

Authority: Item 4, Planning Committee Report 23-013 (PED23135)
Council Meeting: September 13, 2023 Ward: 10
Written approval for this by-law was given by Mayoral Decision MDE-2023-02
dated September 13, 2023

Bill No. 168

CITY OF HAMILTON
BY-LAW NO. 23-168

**To Amend Zoning By-law No. 05-200 with Respect to Lands Located at
1310 South Service Road, Stoney Creek**

WHEREAS Council approved Item 4 of Report 23-013 of the Planning Committee, at its meeting held on September 13, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment No. 191;

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

1. That Map No. 1259 of Schedule “A” – Zoning Maps is amended by changing the zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone for the lands identified on Schedule “A” to this By-law;
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“851. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1259 of Schedule “A” – Zoning Maps and described as 1310 South Service Road, the following special provisions shall apply:

- a) In addition to Section 3: Definitions the following definition shall also apply:

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| Live/Work Unit | Shall mean a dwelling unit where a residence is permitted, and where a commercial use may also be permitted with a maximum size of 50 square metres of gross floor area and which shall be located on the ground floor. Commercial uses in a Live/Work Unit shall be limited to a personal service shop, a professional office and a retail store. |
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- b) Notwithstanding Section 4.6 d), 4.6 e), and 4.8.1.1 a), the following special provisions shall apply:
- i) A porch, deck or canopy may encroach into any required yard to a maximum of 3.5 metres.
 - ii) A balcony may encroach into any required yard to a maximum of 2.0 metres.
 - iii) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 7.5% total lot coverage.
- c) Notwithstanding Section 5.1 a) v) a), 5.1 a) v) b), 5.7 a), and 5.7 c), and in addition to 5.7 e), the following special provisions shall apply:
- i) Surface Parking Spaces Shall not be located within 25.0 metres of a street line.
 - ii) Long-term Bicycle Parking Minimum 0.25 Long-term bicycle parking spaces per unit.
 - iii) Short-term Bicycle Parking 1. Minimum 20 Short-term bicycle parking spaces; and,
2. Shall be located on the lot containing the use.
- d) In addition to Section 10.5.1, the following shall apply:
- i) Permitted Uses Live/Work Unit
- e) Notwithstanding Section 10.5.1.1 i) 1., 10.5.3 a), 10.5.3 d) i), 10.5.3 d) ii), and 10.5.3 d) iii), and in addition to 10.5.3, the following shall apply:
- i) Building Setback from a Street Line 1. Minimum 2.0 metres;
2. Maximum 16.5 metres from the northern property line; and,

3. Maximum 8.5 metres from the western property line.
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| ii) Building Height | <ol style="list-style-type: none">1. Maximum building height shall be in accordance with Figure 35 of Schedule F – Special Figures of Zoning By-law No. 05-200; and,2. Minimum 7.5 metre façade height for any portion of a building along a street line, except that one section up to 12.0 metres in width may be permitted a reduced height of 4.5 metres. |
| iii) Parking Location | Minimum of 85% of all vehicle parking spaces shall be located within an underground parking garage. |
| iv) Minimum Landscaped Area | 40% of the total lot area. |
| v) Outdoor Amenity Area | Minimum 1,000 square metre contiguous area setback at least 25.0 metres from a Street Line shall be provided. |
| vi) Minimum Density | 60 units per net hectare. |
| vii) Maximum Density | 310 units per net hectare.” |
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3. That Schedule “D” – Holding Provisions be amended by deleting Holding Provision 112 and replacing with the following:
 - “112. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 851) Zone, identified on Map 1259 of Schedule “A” –

Zoning Maps and described as 1310 South Service Road, no development shall be permitted until such time as:

- a) The Owner enters into a conditional building permit agreement with respect to 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 MECP, and the submission of the City of Hamilton's current RSC administration fee;
 - b) The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Noise Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated August 18, 2022 and updated February 8, 2023, to the satisfaction of the Director of Planning and Chief Planner;
 - c) The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
 - d) The Owner submit and receive approval of an updated Functional Servicing Report, prepared by a qualified Professional Engineer, to address sanitary design, watermain hydraulic analysis, and stormwater outlets, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority; and,
 - e) The Owner submit and receive approval of an updated Transportation Impact Study, with particular focus on improvement to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges, to the satisfaction of the Ministry of Transportation and a cost estimate schedule and required securities for the improvements, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Director of Transportation Planning and Parking.”
4. That Schedule F: Special Figures of Zoning By-law No. 05-200 is hereby amended by adding Special Figure 35: Maximum Building Heights for 1310 South Service Road attached as Schedule “B” to this By-law.

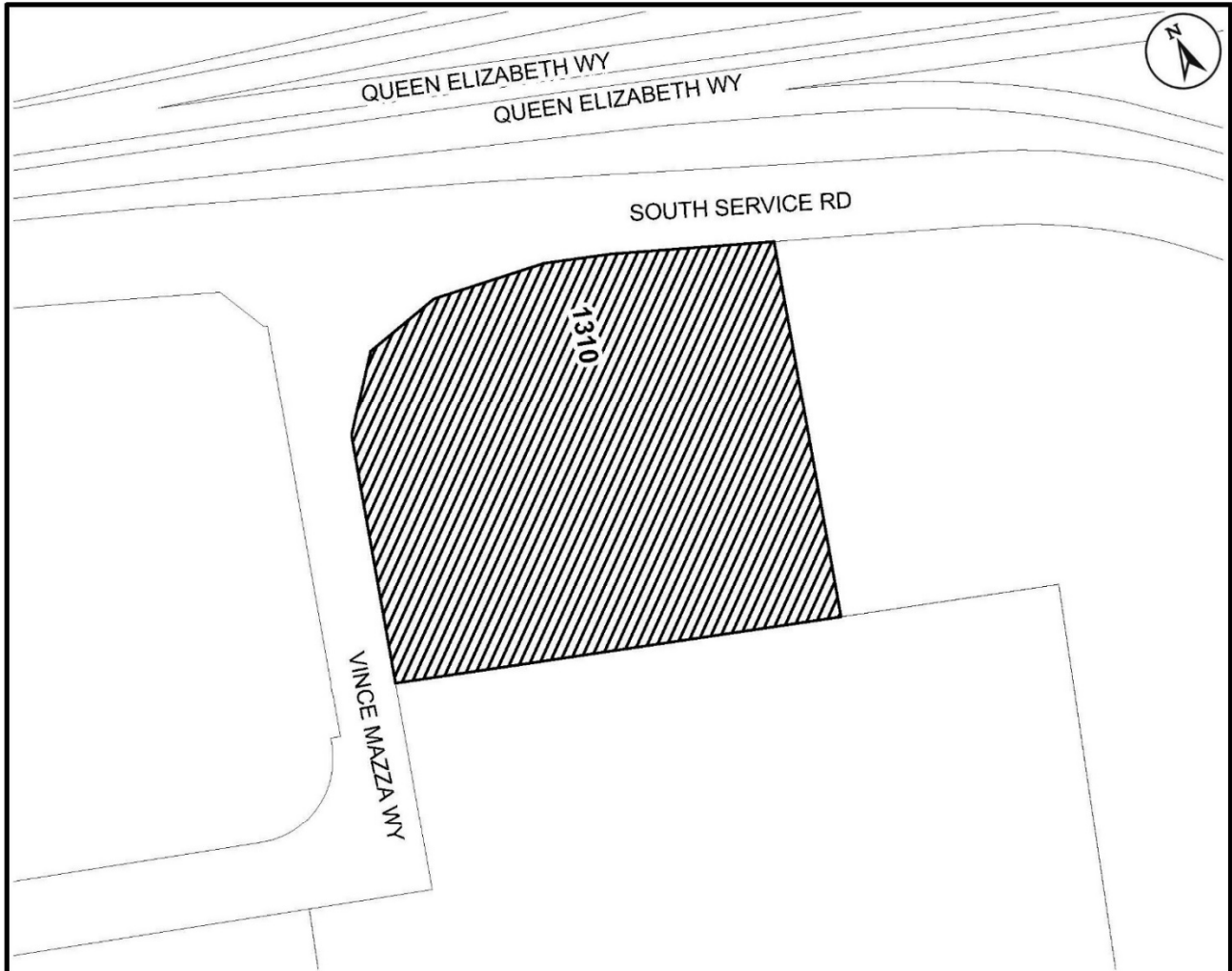
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Mixed Use Medium Density (C5, 851, H112) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.
6. 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 13th day of September, 2023

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-063



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| <p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</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. 23-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1259</p> | | <p>Subject Property</p> <p>1310 South Service Road</p> <p> Change in Zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone</p> |
| <p>Scale: N.T.S</p> | <p>File Name/Number: ZAC-22-063 & UHOPA-22-026</p> | <p>Hamilton</p> |
| <p>Date: April 26, 2023</p> | <p>Planner/Technician: MM/AL</p> | |
| <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p> | | |

Schedule B to By-law No. 23-168



Special Figure 35: Maximum Building Heights for 1310 South Service Road

Date:
August 9, 2023

Legend

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|---|---|
|  Maximum Building Height 14m |  Maximum Building Height 38m |
|  Maximum Building Height 33m |  Maximum Building Height 45m |

