

Authority: Item 20 Planning Committee
Report 13-012 (PED09220)
(PED13131)
CM: August 16, 2013
Bill No. 224

CITY OF HAMILTON

BY-LAW NO. 13-224

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 512 Highland Road West (Stoney Creek)

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 11 of Report 13-012 of the Planning Committee, at its meeting held on the 16th day of August, 2013, 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) upon the approval of Official Plan Amendment No. 152.

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

1. That Map No. 15 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development "ND" Zone to the Community Shopping Centre (Holding) "SC2-7(H1) (H2) (H3) (H4)" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Sub-section 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, "SC2-7(H1) (H2) (H3) (H4)" Zone, as follows:

"SC2-7(H1) (H2) (H3) (H4)" 512 Highland Road West, Schedule "A", Map No. 15

Notwithstanding the definition of a "Lot" within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre "SC2-7(H1) (H2) (H3) (H4)" for the purposes of this By-law shall be considered as one lot.

For the purposes of this By-law, where lands have been comprehensively planned and are subject to an approved Site Plan and a Development Agreement, pursuant to Section 41 of the Planning Act, any zoning deficiencies resulting from the phased development of the subject lands shall be deemed to conform to the regulations of the By-law, provided that all applicable regulations of the By-law relative to the whole lot and its external lot lines are complied with.

In addition to the uses permitted in Sub-section 8.10.2 of the Community Shopping Centre "SC2" Zone, the following uses shall also be permitted:

- (a) Personal Service Shops.
- (b) Retail Stores, including one Supermarket.
- (c) Pharmacies.
- (d) Fitness Centres.

For the purposes of this By-law a "Fitness Centre" shall be defined as: a commercial establishment which houses exercise equipment for the purpose of physical exercise, personal well-being, and health.

Notwithstanding the provisions of Paragraphs (d), (e), (f), (j) (l), and (m) of Sub-section 8.10.3 of the Community Shopping Centre "SC2" Zone, on those lands zoned "SC2-7(H1) (H2) (H3) (H4)" by this By-law, the following shall apply:

- (d) Total Minimum Gross Leasable Floor Area: 2,000 sq. m.
- (e) Total Maximum Gross Leasable Floor Area: 19,500 sq. m.
 - Maximum Gross Leasable Floor Area for one Supermarket: 4,000 sq. m.
 - Maximum Gross Leasable Floor Area for one Retail Department Store shall not be permitted prior to the year 2018: 6,000 sq. m.
- (f) Minimum Yard Abutting the Westerly Lot Line along the Trinity Church Road Extension: 11m
 - Minimum Yard Abutting the Northerly Lot Line along Stone Church Road East: 6m
 - Minimum Yard Abutting the Easterly Lot Line along Upper Mount Albion Road: 6m
 - Minimum Yard Abutting the Southerly Lot Line along Highland Road West: 6m
- (j) Minimum Landscaped Area:
 - 1. A landscaped strip, having a minimum width of 3m, shall be provided and maintained adjacent to any public street, except for points of ingress and egress.
 - 2. A landscaped strip, having a minimum width of 6m, shall be provided and maintained along the westerly lot line (future Trinity Church Road Extension).
 - 3. An outdoor patio may be permitted to encroach into the required front yard and landscape strip.

Notwithstanding the Parking Regulations in Section 4.10.3 (a), Dimensions of Parking Spaces, no parking space shall be less than 2.6m in width x 5.5m in length, unless otherwise provided for in this By-law.

Notwithstanding the Parking Regulations in Section 4.10.9, Schedule of Minimum Parking Requirements, the minimum parking spaces required shall be 4 spaces per 93 sq. m. of gross floor area.

Notwithstanding the Loading Regulations in Section 4.9.2, Schedule of Required Loading Spaces, no loading space shall be required for commercial buildings having a gross floor area between 1,000 sq. m. to 1,999 sq. m.

In addition to the regulations of Sub-section 8.10.3, the following shall also apply:

The minimum combined width of the ground floor façade of all buildings located within 20m of the Upper Mount Albion Road lot line shall be equal to 40% or more of the measurement of the front lot line, and shall be subject to the following:

- A. A maximum building set back of 6.0m shall apply;
- B. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk; and,
- C. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between a building façade and the public street.

The (H1) symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:

1. That the owner complete water distribution upgrades to District 7 Pump Station, and provides adequate water supply to the subject lands, to the satisfaction of the Senior Director of Growth Management.

The (H2) symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:

1. That the owner agrees, in writing, to pay its proportionate share towards the existing stormwater management facility located on the north side of Stone Church Road East and services installed on Stone Church Road East, including road urbanization, to satisfy the best efforts obligation, as outlined in the Heritage Green Subdivision Agreement, to the satisfaction of the Senior Director of Growth Management.

2. That the owner agrees, in writing, to:
 - i. urbanize Upper Mount Albion Road from Stone Church Road East, including sanitary sewers, as required, from a midblock entrance to Stone Church Road East, to the satisfaction of the Senior Director of Growth Management, and the Director of Engineering Services, Public Works Department;
 - ii. construct sidewalk from required street lighting on Stone Church Road East and Upper Mount Albion Road from the future Trinity Church Arterial Road to a midblock entrance on Upper Mount Albion Road; and,
 - iii. construct a temporary sidewalk from a midblock entrance to Highland Road West;

all to the satisfaction of the Director of Engineering Services, Public Works Department.
3. That the owner agrees, in writing, to implement recommendations from an approved, revised TIS for the proposed use, which identifies the current road network conditions, identified restrictions to access on Stone Church Road East, and the impacts and mitigations required for the road and pedestrian network, to the satisfaction of the Director of Engineering Services, Public Works Department.

The (H3) symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following conditions have been satisfied:

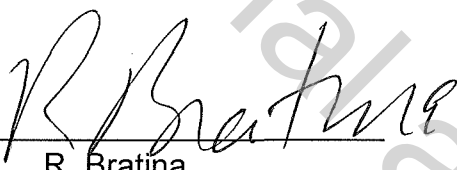
1. That the owner agrees, in writing, to implement recommendations from an approved Traffic Impact Study (TIS), prepared by Paradigm Transportation Solutions Ltd., which shall be revised as phasing of the development proceeds, to the satisfaction of the Director of Engineering Services, Public Works Department.

The (H4) symbol may be removed for the remainder of the lands by further amendment to this By-law at such time as the following conditions have been satisfied:

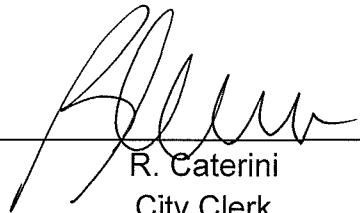
1. That the trunk sanitary and storm sewer outlets at Highland Road West and Upper Mount Albion Road are available, to the satisfaction of the Senior Director of Growth Management.

2. That the owner agrees, in writing, to urbanize (sidewalk, streetlights, and sanitary sewers) for Highland Road West, from Upper Mount Albion to the Trinity Church Arterial Road and Upper Mount Albion Road from a midblock driveway to Highland Road West, to the satisfaction of the Senior Director of Growth Management.
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 11th day of September, 2013.



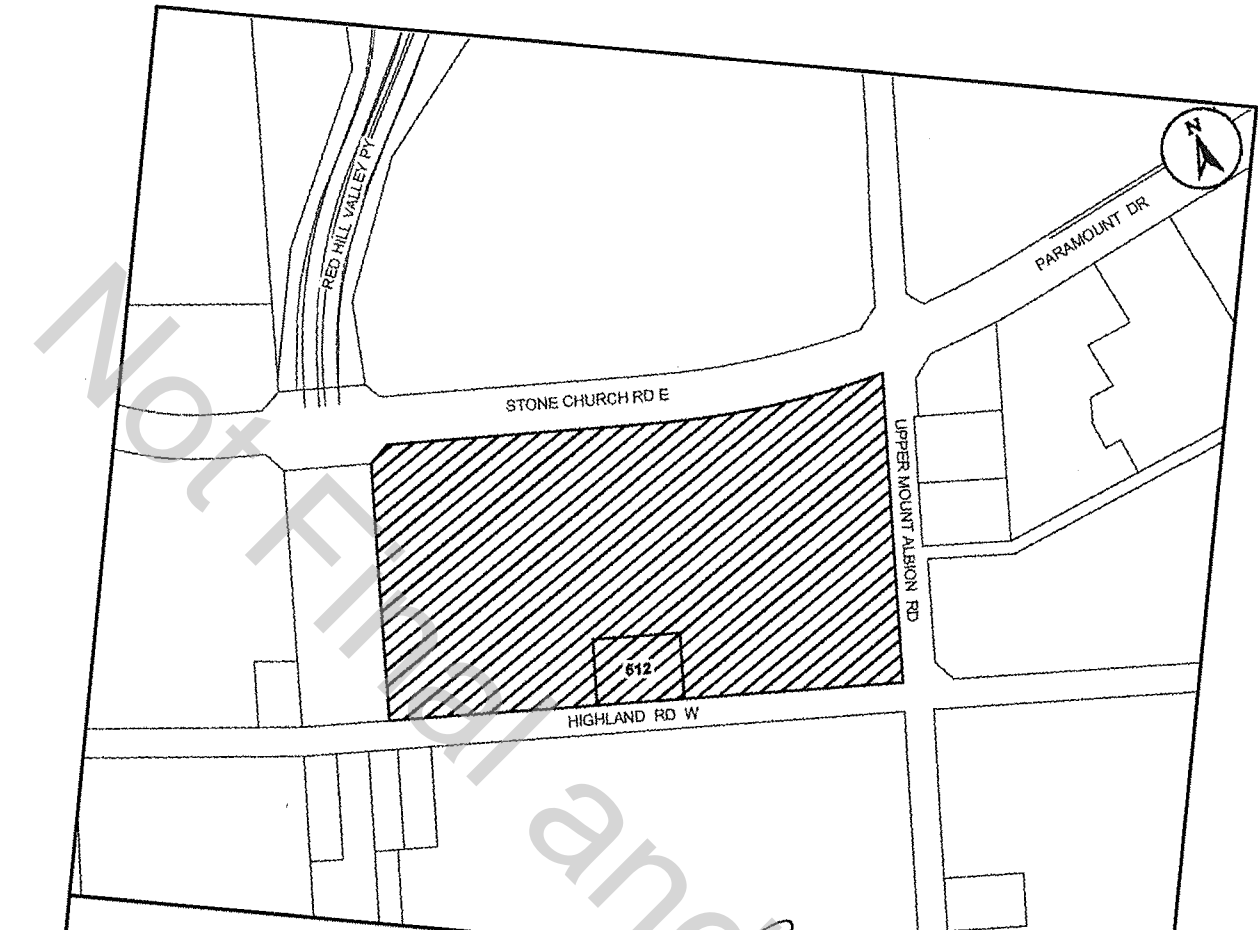
R. Bratina
Mayor



R. Caterini
City Clerk

ZAC-12-112(R)
OPA-07-036(R)

Final and Binding




This is Schedule "A" to By-law No. 13-224
 Passed the 11th day of September, 2013

[Signature]
 Mayor
[Signature]
 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 13- 224
 to Amend By-law No. 3692-92

Subject Property
 512 Highland Road West

 Change in Zoning from the Neighbourhood Development "ND" Zone to the Community Shopping Centre (Holding) "SC2-7(H1)(H2)(H3)(H4)" Zone, with Special Exception

Scale: N.T.S.	File Name/Number: ZAC-07-112(R) & OPA-07-036(R)	
Date: July 15, 2013	Planner/Technician: JMVAL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		