

**Authority:** Item      , Planning Committee  
Report: PED22130  
CM:  
Ward: 9

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 22-\_\_\_\_\_**

**To Amend Zoning By-law No. 05-200,  
Respecting Lands Located at 136 and 144 Upper Mount Albion Road (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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 05-200 was enacted on the 25th day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item █ of Report 22█-█ of the Planning Committee, at its meeting held on the 9 day of August, 2022, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX.

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

1. That Map No. 1502 to Schedule "A" - Zoning Maps is hereby amended by changing from Community Commercial (C3, 304, 579, H82) Zone to Mixed Use Medium Density (C5, 813) Zone, for the lands shown on Schedule "A" to this By-law.

2. That Schedule C - Special Exceptions is amended adding the following Special Exception:

“813. Within the lands zoned Mixed Use - Medium Density (C5) Zone, identified on Map 1502 of Schedule “A” – Zoning Maps and described as 136 and 144 Upper Mount Albion Road the following special provisions shall apply:

a) Notwithstanding Section 4.6 d) the following regulations shall apply:

- i) An exterior staircase or deck may be located 1.2 metres from an interior lot line.

b) Notwithstanding Section 5.1 a) v) b) and c), the following regulation shall apply:

- i) A planting strip is not required between the at-grade surface parking spaces and the street line.

c) Notwithstanding Section 10.5.3 a) i), 10.5.3 c), 10.5.3 d) ii), 10.5.3 g) vii) 1., 10.5.3 i) and 10.5.3 j) the following regulations shall apply:

- |  |   |
|--|---|
| i) Building Setback from a Street Line | 0.0 metres for a building with residential units on the ground floor facing a street.   |
| ii) Minimum Interior Side Yard         | 2.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.  |
| iii) Building Height                   | Maximum 24.0 metres.  |
| iv) Built form for New Development     | The principal entrance to the ground floor lobby of the multiple building is permitted to be located on the portion of the façade that is not setback closest to Upper Mount Albion Road. |

v) Planting Strip

A planting strip shall not be required.

vi) Visual Barrier

A visual barrier shall not be required along the southerly lot line adjacent to a public trail.

3. That this By-law No. 22- shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this by-law or as otherwise provided by the said Sub-section.

**PASSED** this  day of , 202.

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F. Eisenberger  
MAYOR

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A. Holland  
CLERK

ZAC-21-033



This is Schedule "A" to By-law No. 22-

Passed the ..... day of ....., 2022

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Mayor

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Clerk


## Schedule "A"

Map forming Part of  
By-law No. 22-\_\_\_\_\_

to Amend By-law No. 3692-92

### Subject Property

136 and 144 Upper Mount Albion Road, Stoney Creek (Ward 9)

 Change in zoning from the Community Commercial (C3, 304, 570, H82) Zone to a Mixed Use Medium Density (C5, 813) Zone

Scale:  
N.T.S

File Name/Number:  
ZAC-21-033 & UHOPA-21-016

Date:  
June 20, 2022

Planner/Technician:  
RD/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT