

Authority: Item 18, Planning Committee
Report 18-014 (PED18221)
CM: September 26, 2018
Ward: 9

Bill No. 295

CITY OF HAMILTON

BY-LAW NO. 18-295

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 928 Queenston Road (Stoney Creek)

WHEREAS the *City of Hamilton Act, 1999*, S. O. 1999 Chap. 14, Sch. C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

WHEREAS; the City of Hamilton is the successor to certain area municipalities, including the former municipality known as “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton –Wentworth”;

WHEREAS; the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS ; Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994; and,

WHEREAS; the Council of the City of Hamilton, in adopting Item 18 of Report 18-014 of the Planning Committee, at its meeting held on the 26th day of September, 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided.

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

1. That Map No. 5 of Schedule “A” – appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) By modifying the current zoning from the Mixed Use Commercial “MUC” Zone to Mixed Use Commercial “MUC-11 (H)” Zone, Modified, on the lands the extent and boundaries of which are shown as “Block 1” on a plan hereto annexed as Schedule “A”.

2. That Subsection 8.8.4 “Special Exceptions”, of Section 8.8 Mixed Use Commercial “MUC” Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exception, “MUC-11 (H)”, as follows:

“MUC-11” 928 Queenston Road, Schedule “A”, Map No. 5

Notwithstanding Subsection 8.8.2(h) and the provisions of Paragraphs (c), (e), (f), (g), (h), (i), (j), (l) and (n) 1. and 4. of Subsection 8.8.3 of the Mixed Use Commercial “MUC” Zone, and Subsection 4.9.1(a), the following regulations shall apply:

Permitted Uses for Each Lot

- (h) Apartment Dwelling Units and a Home Occupation above and in behind commercial uses

Zone Regulations

- | | | |
|-----|--------------------------------|--|
| (c) | Maximum Lot Coverage | 32 percent |
| (e) | Minimum Front Yard (northerly) | 1.9 metres for the first storey; 0.0 metres for the 2 nd to 4 th storeys; 3.8 metres for the 5 th to 10 th storeys; and 6.3 metres for the 11 th to 14 th storeys. |
| (f) | Minimum Rear Yard (easterly) | 2.1 metres for the 1 st to 4 th storeys; 15.9 metres for the 5 th to 14 th storeys. |
| (g) | Minimum Side Yard (westerly) | 1.7 metres (westerly) for the 1 st to 4 th storeys; 11.8 metres for the 5 th to 14 th storeys. |
| (h) | Maximum Residential Density | 290 units per hectare |
| (i) | Maximum Building Height | 49.0 metres |
| (j) | Minimum Amenity Area | 875 square metres for the entire lot |
| (l) | Minimum Landscaped Open Space | |

The landscaped areas shall not be less than 28 percent of the lot area of which the requirement for landscaping in one area other than the front yard shall not apply.

A portion of shall also constitute the following:

1. A landscaped strip having a minimum width of 1.5 metres adjacent to Queenston Road and 3.0 metres adjacent to Lake Avenue Drive shall be provided except for points of ingress and egress; and,
2. A landscaped strip having a minimum width of 2.0 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.
3. A landscape strip having a minimum width of 0.0 metres shall be provided adjacent to every portion of the easterly lot line that abuts another lot.

(n) Minimum Parking Requirements

1. Residential Uses

Dwelling Units	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
1-14	0.7 per unit	1.25 per unit
15-50	0.85 per unit	1.25 per unit
51+	1 per unit	1.25 per unit

4. Commercial and residential parking shall not be separate nor have separate points of ingress and egress.

Notwithstanding the provision of Subsection 4.9.1 (a), one loading space having a minimum front yard setback of 29 metres shall be located within a front yard.

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “MUC-11 (H)” Zone by this By-law, the Holding symbol “H” may be removed by City Council and thereby give effect to the “MUC-11” Zone provisions upon completion of the following:

- (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 submission of the City of Hamilton’s current RSC administration fee.
3. 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 Mixed Use Commercial “MUC” Zone provisions, subject to the special requirements referred to in Section 2.

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4. 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*.

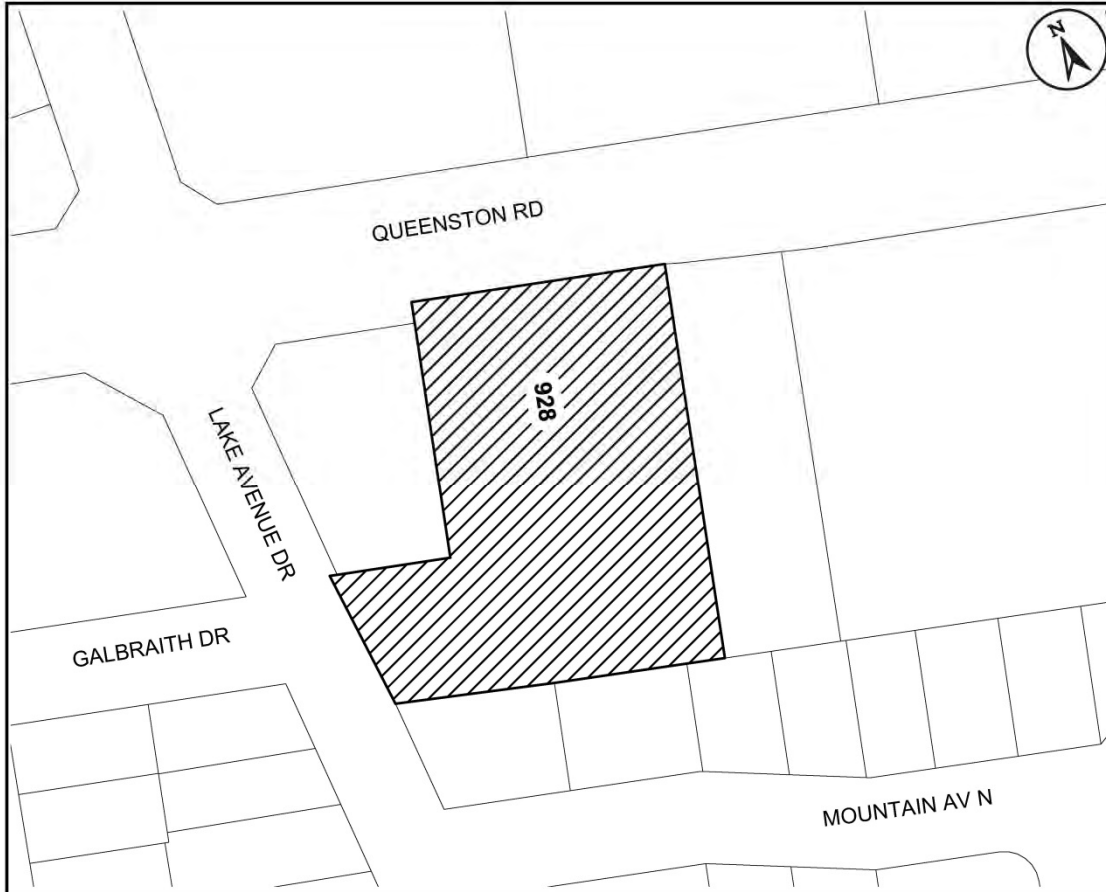
PASSED this 26th day of September , 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

UHOPA-17-020
ZAC-17-049

**To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 928 Queenston Road, Stoney Creek**



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p align="center">-----</p> <p align="center">Mayor</p> <p align="center">-----</p> <p align="center">Clerk</p>
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<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 3692-92</p>	<p>Subject Property</p> <p>928 Queenston Road</p> <p> Change in Zoning from the Mixed Use Commercial "MUC" Zone to Mixed Use Commercial "MUC-11 (H)" Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-049 & UHOPA-17-020	
Date: August 7, 2018	Planner/Technician: ALVS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		