

Authority: Item 4, Planning Committee Report 24-018 (PED24180)
CM: December 11, 2024 Ward: 10
Written approval for this by-law was given by Mayoral Decision MDE-2024 29
Dated December 11, 2024

Bill No. 226

CITY OF HAMILTON
BY-LAW NO. 24-226

**To Amend Zoning By-law No. 3692-92
with Respect to Lands Located at 582 and 584 Highway No. 8, Stoney Creek**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Council approved Item 4 of Report 24-018 of the Planning Committee, at its meeting held on December 11, 2024;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon the adoption of Official Plan Amendment No. 208;

NOW THEREFORE Council amends Zoning By-law No. 3692-92 as follows:

1. That Map No. 7 of Schedule "A", appended to and forming part of Zoning By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - a) by changing the zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-75(H)" Zone, Modified, Holding (Block 1), the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A"; and,
 - b) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-75(H)" Zone, Modified, Holding (Block 2), the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.10.7, “Special Exemptions” of Section 6.10, Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “RM3-75(H)”, as follows:

“RM3-75(H)” 582 and 584 Highway No. 8, Schedule “A” Map No. 7

In addition to Part 2 - Definitions as it relates to Landscaped Strip, unenclosed porches, stairs, sidewalks/walkways, and points of ingress and egress shall be permitted to be located within a required landscaped strip.

Notwithstanding the provisions of Paragraph (d) of Section 4.19.1, on those lands zoned “RM3-75(H)” by this By-law, the following shall apply:

- | | | | |
|-----|--------------------|-------|---|
| (a) | Yard Encroachments | (i) | Balconies, canopies, and decks, including a cold cellar underneath same, may project into any required front yard not more than 1.5 metres except unenclosed porches and associated stairs may project into any required front yard not more than 2.0 metres. |
| | | (ii) | Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4.0 metres. Partially enclosed stairs may project into any required rear yard not more than 5.0 metres. |
| | | (iii) | Balconies and decks may project into a privacy area of a townhouse development not more than 4.5 metres. |
| | | (iv) | Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard. |

Notwithstanding paragraphs (a), (c), (e), (g), (i), (j), (k), (m) 2., and (m) 4. of Section 6.10.3, on those lands zoned “RM3-75(H)” by this by-law, the following shall apply:

- | | | | |
|-----|--------------------|---|---------------------|
| (a) | Minimum Lot Area | – | 3,060 square metres |
| (b) | Minimum Front Yard | – | 3.1 metres |

- (c) Minimum Side Yard for Apartment Buildings
- | | | |
|----------|---|---|
| Westerly | – | 3.1 metres, except 9.5 metres for any portion of a building exceeding 5.5 metres in height. |
| Easterly | – | 2.8 metres, except 9.5 metres for any portion of a building exceeding 5.5 metres in height. |
- (d) Minimum Rear Yard for Apartment Buildings – 8.1 metres
- (e) Maximum Density – 164 units per hectare
- (f) Maximum Building Height – 13.3 metres
- (g) Maximum Lot Coverage – 42 percent
- (h) Minimum Landscaped Open Space
1. Not less than 40 percent of the lot area for apartments shall be landscaped.
 2. A landscaped strip having a minimum width of 3.1 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for unclosed porches, stairs, sidewalks/walkways, and points of ingress and egress.

Notwithstanding paragraphs (a) 2., (a) 3., and (a) 4. of Section 6.10.5, on those lands zoned “RM3-75(H)” by this by-law, the following shall apply:

- (a) Minimum Number of Parking Spaces – 1.3 parking spaces for each dwelling unit.

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “RM3-75(H)” by this By-law, the Holding ‘(H)’ symbol may be removed and thereby give effect to the “RM3-75” Zone provisions, upon completion of the following:

- (a) That the Owner confirms that the construction of the municipal sanitary sewer along Dewitt Road has been completed and is fully operational to provide sewer capacity for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

- (b) That the Owner has paid a proportionate share of the costs associated with the municipal sanitary sewer construction along Dewitt Road, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
3. 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 Multiple Residential "RM3-75(H)" Zone, Modified, Holding, subject to the special requirements referred to in Section No. 2 of this By-law.
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 11th day of December, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-21-011

Not Final and Binding



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. 3692-92

Subject Property

582 & 584 Highway No. 8

 Block 1 - Change in zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-75(H)" Zone, Modified, Holding

 Block 2 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-75(H)" Zone, Modified, Holding

Scale:
 N.T.S

File Name/Number:
 ZAC-21-011 & UHOPA-21-006

Date:
 February 15, 2024

Planner/Technician:
 MM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT