

Authority: Item 25, Economic Development and
Planning Committee
Report 09-015(PED09157)
CM: July 9, 2009

Bill No. 184

CITY OF HAMILTON

BY-LAW NO. 09-184

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 1310 South Service Road, 400 Winona Road and
395 Fifty Road**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 25 of Report 09-015 of the Economic Development and Planning Committee at its meeting held on the 9th day of July, 2009, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, upon approval of Official Plan Amendment No. 150;

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 the zoning from:

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands
located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road**

Page 2 of 5

- (a) The Agricultural Specialty "AS" Zone to the Community Shopping Centre (Holding) "SC2-4(H)" Zone, on those lands comprised of Block 1; and,
- (b) The Highway Commercial "HC" Zone to the Community Shopping Centre (Holding) "SC2-4(H)" Zone, on those lands comprised of Block 2,

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

- 2. That Subsection 8.10.6, "Special Exemptions" of Section 8.10, Community Shopping Centre "SC2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "SC2-4(H)", as follows:

"SC2-4(H) 1310 South Service Road, 400 Winona Road and 395 Fifty Road, Schedule "A", Map No. 9

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre "SC2-4(H)" by this By-law shall be considered as one lot.

In addition to the uses permitted in Subsection 8.10.2 of the Community Shopping Centre "SC2" Zone, a public transit terminal shall also be permitted on those lands zoned "SC2-4(H)" by this By-law.

Notwithstanding the provisions of Paragraphs (b), (e), (f) and (l) of Section 8.10.3 of the Community Shopping Centre "SC2" Zone, on those lands zoned "SC2-4(H)" by this By-law, the following special provisions shall apply:

- (b) Minimum Lot Frontage - 45 metres
- (e) Maximum Gross Leasable Floor Area (Retail)
 - (i) Total - 41,200 square metres
 - (ii) One Department Store 17,000 square metres provided that the area for the sale and display of food does not exceed 4,180 square metres

Maximum Gross Leasable Floor Area (Professional or Business Offices)

- (i) Total - 10,000 square metres

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road

Page 3 of 5

- (ii) Free-Standing Office Building - 2,000 square metres
- (f) Minimum Front Yard - 5 metres
- (l) Minimum Parking Requirements - 1 space per 20 square metres of gross floor area

In addition to the provisions of Section 8.10.3, on those lands zoned "SC2-4(H)" by this By-law, the minimum setback from the South Service Road shall be 14 metres for all permanent buildings and structures both above and below ground, utilities, frontage roads/fire routes, required parking spaces, storm water management facilities, including ponds and associated berms, and noise walls.

All other regulations of Section 8.10.3 shall apply.

On those lands zoned "SC2-4(H)" by this By-law, the "(H)" symbol may be removed by a further amendment to this By-law at such time as:

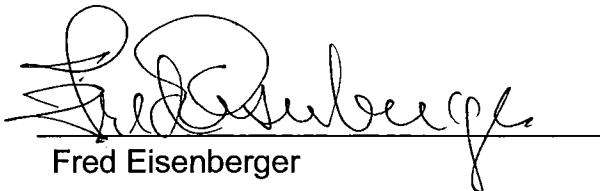
- (a) Submission and approval of Urban Design Guidelines, to the satisfaction of the Director of Planning;
- (b) Completion of the Stoney Creek Transit Hub Feasibility Study, to the satisfaction of the Director of Strategic and Environmental Planning;
- (c) Completion and implementation of a stormwater management study detailing requirements for quality and quantity control in accordance with the SCUBE Subwatershed Study and Parcel A and B Master Drainage Plan, to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning, and the Ontario Ministry of Transportation;
- (d) Approval and implementation of the Traffic Impact Study submitted by Delcan, dated April 2009, by the Manager of Traffic Engineering and Operations, Public Works Department, and the Ontario Ministry of Transportation;

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road

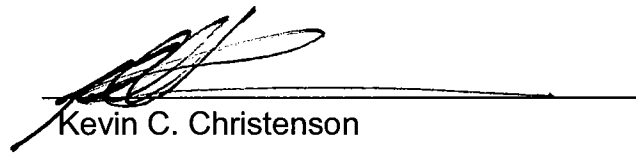
Page 4 of 5

- (e) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee;
 - (f) That Sustainability Design Elements/Guidelines be prepared, submitted, and agreements implemented, to the satisfaction of Director of Planning; and,
 - (g) That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation and resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
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 provisions 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 and ENACTED this 13th day of August, 2009.



