

Authority: Item 11, Planning & Economic
Development Committee
Report 06-007 (PED06137)
CM: May 2, 2006

Bill No. 164

CITY OF HAMILTON

BY-LAW NO. 06-164

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 06-007 of the Planning and Economic Development Committee at its meeting held on the 2nd day of May, 2006, 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 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, as amended by Official Plan Amendment No. 127 proposed by the City of Hamilton as By-law No. 06-162, but not yet approved in accordance with the provisions of the Planning Act;

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

1. Map No. 10 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 2 of 12)

- (a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre (Holding) “SC2-3(H)” Zone, the lands composed of Block “1”;
- (b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Neighbourhood Shopping Centre (Holding) “SC1-3(H)” Zone, the lands composed of Block “2”;
- (c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Mixed Use Commercial (Holding) “MUC-1(H)” Zone, the lands composed of Block “3”;
- (d) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-27(H)” Zone, the lands composed of Block “4”;
- (e) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM4-5(H)” Zone, the lands composed of Block “5”; and,
- (f) by changing the zoning from the Neighbourhood Development “ND” Zone to the Open Space “OS” Zone, the lands composed of Block “6”;

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 (Stoney Creek), be amended by adding a new special provision “SC2-3(H)” to include the following:

“SC2-3(H) Part of Lot 33, Concession 7, Schedule “A”, Map No. 10

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned “SC2-3(H)” by this By-law shall be considered as one lot.

Notwithstanding the uses permitted in Subsection 8.10.2 of the Community Shopping Centre “SC2” Zone, only the following uses shall be permitted:

- (a) Banks or Financial Institutions
- (b) Building Supply Outlet in an enclosed building
- (c) Personal Service Shops

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 3 of 12)

- (d) Professional or Business Offices
- (e) Restaurants - Convenience, Fast Food, Outdoor Patio and Standard
- (f) Retail Store, excluding a food store
- (g) Warehouse Membership Club
- (h) Wholesale and Retail Warehouse Facility
- (i) Uses, buildings or structures accessory to a permitted use

For the purposes of this By-law, a “Wholesale and Retail Warehouse Facility” shall mean a large scale building, with a minimum Gross Floor Area of 4,645 square metres, which distributes a broad range of goods or distributes high volumes of a specific type of merchandise and functions in a warehouse format where most goods are stored, displayed and offered for sale in one and the same area, but excludes department stores and supermarkets.

For the purposes of this By-law, a “Warehouse Membership Club” shall be defined as a building with a minimum Gross Floor Area of 4,645 square metres, occupied by a single user, where the principal use is the sale of food and non-food products which are generally stored, displayed and offered for sale in one and the same area in a warehouse format and where customers, whether retail or wholesale, are generally required to be members of the club, but excludes department stores and supermarkets.

Notwithstanding the provisions of paragraphs (c), (e), (f), (g), (h), (j) and (l) of Section 8.10.3 of the Community Shopping Centre “SC2” Zone, on those lands zoned “SC2-3(H)” by this By-law, the following shall apply:

- (c) Maximum Lot Coverage - 25 percent
- (e) Wholesale and Retail Warehouse Facility, Warehouse Membership Club, Building Supply Outlet in an enclosed building and Retail Establishments:
 - (i) Maximum Total Gross Floor Area - 28,335 square metres
 - (ii) Maximum Gross Floor Area for any individual store - 14,500 square metres
 - (iii) Minimum Gross Floor Area for any individual store - 1,860 square metres

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 4 of 12)

- (iv) Notwithstanding clause (i) above, for every square metre of office space built in excess of 2,272 square metres in the “SC1-3” Zone, an equal amount of retail space will be permitted to a maximum of 2,272 square metres.

- (f) Minimum Setback from south lot line - 6 metres

Minimum Setback from east lot line - 6 metres
(Wholesale and Retail Warehouse Facility,
Warehouse Membership Club, Building Supply
Outlet in an enclosed building)

Maximum Setback from east lot line - 2 metres
(All other uses)

- (g) Minimum Setback from north and west lot lines - 10 metres

- (h) Maximum Building Height - 12 metres

- (j) Minimum Landscaped Open Space – 15 percent of the lot area, a portion which shall include the following where appropriate:
 - 1. A landscaped strip having a minimum width of 6 metres shall be provided adjacent to any public street, except for points of ingress and egress, and between the street and any building along the east lot line; and a minimum width of 7.5 metres shall be provided adjacent to the north and west property lines.

- (l) Minimum Parking Requirements
 - 1. 4.5 spaces per 93 square metres.

 - 2. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6 metres from the east and south lot lines or closer than 7.5 metres from the north and west lot lines.

In addition to the provisions of Section 8.10.3, on those lands zoned “SC2-3(H)” by this By-law, the following shall apply:

- (n) The minimum built frontage along Upper Mount Albion Road shall not be less than 30% of the total distance of the street frontage within 210 metres of Paramount Drive.

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 5 of 12)

- (o) The maximum building depth for those buildings facing Upper Mount Albion Road, within 210 metres of Paramount Drive, shall be 25 metres.
- (p) Each use, other than an accessory use, shall be contained in a building having all of its customer access doors opening directly outdoors and shall not open onto another store or unenclosed corridor.

On those lands zoned "SC2-3(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled."

3. That Subsection 8.9.5, "Special Exemptions" of Section 8.9, Neighbourhood Shopping Centre "SC1" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "SC1-3(H)" to include the following:

"SC1-3(H) Part of Lot 32, Concession 7, Schedule "A", Map No. 10

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned "SC1-3(H)" by this By-law shall be considered as one lot.

Notwithstanding the uses permitted in Subsection 8.9.2 of the Neighbourhood Shopping Centre "SC1" Zone, only the following uses shall be permitted:

- (a) Art Galleries
- (b) Banks or Financial Institutions
- (c) Banquet Halls
- (d) Convenience Food Stores
- (e) Day Nurseries
- (f) Dry Cleaning or Laundering Establishments

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 6 of 12)

- (g) Libraries
- (h) Medical Clinics
- (i) Professional or Business Offices
- (j) Personal Service Shops
- (k) Places of Recreation or Entertainment
- (l) Private or Commercial Clubs
- (m) Private or Commercial Schools
- (n) Restaurants – Convenience, Fast Food and Outdoor Patio
- (o) Restaurant – Standard
- (p) Uses, buildings or structures accessory to a permitted use

Notwithstanding the permitted uses noted above, only (a), (b), (e), (f), (g), (h), (i), (j), (o) and (p) shall be permitted within 110 metres of the intersection of Paramount Drive and Winterberry Drive.

Notwithstanding the provisions of paragraphs (c), (d), (f), (g), (h) (l) and (m) 2. of Section 8.9.3 of the Neighbourhood Shopping Centre “SC1” Zone, on those lands zoned “SC1-3(H)” by this By-law, the following shall apply:

- (c) Maximum Lot Coverage - 25 percent
- (d) Minimum Gross Floor Area (Office) - 1,000 square metres
- (f) Maximum Front Yard (Upper Mount Albion Road) - 2 metres
- (g) Minimum Side Yard (Paramount Drive) - 6 metres
- Maximum Side Yard (Proposed Street) - 3 metres
- (h) Minimum Rear Yard (Winterberry Drive) - 6 metres
- (l) Minimum Landscaped Open Space – 15 percent of the lot area, a portion of which shall include the following where appropriate:
 - 1. A landscaped strip having a minimum width of 6 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and any building along Upper Mount Albion Road and the north limits of the “SC1-3(H)” Zone.

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 7 of 12)

(m) Minimum Parking Requirements

2. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6 metres from any street.

In addition to the provisions of Section 8.9.3, on those lands zoned "SC1-3(H)" by this By-law, the following shall apply:

- (o) The minimum built frontage along Upper Mount Albion Road shall be 20% of the total distance of the street frontage in any one block.
- (p) Each use, other than an accessory use, shall be contained in a building having all of its customer access doors opening directly outdoors and shall not open onto another store or unenclosed corridor.

On those lands zoned "SC1-3(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled."

4. That Section 8.8, Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Subsection 8.8.4, "Special Exemptions", and adding a new special provision "MUC-1(H)" to include the following:

"MUC-1(H) Part of Lot 32, Concession 7, Schedule "A", Map No. 10

Notwithstanding the uses permitted in Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, the following uses shall be permitted:

- (a) Banks or Financial Institutions
- (b) Day Nurseries
- (c) Personal Service Shops

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 8 of 12)

- (d) Professional or Business Offices
- (e) Restaurants – Standard
- (f) Studio
- (g) Apartment Dwelling Units and a Home Occupation above commercial uses
- (h) Uses accessory to the above permitted uses provided they are part of the comprehensive development.

Notwithstanding the provisions of paragraphs (a), (b), (d), (e), (f), (i) and (l) of Section 8.8.3 of the Mixed Use Commercial “MUC” Zone, on those lands zoned “MUC-1(H)” Zone by this By-law, the following shall apply:

- (a) Minimum Lot Area - 1,200 square metres
- (b) Minimum Lot Frontage - 20 metres
- (d) Maximum Gross Floor Area (Commercial) - 600 square metres
- (e) Maximum Front Yard - 3 metres
- (f) Side Yard:
 - 1. Minimum Interior - 3 metres
 - 2. Maximum Exterior - 3 metres
- (i) Maximum Building Height - 3 storeys
- (l) Minimum Landscaped Open Space

The landscaped strip shall not be less than 50 percent of the lot area of which at least 25 percent shall be in one area other than the front yard. A portion shall also constitute the following:

- 1. A landscaped strip having a minimum width of 3 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and any building along Upper Mount Albion Road and the south lot line.

In addition to the provisions of Section 8.8.3, on those lands zoned “MUC-1(H)” by this By-law, the following shall apply:

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 9 of 12)

- (p) No commercial uses are permitted except where contained jointly with apartment dwelling units in the same building.

On those lands zoned "MUC-1(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

- (a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

- (b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled."

- 5. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "RM3-27(H)" to include the following:

"RM3-27(H) Part of Lot 32, Concession 7, Schedule "A", Map No. 10

Notwithstanding the uses permitted in Subsection 6.10.2 of the Multiple Residential "RM3" Zone, the following uses shall be permitted:

- (a) A Home Occupation
- (b) Apartment Dwellings
- (c) Dwelling Groups
- (d) Live/Work Units
- (e) Maisonettes
- (f) Townhouses
- (g) Uses, buildings or structures accessory to a permitted use

For the purposes of this By-law, a "Live/Work Unit" shall mean a dwelling unit having a residence and business in the same location which consists of a ground floor commercial unit and an upper level residential unit. Commercial uses in a "Live/Work Unit" shall be limited to a personal service shop, a professional office, and a retail store.

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 10 of 12)

Notwithstanding the provisions of paragraphs (c), (d), (e), (g), (i) and (m) 4. of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-27(H)" by this By-law, the following shall apply:

- (c) Maximum Setback from east and south lot lines - 6 metres
- (d) Side Yard for Maisonettes, Townhouses and Dwelling Groups:
 - 1. Minimum Interior - 3 metres
 - 2. Maximum Exterior - 3 metres
- (e) Side Yard for Apartment Buildings
 - 1. Minimum Interior - 3 metres
 - 2. Maximum Exterior - 6 metres
- (g) Minimum Rear Yard for Apartment Buildings - 9 metres
- (i) Maximum Density - 80 units per hectare
- (m) Minimum Landscaped Open Space
 - 4. A landscaped strip having a minimum width of 6 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and building along Winterberry Drive and the proposed Street.

In addition to the provisions of Section 6.10.3, on those lands zoned "RM3-27(H)" by this By-law, the following shall apply:

- (n) No vehicular access shall be permitted on Winterberry Drive.
- (o) A minimum of one block of Live/Work Units shall be provided and maintained immediately east of the lands zoned "MUC-1(H)" and fronting onto the south lot line.

On those lands zoned "RM3-27(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

- (a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,
- (b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

By-law Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
(Page 11 of 12)

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled."

6. That Subsection 6.11.6, "Special Exemptions" of Section 6.11, Multiple Residential "RM4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "RM4-5(H)" to include the following:

"RM4-5(H) Part of Lot 32, Concession 7, Schedule "A", Map No. 10

In addition to the uses permitted in Subsection 6.11.2 of the Multiple Residential "RM4" Zone, on those lands zoned "RM4-5(H)" by this By-law, the following shall be permitted:

- (d) Stormwater Management Facility

On those lands zoned "RM4-5(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

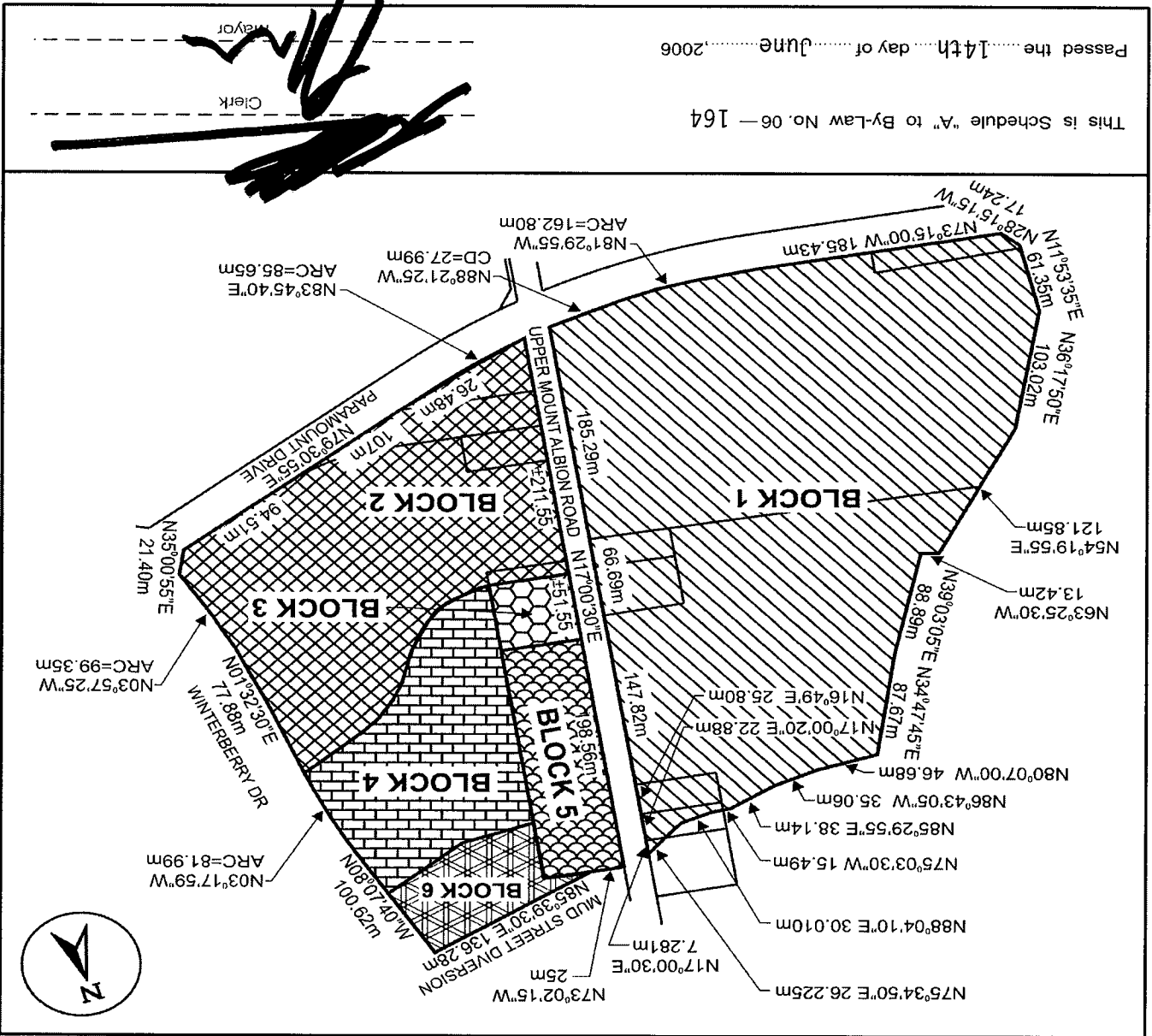
City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled."

7. The City 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 14th day of June, 2006.

MAYOR

CLERK



This is Schedule "A" to By-Law No. 06-164

Passed the 14th day of June, 2006

[Handwritten signatures and names]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 06-164
 to Amend By-Law No. 3692-92

Hamilton
 Planning and Economic Development Department

Subject Property
 Lands to be rezoned from the Neighbourhood Development "ND Zone to:

- Block 1 - Community Shopping Centre (Holding) "SC2-3(H)" Zone
- Block 2 - Neighbourhood Shopping Centre (Holding) "SC1-3(H)" Zone
- Block 3 - Mixed Use Commercial (Holding) "MUC-1(H)" Zone
- Block 4 - Multiple Residential (Holding) "RM3-27(H)" Zone
- Block 5 - Multiple Residential (Holding) "RM4-5(H)" Zone
- Block 6 - Open Space "OS" Zone

Scale: Not to Scale
 Date: April 20, 2006
 Planner/Technician: PD/NB
 File Name/Number: OPA-03-28/ZAC-03-93 / CP-05-N & 25T-200509
 T&C File Name: