

**Authority:** Item 7, Planning Committee Report 24-011 (PED24041)  
CM: August 16, 2024 Ward: 9

**Bill No. 154**

**CITY OF HAMILTON**  
**BY-LAW NO. 24-**

**To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek**

**WHEREAS** Council approved Item 7 of Report 24-011 of the Planning Committee, at its meeting held on August 16, 2024;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 209;

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

1. That Schedule “A” – Zoning Maps, Map No. 1453 is amended by changing the zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone, for the lands known as 196, 198, 200 and 202 Upper Mount Albion Road, 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:

“894. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1453 of Schedule “A” – Zoning Maps and described as 196, 198 200 and 202 Upper Mount Albion Road, Stoney Creek, the following special provisions shall apply:

a) Notwithstanding Section 10.5.1, only the following uses shall be permitted:

- |    |                |   |
|----|----------------|---|
| i) | Permitted Uses | Home Business<br>Multiple Dwelling<br>Financial Establishment<br>Office<br>Personal Service Establishment |
|----|----------------|---|

Restaurant  
Retail  
Veterinary Service

b) In addition to Section 10.5.3, the following regulations shall apply:

- i) Maximum Density 460 units per net hectare.
- ii) Minimum Landscaped Area 35% of the total Lot Area.

c) Notwithstanding Sections 10.5.3 d) i), ii) and iv) B and g) vii), the following regulations shall apply:

- iii) Building Height Minimum 6.0 metre façade height for any portion of a building along a street line.
- iv) Maximum Building Height 31.0 metres.

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 north, south and west exterior walls of the storey directly beneath. 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 31 metres from the eastern property line.

- v) Built Form for New Development A minimum of one principal entrance for residential uses shall be provided at grade and be accessible from a pedestrian walkway connected to the public sidewalk.

A minimum of one principal entrance for each commercial unit shall be provided:

1. within the ground floor façade that is setback closest to the street; and,
  2. shall be accessible from the building façade with direct access from the public sidewalk.
- d) Notwithstanding Section 4.6 e), Balconies shall be permitted to encroach into the required rear yard to a maximum of 1.6 metres and into any other required yard a maximum of 1.0 metre.
3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:
  - “171. Notwithstanding Section 10.5 of this By-law, within land zoned Mixed Use Medium Density (C5, 894) Zone, identified on Map No. 1453 of Schedule “A” – Zoning Maps and described as 196, 198, 200 and 202 Upper Mount Albion Road, no development shall be permitted until such time as:
    - a) That the owner upgrades the sanitary sewer from MH SA15A107 to SO20A007 along Cornerstone Drive, MH SA20A007 to HO18A031 along Cedarville Drive, and MH HO 18A031 to HO18A005 along Old Mud Street/Kingsview Drive, in accordance with the Functional Servicing Report prepared by Walter Fedy dated January 19, 2024, at the Owner’s expense, and to the satisfaction of the Director of Growth Management and Chief Development Engineer.
    - b) That the owner makes satisfactory arrangements with the City’s Growth Management Division to enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of the sanitary sewer improvements to the existing municipal infrastructure at the Owner’s cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer.”
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 Mixed Use Medium Density (C5, 894, H171) Zone, subject to the special requirements referred to in Section No. 2 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 16<sup>th</sup> day of August, 2024

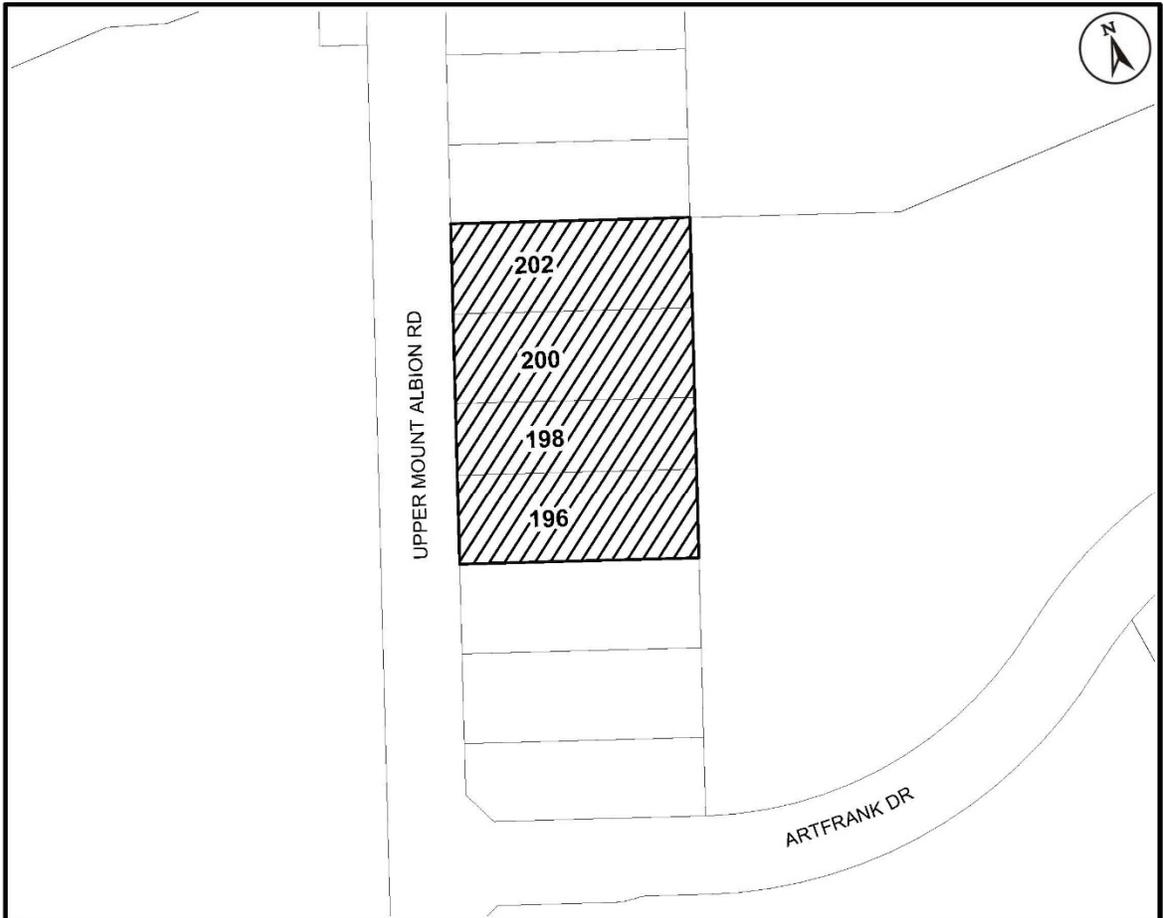
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A. Horwath  
Mayor

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M. Trennum  
City Clerk

ZAC-23-026 and UHOPA-23-011



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 24-_____</b></p> <p><b>to Amend By-law No. 05-200</b></p> <p><b>Map 1453</b></p>	<p><b>Subject Property</b></p> <p>196, 198, 200 &amp; 202 Upper Mount Albion Road</p> <p> Change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone</p>
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<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> ZAC-23-026 &amp; UHOPA-23-011</p>	
<p><b>Date:</b> June 5, 2024</p>	<p><b>Planner/Technician:</b> JV/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		