

Authority: Item 3, Planning Committee Report 24-009 (PED24069)
CM: June 26, 2024 Ward: 5
Written approval for this by-law was given by Mayoral Decision MDE-2024-15
Dated June 26, 2024

Bill No. 118

CITY OF HAMILTON

BY-LAW NO. 24-118

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 118 King Street West, Stoney Creek

WHEREAS Council approved Item 3 of Report 24-009 of the Planning Committee, at its meeting held on June 26, 2024;

AND WHEREAS this By-law complies with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 207;

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

1. That Schedule "A" – Zoning Maps, Map No. 1247 is amended by changing the zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, for the lands known as 118 King Street West, Stoney Creek 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:

"893. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1247 of Schedule "A" – Zoning Maps and described as 118 King Street West, Stoney Creek, the following special provisions shall apply:

- a) Notwithstanding Sections 5.2 a), 10.5.3 a) ii), 10.5.3 c), 10.5.3 d) ii) and iii), 10.5.3 i) and Section 10.5.3 j), the following shall apply:

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| <ol style="list-style-type: none">i) Landscape Strip and Visual Barrier Requirement for Parking Lot Adjacent to a Residential Zone | A minimum 1.0 metre landscape strip with no visual barrier shall be provided and maintained along the westerly lot line and a minimum 1.5 metre landscape strip and a Visual Barrier in |
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accordance with Section 4.19 shall be provided and maintained along the northerly lot line.

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| ii) | Building Setback from a Street Line | Maximum 5.3 metres, except where a visibility triangle is required for a driveway access. |
| iii) | Minimum Interior Side Yard | 6 metres to the building and 4.5 metres to a support column. |
| iv) | Building Height | (1) Maximum 37.5 metres; and,

(2) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) when abutting a Residential or Institutional Zone to a maximum of 37.5 metres. |
| v) | Planting Strip Requirements | A minimum 1.5 metre wide Planting Strip shall be provided and maintained along the northerly lot line and a 1.0 metre wide Planting Strip shall be provided and maintained along the westerly lot line. |
| vi) | Visual Barrier Requirement | A visual barrier shall be required along the northerly lot line. |

3. That Schedule "D" – Holding Provisions is amended by adding the additional Holding Provision as follows:

“170. Notwithstanding Section 10.5.1 of this By-law, within lands zoned Mixed Use Medium Density (C5, 893) Zone, identified on Map No. 1247 of Schedule A – Zoning Maps and described as 118 King Street West, Stoney Creek, no development shall be permitted until such time as:

- a) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:
 - I. That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development.
 - II. That as part of the future Site Plan Control application, the owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;
- b) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- c) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
- d) That the existing centre median island along Centennial Parkway South to restrict driveway access to right-in/right-out vehicular movements only be completed as per the Traffic Impact Brief by Paradigm dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design

drawings and construction shall be finalized through a future External Works Agreement;

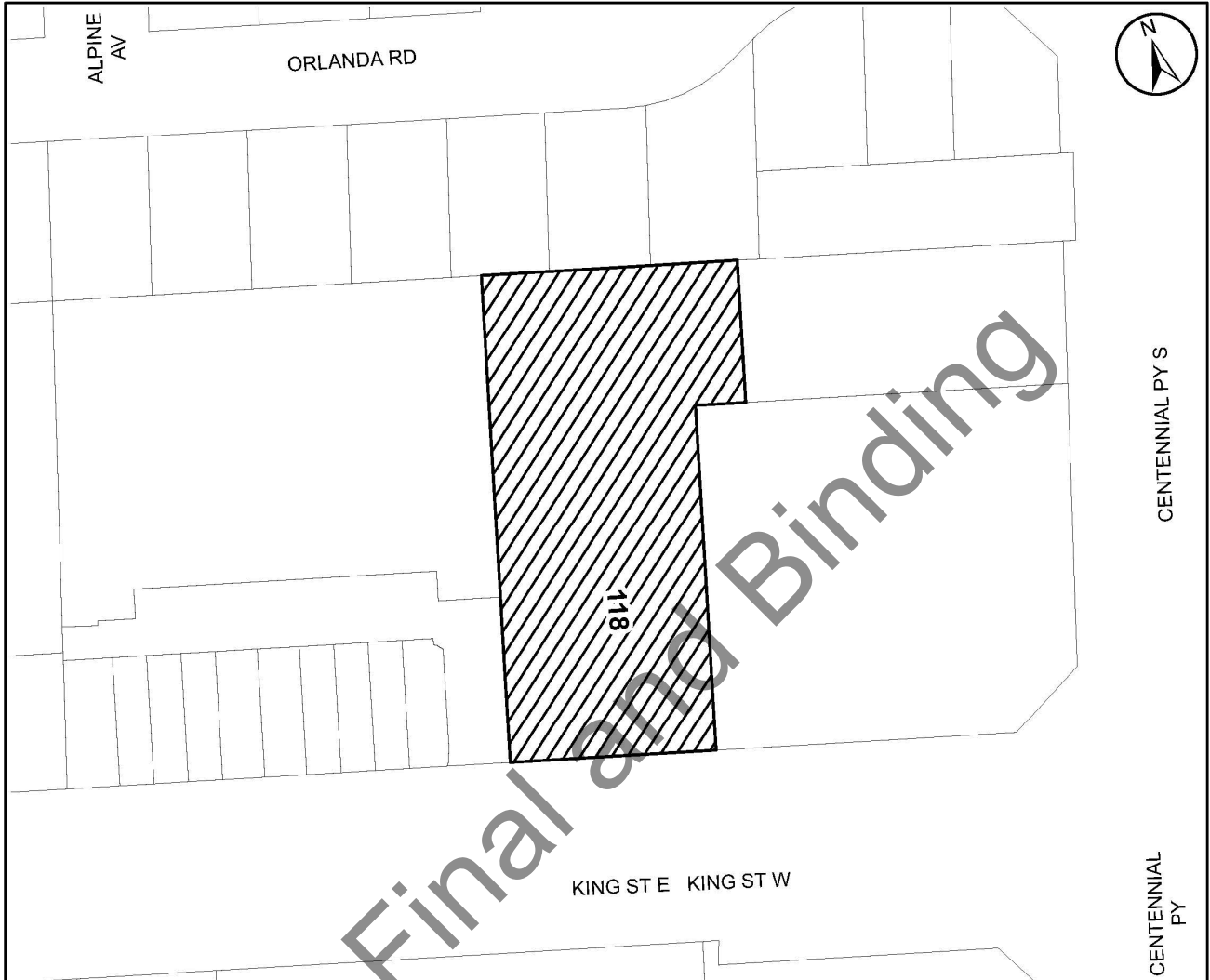
- e) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design; and,
 - f) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.
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, 893, H170) Zone, subject to the special requirements referred to in Sections 2 and 3 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 June 26, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

UHOPA-23-014 and ZAC-23-031



This is Schedule "A" to By-law No. 24-
Passed the day of, 2024

Mayor

Clerk

Schedule 'A'

Map forming part of
By-law No. 24-_____

to Amend By-law No. 05-200
Map 1247

Subject Property

118 King Street West, Stoney Creek



Change in zoning from Community Commercial
(C3, 579) Zone to Mixed Use Medium Density
(C5, 893, H170) Zone

Scale:

N.T.S.

File Name/Number:

ZAC-23-031 & UHOPA-23-014

Date:

March 14, 2024

Planner/Technician:

AB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT