<sup>th</sup> storey, 37.6 metres for the 13<sup>th</sup> storey, and 41.1 metres for the 14<sup>th</sup> storey when abutting a Residential Zone to a maximum building height of 49.0 metres.
- e) Parking
  - i) Parking space sizes shall be a minimum 2.75 metres in width and 5.8 metres in length;
  - ii) Notwithstanding Subsection i) above, a minimum 2.75 metres in width and 5.8 metres in length shall be permitted at grade or within an underground parking structure.
- f) Built form for New Development
  - iv) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line. Parking spaces and aisles are permitted to be

located between the required building façade and the Lake Avenue Drive flankage lot line.

3. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

“32. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 705) Zone on Map 1195 on Schedule “A” – Zoning Maps, and described as 928 Queenston Road (Stoney Creek), no development shall be permitted until such time as:

- (i) The owner enters into a conditional building permit agreement with respect to the completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.

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*.

5. That this By-law No. 18-346 shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*., either upon the date of passage of this By-law or as provided by the said Subsection.

**PASSED** this 19<sup>th</sup> day of December, 2018.

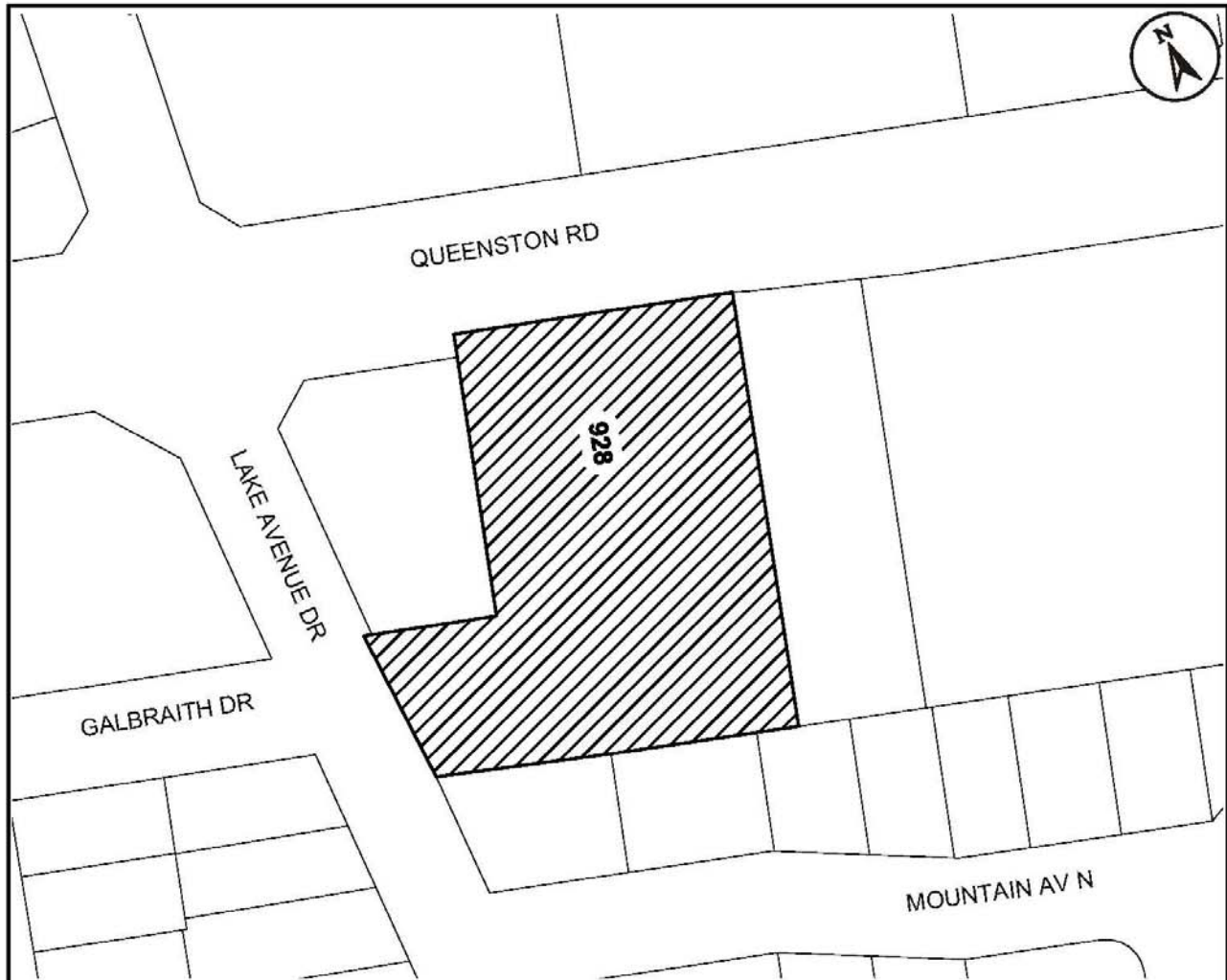
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

UHOPA-17-020  
ZAC-17-049



This is Schedule "A" to By-law No. 18-  
 Passed the ..... day of ....., 2018


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 Mayor  
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 Clerk

**Schedule "A"**

Map Forming Part of  
 By-law No. 18-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 1195

**Subject Property**  
 928 Queenston Road

 Change in Zoning from the Mixed Use -  
 Medium Density (C5) Zone to the Mixed Use  
 -Medium Density (C5, 705, H32) Zone

Scale: N.T.S.	File Name/Number: ZAC-17-049 & UHOPA-17-020
Date: August 7, 2018	Planner/Technician: AL/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