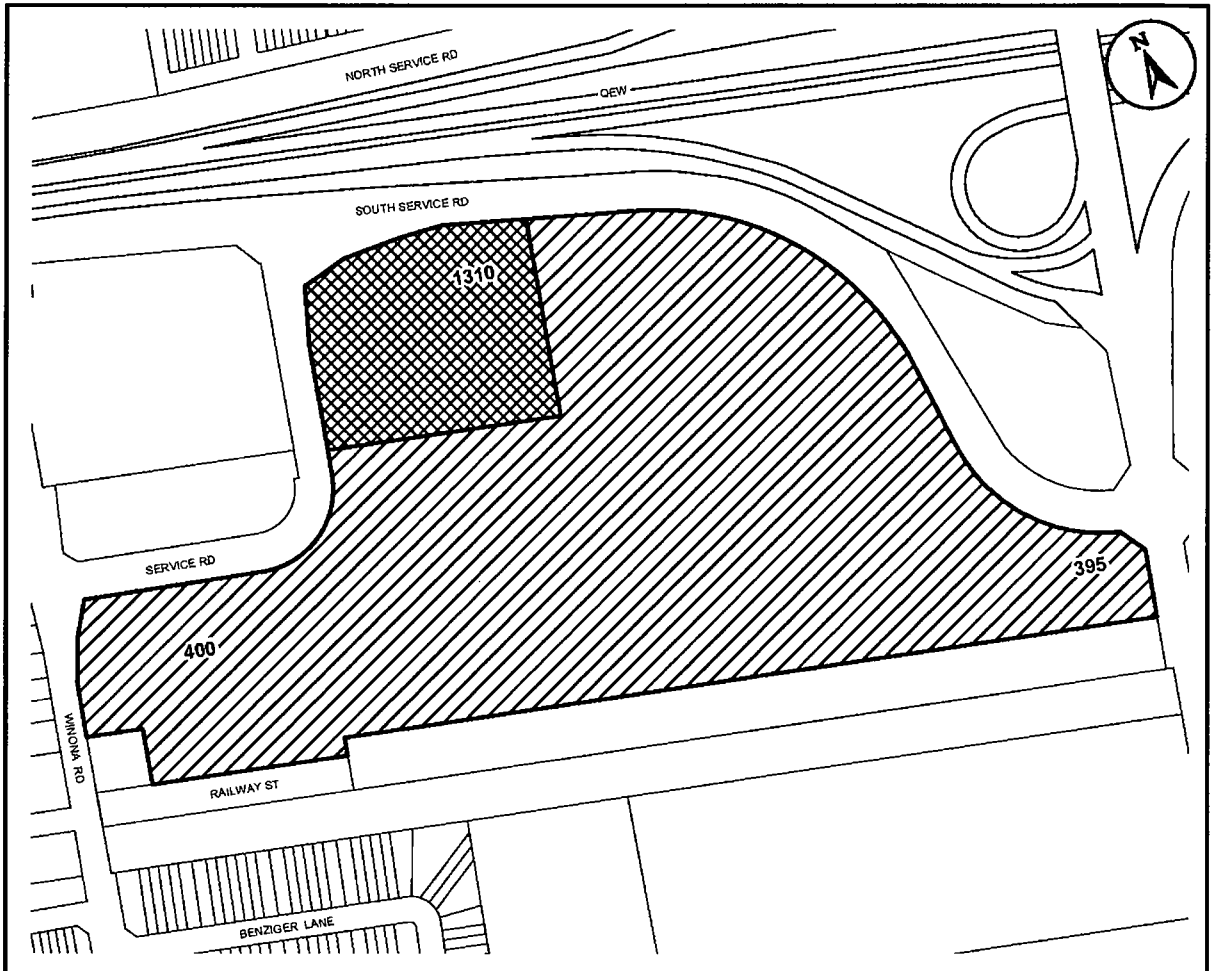
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-05-111

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road





This is Schedule "A" to By-Law No. 09-184
 Passed the 13th day of August, 2009


[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. 09-184
 to Amend By-law No. 3692-92

Subject Property
 400 Winona Rd, 1310 South Service Rd and 395 Fifty Rd

 **Block 1** - Change in Zoning from the Agricultural Specialty "AS" Zone to the Community Shopping Centre (Holding) "SC2-4(H)" Zone.

 **Block 2** - Change in Zoning from the Highway Commercial "HC" Zone to the Community Shopping Centre (Holding) "SC2-4(H)" Zone.

Scale: N.T.S.	File Name/Number: ROPA-05-04, OPA-05-20 & ZAC-05-111	 Hamilton
Date: May 6, 2009	Planner/Technician: PD/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		