

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**17-240-LPAT-02**  
**Attachment 1**

**ISSUE DATE:** January 24, 2020

**CASE NO.:**

PL180355

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*,  
R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	MM Green Developments (Stoney Creek) Inc.
Subject:	Application to amend Zoning By-law No. 3692-92 – Refusal or neglect of City of Hamilton to make a decision
Existing Zoning:	"CA1-1" Central Area Commercial
Proposed Zoning:	"CA1-XX" Site Specific (to be determined)
Purpose:	To permit the development of an 8-storey Mixed Use building with commercial uses at grade
Property Address/Description:	16 and 18 King Street West
Municipality:	City of Hamilton
Municipal File No.:	ZAC-17-044
OMB Case No.:	PL180355
OMB File No.:	PL180355
OMB Case Name:	MM Green Developments (Stoney Creek) Inc. v. Hamilton (City)

BEFORE:

M.A. SILLS	)	Friday, the 24 <sup>th</sup>
VICE-CHAIR	)	
	)	day of January, 2020

**THIS MATTER** having come on for a public hearing and the Tribunal in its Decision issued on August 27, 2019 (the "Decision"), allowed the Appellant 60 days to consider amending the proposal to accord with the findings of the Tribunal Decision and for the parties to reach an agreement on a final draft of a ZBA for the Tribunal's approval.

**AND THE TRIBUNAL** having approved an extension until November 26, 2019 to file a revised proposal and a final draft of a ZBA at the request of the City of Hamilton

**AND THE TRIBUNAL** having received a revised proposal and a final draft of a ZBA from the Appellant's representative on consent from the City of Hamilton on November 20, 2019

**THE TRIBUNAL ORDERS** that appeal is approved, the revised proposal has been entered as an exhibit and the revised Zoning By-Law Amendment is attached to this Order as Attachment "1".

"Evelyn Dawes"

DEPUTY REGISTRAR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario – Environment and Land

Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**ATTACHMENT "1"**  
**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-Law No. 05-200 Respecting  
Lands at 16 & 18 King Street West, Stoney Creek, in the City of Hamilton**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chap.14;

**WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

**WHEREAS** the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

**WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan.

**WHEREAS** this By-law implements the Local Planning Appeal Tribunal Decision dated August 27, 2019 (PL180355);

**NOW THEREFORE** the Local Planning Appeals Tribunal enacts as follows:

1. That the lands be removed from Zoning By-law 3692-92, the extent and boundaries of which are shown as Block 1 on a plan hereto annexed as Schedule "A" to the By-law
2. That Map No. \_\_\_\_\_ of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by adding the Mixed Use Medium Density – Pedestrian Focus (C5a, \_\_\_\_\_) Zone, to the lands identified in the Location Map attached as Schedule "A" to this By-law.
3. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is amended by adding the following new Special Exception:
  - " . Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, \_\_\_\_\_) Zone, identified on Map No. \_\_\_\_\_ of Schedule "A" - Zoning Maps and described as 16 & 18 King Street West, the following special provisions shall apply:
    - a) Notwithstanding Sections 4.6 e); 5.2 b); 5.2 f); 5.2 h); 5.2.1 c); 10.5a.3. b); 10.5a.3. c); 10.5a.3. d), 10.5a.3. h) x); 10.5a.3. i); and 10.5a.3. j) the following special provisions shall also apply:

i)	Minimum Setback to a Street Line	i)	0.0 metres for any portion of a building equal to or less than 20.25 metres in height.
		ii)	2.0 metres for any portion of a building greater than 20.25 metres in height.
	Minimum Rear Yard	i)	16.0 metres;
		ii)	Notwithstanding i) above, 0.7 metres to a retaining or structural wall for a parking garage shall be permitted.
	Minimum Side Yard	i)	0.0 metres for any portion of a building equal to or less than 11.40 metres in height.
		ii)	2.3 metres for any portion of a building greater than 11.40 metres in height along the easterly lot line.
		iii)	4.3 metres for any portion of a building greater than 11.40 metres in height along the westerly lot line.
	Building Height	Maximum 27.0 metres.	
	First Storey Height	The first storey shall have a minimum height of 3.6 metres and a maximum height of 5.15 metres.	
	Planting Strip	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 0.7 metre wide Planting Strip shall be provided and maintained.	

	Visual Barrier	A visual barrier shall not be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
	Balcony Projections	A balcony may encroach into any required Front Yard or Rear Yard to a maximum of 1.6 metres.
	Parking Stall Sizes	Required parking spaces for 90 degree perpendicular parking shall have a minimum rectangular dimension of 2.6 metres by 5.5 metres exclusive of any lands used for access, maneuvering, driveways or a similar purpose.
	Barrier Free Parking Stall Size	4.4 metres in width by 5.5 metres in length.
	Planting Strip	That subsection 5.2 h) shall not apply to parking areas located within an underground parking structure.
	Location of Loading Facilities	Shall be permitted within the required rear yard abutting a Residential Zone.

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 Mixed Use Medium Density – Pedestrian Focus (C5a, XXX) Zone, subject to the special requirements referred to in Section 2.
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 \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
 F. Eisenberger  
 Mayor

\_\_\_\_\_  
 Andrea Holland  
 City Clerk


**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 16 & 18 King Street West (Stoney Creek)**



This is Schedule "A" to By-law No. 19-  
Passed the ..... day of ....., 2019

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Mayor  
-----  
Clerk

**Schedule "A"**  
  
Map Forming Part of  
By-law No. 19-\_\_\_\_\_  
  
to Amend By-law No. 05-200  
Map 1248

**Subject Property**  
16 - 18 King Street West  
 Lands to be added to Zoning By-law 05-200 as Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone


Scale: N.T.S.	File Name/Number: ZAC-17-044
Date: November 6, 2019	Planner/Technician: SM/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



To Amend Zoning By-law No. 05-200  
 Respecting Lands Located at 16 & 18 King Street West (Stoney Creek)



<p>This is Schedule 'A' to By-law No.19-XXX                  Passed the ..... day of ..... 2019</p>	<p>_____                  Mayor</p> <p>_____                  Clerk</p>
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<p><b>Schedule 'A'</b>                  Map Forming Part of                  By-law No. 19 _____                  to Amend By-law No. 05-200</p>	<p><b>Subject Property</b>                  16 &amp; 18 King Street West</p> <p> <b>Block 1</b> - Lands to be removed from Zoning By-law No. 3692-92 and changed to "C5a-XX" (Mixed Use Medium Density - Pedestrian Focus) Zone, Modified in Zoning By-law 05-200.</p>
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PL180355