

**Authority:** Item 9  
Planning Committee  
Report 12-011 (PED12100)  
CM: July 12, 2012

**Bill No. 180**

## **CITY OF HAMILTON**

### **BY-LAW NO. 12-180**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 120 and 124 King Street West**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND 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 9 of Report 12-011 of the Planning Committee, at its meeting held on the 12th day of July, 2012, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan); upon approval of Official Plan Amendment No. 171;

**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;
  - (a) by changing from the Multiple Residential (Holding) "RM4 (H)" Zone to the Multiple Residential "RM4-7" Zone, the lands identified as "Block 1"; and,
  - (b) by changing from the Multiple Residential (Holding) "RM4 (H)" Zone to the Multiple Residential "RM2-30" Zone, the lands identified as "Block 2";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Sub-section 6.11.6, "Special Exemptions", of Section 6.11 Multiple Residential "RM4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "RM4-7", as follows:

**"RM4-7" - 120 and 124 King Street West, Schedule "A", Map No. 5**

For the purpose of this By-law, a common element condominium road shall be deemed to be a street.

Notwithstanding the provisions of Paragraph (c) of Section 6.1.8 "General Provisions" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.0 metres to a lot line, except that a parking space may be located 0.0 metres away from a private common element condominium road.

Notwithstanding the provisions of Paragraphs (c), (h), (j), and (l) of Section 6.11.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (c) Minimum Front Yard: - 0.45 metres from a common element condominium roadway.
- (h) Maximum Residential Density: - 165 dwelling units per hectare.

(j) Minimum Landscaped Open Space:

1. The landscaped area shall be not less than 25% of the lot area, and may include areas above grade.
2. A landscaped strip having a minimum width of 3.9 metres shall be provided and thereafter maintained adjacent to the rear lot line. A landscaped strip shall not be required adjacent to a street.

- (l) For the purpose of this By-law, a balcony shall be included within the definition of amenity area. There shall be no minimum amenity area required within an apartment building.

Notwithstanding the provisions of Paragraphs (a) and (c) of Section 6.11.4 "Regulations for Parking" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces:

1.0 spaces per unit and 0.3 visitor parking spaces per unit.

- (c) No tenant parking shall be required to be located underground or within the apartment building.

Notwithstanding the provisions of Paragraph (a) of Section 4.10.2 "Parking Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (a) Required visitor parking is permitted to be located on a private common element condominium road.

Notwithstanding the provisions of Paragraph (a) and (b) of Section 4.10.3 "Parking Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (a) Required parking spaces for 90 degree perpendicular parking shall have minimum dimensions of 2.6 metres by 5.5 metres.
- (b) For other than 90 degree perpendicular parking spaces, the parking space shall be 2.4 metres by 6.7 metres.

Notwithstanding the provisions of Paragraph (a) of Section 4.10.4 "Parking Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (a) The minimum dimension of parking spaces designated for vehicles of the physically challenged shall be 4.4 metres by 5.5 metres.

3. That Sub-section 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "RM2-30", as follows:

**"RM2-30" - 120 and 124 King Street West, Schedule "A", Map No. 5**

For the purposes of this By-law, for the lands zoned "RM2-30", King Street West shall be considered to be the front lot line, notwithstanding the definition of Lot - Through. For the corner lot adjacent to the common element condominium roadway, the only rear lot line shall be the northerly 6.0 metre lot line.

Notwithstanding the provisions of Section 6.9.2 "Permitted Uses" of Zoning By-law No. 3692-92, on those lands zoned "RM2-30" by this By-law, the following additional uses shall be permitted within a street townhouse dwelling, on the ground floor only:

Retail Store  
Personal Service Shop  
Professional Office

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), and (i) of Section 6.9.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM2-30" by this By-law, the following shall apply:


- (a) Minimum Lot Area: - 163 square metres.
- (b) Minimum Lot Frontage:  
Corner Unit - 7.0 metres.
- (c) Minimum Front Yard: - 0.5 metres.
- (d) Minimum Side Yard:  
End Unit - 1.5 metres.  
Corner Unit - 0.3 metres.
- (e) Minimum Rear Yard: - 7.25 metres.
- (f) Minimum Privacy Area: - 15 square metres per unit.
- (g) Minimum Landscaped Open Space - Not applicable.
- (i) Maximum Lot Coverage: - 70%.

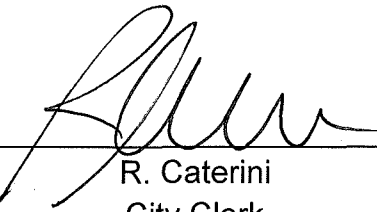
Notwithstanding the provisions of Section 4.10.9 "Schedule of Minimum Parking Requirements" and Section 6.9.4 "Regulations for Parking" of Zoning By-law No. 3692-92, on those lands zoned "RM2-30" by this By-law, the following shall apply:

- (a) A minimum of 2 parking spaces shall be required per unit.

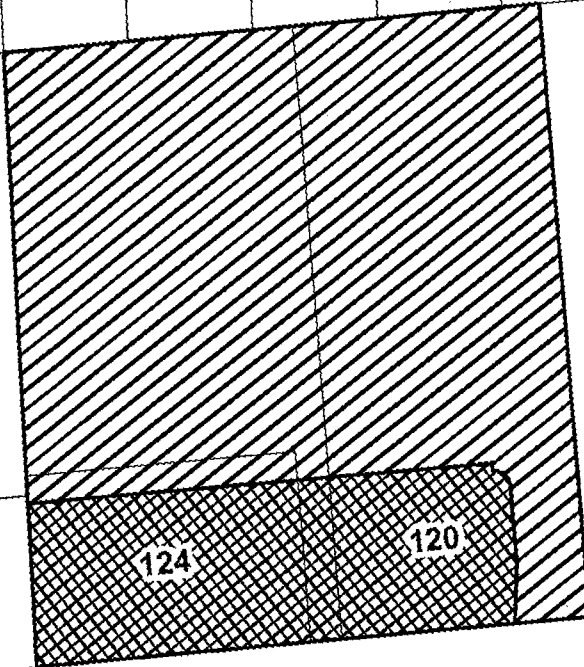
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM4" Zone and Multiple Residential "RM2" Zone provisions, subject to the special requirements referred to in Sections 2 and 3.
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 16th day of August, 2012.

  
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R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
City Clerk

ZAC-11-024



KING ST W

This is Schedule "A" to By-Law No. 12- 180

Passed the 16th day of August, 2012

*R. Bratina*  
Mayor  
*[Signature]*  
Clerk


**Schedule "A"**


Map Forming Part of  
By-Law No. 12- 180

to Amend By-law No. 3692-92

**Subject Property.**

120 and 124 King Street West, Stoney Creek

 **Block 1:** Change in Zoning from Multiple Residential (Holding) "RM4(H) Zone to Multiple Residential "RM4-7" Zone

 **Block 2:** Change in Zoning from Multiple Residential (Holding) "RM4(H) Zone to Multiple Residential "RM2-30" Zone

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-024

Date:  
May 8, 2012

Planner/Technician:  
HT/NB



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT