

Authority: Item,
Report (PED24108)
CM:
Ward: 10

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To amend Zoning By-law No. 05-200 with respect to lands located at 365 Highway No. 8, Stoney Creek

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on July 9, 2024;

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

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule "A" – Zoning Maps, Map No. 1251 is amended by changing the zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone, for the lands known as 365 Highway No. 8, Stoney Creek, the extent and boundaries of which are shown on Schedule "A" to this By-law.

2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:

"904. Within the lands zoned District Commercial (C6, 904) Zone, identified on Map No. 1251 of Schedule "A" – Zoning Maps and described as 365 Highway No. 8, Stoney Creek, the following special provisions shall apply:

- a) In addition to Section 10.6.1.1 and notwithstanding Section 10.6.1.1 i), the following regulations shall apply:
 - i) Dwelling Units shall not be permitted on the portion of the ground floor facing a street.
- b) In addition to Section 10.6.3 and notwithstanding Section 10.6.3 c) ii), and d), the following shall apply;

- ii) Minimum Interior Side Yard 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

- iii) Building Height
 - A) Minimum 7.5 metre façade height for any portion of a building along a street line;

 - B) Maximum 28.5 metres; and,

 - C) In addition to Subsection A) above and notwithstanding Subsection B) above, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.6.3 b) when abutting a Residential Zone to a maximum of 28.5 metres.

 - D) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
 - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;

 - B. The wholly enclosed or partially enclosed structure

belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,

C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

iv) Minimum Amenity Area for Dwelling Unit(s), Mixed Use

A) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,

B) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.

C) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface and exposed to light and air.

v) Minimum Gross Floor Area for Commercial Uses

270 square metres.

c) In addition to Section 5.6(c), the following parking schedule shall apply for a Dwelling Unit, Mixed Use:

a. Dwelling Units less than 50.0 square metres in Gross Floor Area:

	Minimum:	Maximum:
	0.3 per unit	1.25 per unit

b. Dwelling Units greater than 50.0 square metres in Gross Floor Area:

	Minimum	Maximum
1 – 14 units:	0.7 per unit	1.25 per unit
15 – 50 units:	0.85 per unit	1.25 per unit
51+ units:	1.0 per unit	1.25 per unit

d) In addition to Section 5.7(c) and (e), the following bicycle parking schedule shall apply for a Dwelling Unit, Mixed Use:

- a. Short-Term Spaces: 5
- b. Long-Term Spaces: 0.5 per dwelling unit”

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“177. Notwithstanding Section 10.6 of this By-law, within land zoned District Commercial (C6, 904) Zone, identified on Map No. 1251 of Schedule “A” – Zoning Maps and described as 365 Highway No. 8, Stoney Creek, no development shall be permitted until such time as:

- a. That the owner submit and receive approval of a revised Functional Servicing Report, prepared by a qualified Professional Engineer, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- b. That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.
- c. That the owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including the applicable review fee and submission of written confirmation from the abutting owner of 357 Highway No. 8 for permission to remove trees 3, 4, 6, and 10 as identified on the Tree Management Plan prepared by Adesso Design Inc. dated April 2, 2024, to the satisfaction of the Director of Heritage and Urban Design.”

4. 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 provisions of the District Commercial (C6, 904, H177) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.
5. 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 _____, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-011



<p>This is Schedule "A" to By-law No. 24- Passed the day of, 2024</p>	<p>----- Mayor</p> <p>----- Clerk</p>
---	---

<h2>Schedule 'A'</h2> <p>Map forming part of By-law No. 24-_____</p> <p>to Amend By-law No. 05-200 Map 1251</p>	<p>Subject Property</p> <p>365 Highway No. 8</p> <p> Change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone</p>
---	---

<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-24-011 & UHOPA-24-005</p>	
<p>Date: April 22, 2024</p>	<p>Planner/Technician: DM/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		