

**Authority:** Item 6, Planning Committee  
Report: 15-014 (PED15141)  
CM: September 23, 2015

**Bill No. 219**

## **CITY OF HAMILTON**

### **BY-LAW NO. 15-219**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 1290 South Service Road**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 15-014 of the Planning Committee, at its meeting held on the 23<sup>rd</sup> day of September, 2015, which 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 Urban Hamilton Official Plan.

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

1. That Map No. 9 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing from the Agricultural Specialty "AS" Zone to the Community Shopping Centre "SC2-8(H)" Zone, Modified – Holding, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 8.3.8, "Special Exemptions" of Section 8.10, Community Shopping Centre "SC2" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption, "SC2-8(H)", as follows:

**"SC2-8(H)" 1290 South Service Road, Schedule "A" Map No. 9**

- (i) Notwithstanding the definition of "Lot" of Section 2 "Definitions" and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre "SC2-8(H)" by this By-law shall be considered one lot.
- (ii) Notwithstanding the definition of "Lot Line – Front" of Section 2 "Definitions" the following definitions shall apply:

**"Lot Line – Front"**

The southerly portion of the lot line along Vince Mazza Way having a dimension of 125.840m shall be deemed to be the front lot line.

- (iii) Notwithstanding the definition of "Commercial Recreation" of Section 2 "Definitions" the following definition shall apply:

**"Commercial Recreation"**

When used to describe a use, building, structure or activity, means a use, building or part there, structure or activity pertaining to operations for gain for the purposes of squash, tennis, racquet or handball courts, bowling alleys, gymnasiums, private clubs, banquet halls, physical fitness centre, arenas, yoga studios, martial arts clubs, or similar facilities where instruction is received, but does not include a flea market.

- (iv) Notwithstanding the definition of "Auditorium" of Section 2 "Definitions" the following definition shall apply:

**"Auditorium"**

Means a building or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, and includes an assembly hall, arena, cinema, theatre, playhouse, opera house, concert hall, public museum, exhibition hall, convention centre or community social centre, but does not include an amusement centre, commercial recreation centre, stadium or drive-in theatre as defined herein, or any retail store or restaurant unless such retail store, restaurant and amusement centre is an accessory use.

- (v) Notwithstanding the definition of “Floor Area – Gross Leasable” of Section 2 “Definitions” the following definition shall apply:

“Floor Area – Gross Leasable”

For a commercial or industrial use means the total floor area of all the storeys of all buildings or structures used for commercial or industrial purposes on a lot; such areas to be measured from the interior faces of the exterior walls, or from centre lines of party walls but excluding the area of any floor area used for the following purposes:

- (a) Parking of motor vehicles;
- (b) Storage rooms in basements or cellars;
- (c) Mechanical equipment rooms for serving and maintaining the building;
- (d) Elevator shafts and areas occupied by escalators; and,
- (e) Common walkways, hallways, enclosed malls and services areas.

- (vi) In addition to the definition of “Landscape Strip” and/or “Landscape Open Space” within Section 2 “Definitions”, hydro vaults, flag poles, signs and/or other similar utility and/or landmark structures shall be permitted within a Landscape Strip and/or Landscape Open Space.

- (vii) Notwithstanding the provisions of Section 8.10.2 "Permitted Uses for Each Lot" of Zoning By-law No. 3692-92, on those lands zoned "SC2-8(H)" by this By-law, the following uses shall be prohibited:

- Amusement Centres, unless it is accessory to an Auditorium;
- Art Galleries;
- Places of Recreation or Entertainment;
- A single use over 10,000m<sup>2</sup>; and,
- Garden Nursery Centre, unless it is accessory to a retail and/or department store, subject to the provisions (ix)(p) below.

- (viii) In addition to the “Permitted Uses for Each Lot” of Section 8.10.2 of Zoning By-law No. 3692-92, the following uses shall also be permitted:

- Personal Service Shop;
- Commercial Recreation;
- Animal Hospital or Shelter; and,
- Veterinary Facility.

