

Authority: Item 6, Planning Committee
Report 21-011 (PED21117)
CM: July 9, 2021
Ward: 8

Bill No. 131

CITY OF HAMILTON

BY-LAW NO. 21-131

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 15, 17 and 21 Stone Church Road East, Hamilton

WHEREAS Council approved Item 6 of Report 21-011 of the Planning Committee, at the meeting held on the 9th day of July, 2021; and,

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Urban Hamilton Official Plan Amendment No. 152.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map 1343 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone for the lands attached as Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:
 - “742. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1343 of Schedule “A” – Zoning Maps and described as 15, 17 & 21 Stone Church Road East, the following special provisions shall apply:
 - a) Notwithstanding Section 4.9 (a) and 5.6 (c) and in addition to 5.1 (a)(v)(b), the following regulations shall apply:
 - i) Mechanical and Unitary Equipment Within a required front yard, provided such equipment shall have a minimum setback of 0.5 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.

- ii) Number of Parking Spaces for a Multiple Dwelling and Commercial or Institutional Uses
 - a) Multiple Dwelling:
 - i) Minimum 1 parking space per dwelling unit; and,
 - ii) Maximum 1.25 parking spaces per dwelling unit.
 - b) Commercial or Institutional Uses:
 - i) 0 for less than 450.0 square metres of gross floor area; and,
 - ii) 1 for each 17.0 square metres of gross floor area greater than 450.0 square metres.
- b) Notwithstanding Section 10.5.3 (b), (c), (d) and (g), the following regulations shall apply:
 - i) Minimum Rear Yard 18 metres.
 - ii) Minimum Interior Side Yard 15 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 22.0 metres; and,
 - c) In addition to a) and notwithstanding b) above, any building height above 11.0

metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Subsection ii) and iii) when abutting a Residential or Institutional Zone to a maximum of 22.0 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:
 - i) 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;
 - ii) 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,

- iii) 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) Built Form for New Development

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

- a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- b) For an interior lot or a through lot the minimum width of the ground floor façade facing the front

lot line shall be greater than or equal to 40% of the measurement of the front lot line.

- c) In addition to Subsections a) and b) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
 - d) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
 - e) A minimum of one principal entrance shall be provided:
 - 1. within the ground floor; and,
 - 2. shall be accessible from the building with direct access from the public sidewalk.
 - f) A walkway shall be permitted in a Planting Strip where required by the By-law.”
3. 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 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-028



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1343</p>	<p>Subject Property</p> <p>15, 17 & 21 Stone Church Road East, Hamilton</p> <p> Change in Zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-028 & UHOPA-20-016</p>	
<p>Date: March 30, 2021</p>	<p>Planner/Technician: TV/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		