

Authority: Item 8, Planning Committee
Report 21-019 (PED21223)
CM: December 15, 2021
Ward: 10

Bill No. 240

CITY OF HAMILTON

BY-LAW NO. 21-240

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek

WHEREAS Council approved Item 8 of Report 21-019 of the Planning Committee, at the meeting held on the 15th day of December, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 158.

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

1. That Map Nos. 1258 and 1259 of Schedule “A” – Zoning Maps and boundaries of which are shown on Schedule “A” are amended by:
 - a) Adding the Mixed Use Medium Density (C5, 562) Zone to lands described as Block 1; and,
 - b) Changing the zoning from the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone to lands described as Block 2.
2. That Schedule “C” – Special Exceptions is amended by deleting Special Exception 562 and replacing with the following new section:

“562. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1258 and 1259 of Schedule “A” – Zoning Maps and described as 1290 South Service Road and 5 and 23 Vince Mazza Way, the following special provisions shall apply:

 - a) In addition to Section 5.2 e) and notwithstanding Sections 5.2 f) and h), 5.5 a), 5.6 c), and 5.7 c) and d), the following regulations shall apply:

- | | | |
|------|---|--|
| i) | Surfaces of Parking Spaces and Parking Lots | May include exhaust and intake vents provided at grade. |
| ii) | Barrier Free Parking Space Sizes | Notwithstanding Section 5.2 b), barrier free parking spaces shall be a minimum of 2.8 metres in width and 5.8 metres in length, accompanied by a painted aisle of not less than 1.5 metres in width. |
| iii) | Landscaped Area(s) or Landscaped Parking Island(s) Within a Parking Lot | Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 7% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained. |
| iv) | Minimum Number of Barrier Free Parking Spaces | 11 spaces. |
| v) | Number of Parking Spaces for a Multiple Dwelling | a) Minimum 1.25 parking spaces per dwelling unit; and,
b) Maximum 1.5 parking spaces per dwelling unit. |
| vi) | Number of Parking Spaces for Commercial Uses | a) 0 where a commercial unit is less than 450.0 square metres in gross floor area per commercial unit; and,
b) 1 for each 17.0 square metres of any gross floor area between 450.0 square metres and 4,000.0 square metres per commercial unit. |
| vii) | Bicycle Parking Requirements | a) A minimum of 94 short-term bicycle parking spaces shall |

- be provided for all Multiple Dwellings; and,
b) For any Commercial unit less than 450.0 square metres no short-term bicycle parking space(s) shall be required.

- b) Notwithstanding Section 10.5.1 and in addition to Section 10.5.2, the following uses shall also be prohibited:

Commercial Entertainment;
Commercial Parking Facility;
Commercial Recreation;
Conference or Convention Centre;
Educational Establishment;
Emergency Shelter;
Funeral Home;
Hotel;
Laboratory;
Lodging House;
Motor Vehicle Gas Bar;
Motor Vehicle Service Station;
Motor Vehicle Washing Establishment;
Performing Arts Theatre;
Place of Assembly;
Place of Worship;
Residential Care Facility;
Retirement Home; and,
Transportation Depot.

- c) Notwithstanding Sections 10.5.3 a), b), d), and g) and in addition to Section 10.5.3 h), the following regulations shall apply:

- i) Building Setback from a Street Line
- From Vince Mazza Way:
- a) Minimum 0.9 metres and maximum 4.5 metres to a ground floor commercial use; and,
b) Minimum 3.0 metres and maximum 5.5 metres to a ground floor dwelling unit.

From Winona Road:

- a) Minimum 7.0 metres from a front façade;
 - b) Minimum 3.0 metres from an end façade; and,
 - c) No maximum.

From South Service Road:

 - a) Minimum 17.8 metres; and,
 - b) No maximum.

From a daylighting triangle or curve:

 - a) Minimum 0.6 metres.

- ii) Building Height
 - a) Minimum 5.0 metre façade height for any portion of a building along a street line located less than 3.0 metres from the street line;
 - b) Minimum 7.5 metre façade height for any portion of a building along a street line located at or more than 3.0 metres from the street line; and,
 - c) Maximum 16.0 metres.
- iii) Minimum Gross Floor Area for Retail and Service Commercial Uses
 - 1,900 square metres.
- v) Built form for New Development
 - In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:
 - a) Rooftop mechanical equipment shall be located

and/or screened from view of
any abutting street;

- b) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line;
- c) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street;
- d) In addition to Subsections a), b) and c) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street;
- e) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line;
- f) A minimum of one principal entrance to a building containing commercial uses shall be provided:
 - 1. Within the ground floor façade that is set back is closest to a street; and,
 - 2. Shall be accessible from the building façade with

direct access from the
public sidewalk.

g) A walkway shall be permitted
in a Planting Strip where
required by the By-law.

vi) Minimum Amenity Area
for Dwelling Units and
Multiple Dwellings In addition to the Minimum
Amenity Area requirements, any
balcony or rooftop amenity area
shall be less than 4.0 metres in
depth.

3. That Schedule “D” – Holding Provisions is amended by deleting Holding Provision H64.
4. 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*.
5. That notwithstanding Section 34(21) of the Planning Act, this By-law shall come into force upon the coming into force of By-law No. 17-240 for the subject lands through the resolution of its appeal in OLT File No. PL171450.

PASSED this 15th day of December, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-008





This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021

 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 21-_____
 to Amend By-law No. 05-200
 Maps 1258 & 1259

Subject Property
 1290 South Service Road and 5 & 23 Vince Mazza Way

-  Block 1 - Lands to be added to By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 562) Zone
-  Block 2 - Change in Zoning from the District Commercial (C6, 562, H64) Zone to the Mixed Use Medium Density (C5, 562) Zone

Scale: N.T.S.	File Name/Number: ZAC-21-008 & UHOPA-21-004	 Hamilton
Date: December 2, 2021	Planner/Technician: TV/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		