- (ix) Notwithstanding the provisions of Paragraphs (a), (b), (d), (f), (g), and (j) of Section 8.10.3 "Zone Regulations"; Section 4.9.2 “Schedule of Required Loading Spaces”; Paragraph (a) of Section 4.10.3 "Dimensions of Parking Spaces"; Paragraph (a) of Section 4.10.4 “Requirements for Parking Designated for Vehicles of Physically Challenged”; and, Section 4.10.9

"Schedule of Minimum Parking Requirements of Zoning By-law No. 3692-92, on those lands zoned "SC2-8(H)" by this By-law, the following shall apply:

- |                                       |   |   |
|---------------------------------------|---|---|
| (a) Minimum Lot Area                  | - | 3.4 hectares                                |
| (b) Minimum Lot Frontage              | - | 125 metres                                  |
| (d) Minimum Gross Leasable Floor Area | - | 7,500 square metres<br>for the entire site. |
| (f) Minimum Front Yard                | - | 5.0 metres                                  |
| (g) Minimum Rear Yard                 | - | 14.0 metres                                 |
| (j) Minimum Landscape Open Space      | - |   |

10 percent of lot area, a portion which shall include a landscape strip having a minimum width of 4.4 metres shall be provided adjacent to any public street, including at the hypotenuse of a daylight triangle, except for the lot line abutting the South Service Road, where a landscape strip having a minimum width of 7.4m shall be provided, excluding the points of ingress and egress.

(l) Minimum Parking Requirements

1. Parking for a shopping centre shall be at a ratio of 1 parking space for each 21 square metres of gross floor area or part thereof.
2. Parking spaces shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres and parking designated for vehicles of physically challenged shall have a minimum rectangular dimension of 4.4 metres by 5.5 metres, exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.
3. Required parking shall not be located between a building façade and the respective street. In no case shall required parking be closer than 4.6 metres from a street.

(m) Minimum Loading Requirements

Notwithstanding the provisions of Section 4.9.2, the following loading space regulations shall apply for commercial buildings:

- |   |                             |
|---|-----------------------------|
| 1,200m <sup>2</sup> – 1,999m <sup>2</sup> : | Minimum of 1 loading space  |
| 2,000m <sup>2</sup> – 7,999m <sup>2</sup> : | Minimum of 2 loading spaces |
| 8,000m <sup>2</sup> and greater:            | Minimum of 4 loading spaces |

- (x) In addition to provisions of Section 8.10.3 "Zone Regulations" on those lands zoned "SC2-8(H)" by this By-law, the following shall apply:
- (n) Minimum Side Yard - 4.4 metres
  - (o) Medical Offices or Clinics and/or Professional or Business Offices on the same lot shall not exceed 2,000m<sup>2</sup> of Gross Floor Area.
  - (p) Accessory Garden Nursery Centres shall be subject to the following:
    - (i) The garden nursery centre shall not exceed a maximum period of 120 day annually, and,
    - (ii) Not more than 10% of the total number of parking spaces provided on the lands shall be used for a garden nursery centre.
  - (q) Built Form - the minimum width of all ground floor façades facing the following roadways, shall be equal to or exceed the following percentages for the entire site, except at the daylight triangles:

Winona Road	-	65%
Vince Mazza Way (Side Lot Line)	-	50%
Vince Mazza Way (Front Lot Line)	-	40%
South Service Road	-	35%
- (xi) The "H" symbol may be removed at such time as the following has been satisfied:
- a) That the owner / applicant enters into an appropriate development agreement with the City to extend the sanitary sewer and watermain, and to complete any road or traffic improvements on the adjacent streets or to pay his/her fair share of the works in case those works have been completed by others, all to the satisfaction of the Senior Director of Growth Management.
  - b) That the owner / applicant demonstrates that an appropriate treatment train approach can be implemented on site using LIDs to satisfy the level 2 quality control requirements, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.
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 Community Shopping Centre "SC2" Zone provisions, 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 23<sup>rd</sup> day of September, 2015.

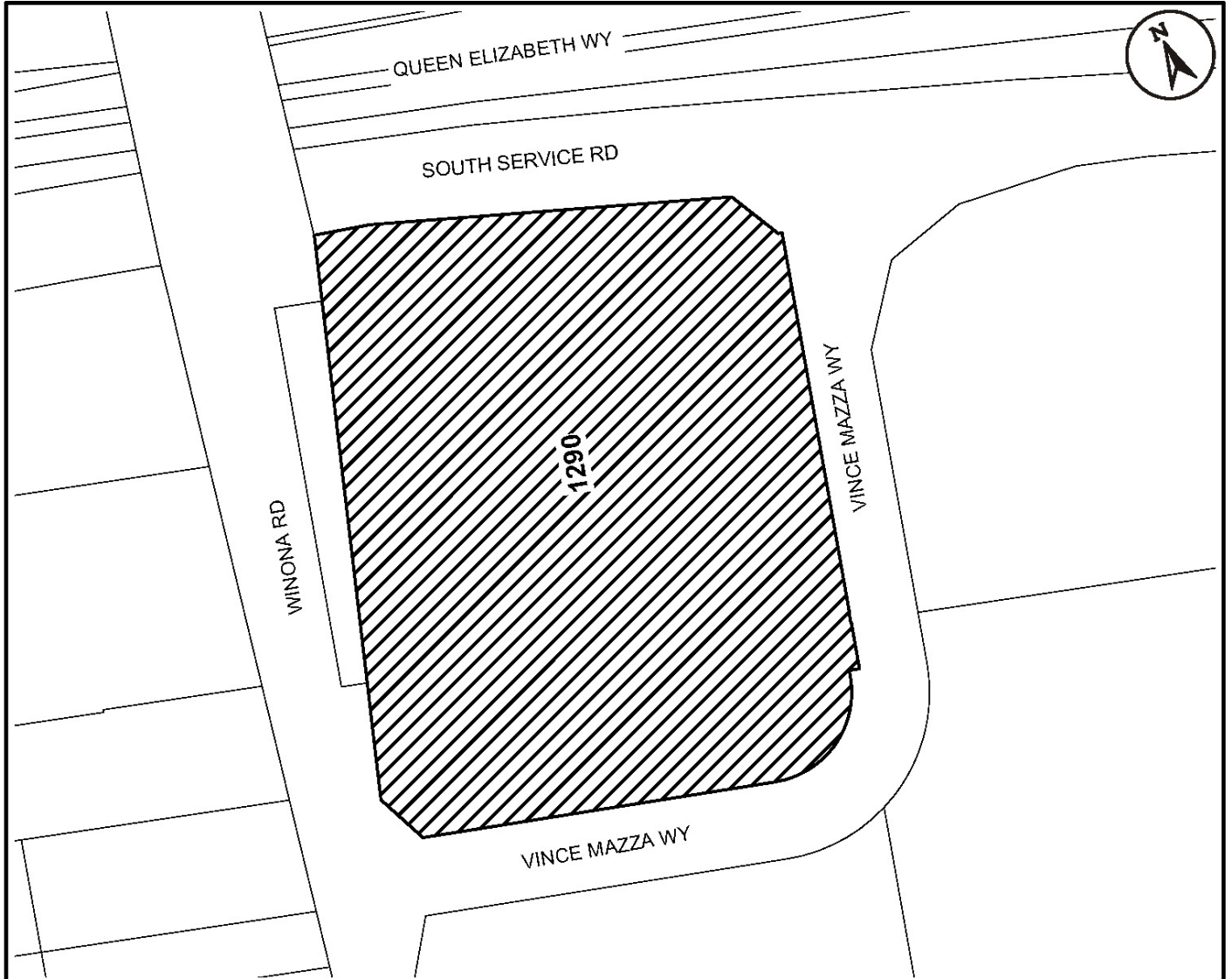
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Judi Partridge  
Deputy Mayor

ZAC-14-040

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Rose Caterini  
City Clerk



<p>This is Schedule "A" to By-law No. 15-</p> <p>Passed the ..... day of ....., 2015</p>	<p>-----                  Mayor</p> <p>-----                  Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of                  By-law No. 15-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 464</p>	<p><b>Subject Property</b></p> <p>1290 South Service Road</p> <div style="display: flex; align-items: flex-start; margin-top: 10px;"> <div style="width: 20px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> <p style="font-size: small; margin: 0;">Change in Zoning from the Agricultural Specialty "AS" Zone to Community Shopping Centre "SC2-8(H)" Zone, Modified - Holding.</p> </div>
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<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-14-040</p>	 <b>Hamilton</b>
<p><b>Date:</b> July 14, 2015</p>	<p><b>Planner/Technician:</b> AC/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		