

**Authority:** Item 5, Planning Committee  
Report: 12-003 (PED10194 (a))  
CM: March 7, 2012

**Bill No. 065**

## **CITY OF HAMILTON**

### **BY-LAW NO. 12-065**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 1365 and 1367 Baseline Road, Stoney Creek**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 12-003 of the Planning Committee, at its meeting held on the 7th day of March, 2012, 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 (the Official Plan of the former City of Stoney Creek) upon the approval of Official Plan Amendment No. 166;

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

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Rural Residential "RR" Zone to the Mixed-Use Commercial (Holding) "MUC-6(H)" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Sub-section 8.8.4, "Special Exemptions", of Section 8.8 Mixed-Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "MUC-6(H)", as follows:

**"MUC-6(H)" - 1365 and 1367 Baseline Road, Schedule "A", Map No. 4**

Notwithstanding the provisions of Section 8.8.2 "Permitted Uses for Each Lot" of Zoning By-law No. 3692-92, on those lands zoned "MUC-6(H)" by this By-law, the permitted commercial uses and the following additional permitted uses shall be restricted to the ground floor only:

- Medical Clinic;
- Animal Hospital, only if wholly enclosed within a building;
- Restaurant - Convenience;
- Restaurant - Fast Food;
- Restaurant - Outdoor Patio; and,
- Physical Fitness Centre.

Notwithstanding the provisions of Section 8.8.2 "Permitted Uses for Each Lot" of Zoning By-law No. 3692-92, on those lands zoned "MUC-6(H)" by this By-law, the following use shall be prohibited, even as an accessory use:

- Drive-Thru Facility.

Notwithstanding the provisions of Paragraphs (e), (f), (i), (l)(1), (l)(2), (n), and (o) of Section 8.8.3 "Zone Regulations"; Section 4.9.2 "Schedule of Required Loading Spaces"; Paragraph (a) of Section 4.10.3 "Dimensions of Parking Spaces"; and, Paragraph (a) of Section 4.10.4 "Requirement for Parking Designated for Vehicles of Physically Challenged" of Zoning By-law No. 3692-92, on those lands zoned "MUC-6(H)" by this By-law, the following shall apply:

- |     |                               |   |             |
|-----|-------------------------------|---|-------------|
| (e) | Minimum Front Yard            | - | 4 metres    |
| (f) | Minimum Flankage Side Yard    | - | 1.3 metres  |
| (i) | Maximum Building Height       | - | 11.5 metres |
| (l) | Minimum Landscape Open Space: |   |             |

The landscape area shall not be less than 30 percent of the lot area.

1. A landscaped strip having a minimum width of 1.3 metres and an average width of 3.0 metres shall be provided and maintained along the North Service Road, and a landscape strip having a minimum width of 4.0 metres shall be provide and maintained on Baseline Road, except for points of ingress and egress.
2. A landscape strip having a minimum width of 2.0 metres with a minimum 1.8 metre high board-on-board fence shall be provided and maintained adjacent to every portion of any lot line that abuts any zone other than a Commercial or Industrial zone.

(n) Minimum Parking Requirements:

1. Parking spaces shall have minimum dimensions of 2.6 metres x 5.5 metres, and a minimum of 2 of the required spaces shall be barrier free spaces, with minimum dimensions of 4.4 metres x 5.5 metres.
2. Commercial and residential parking may be accessed with the same points of ingress and egress.

(o) Minimum Loading Requirements:

A minimum of one loading space shall be provided and maintained.

In addition to the provisions of Section 8.8.3 on those lands zoned "MUC-6(H)" by this By-law, the following shall apply:

- (p) No commercial uses are permitted, except on the ground floor where contained jointly with apartment dwelling unit(s) in the same building, provided that the gross floor area of the building used for commercial purposes does not exceed the floor area being used for residential purposes, including residential common areas.

The "H" symbol may be removed at such time as the following have been satisfied:

- i. That the owner/applicant has made provisions for the completion of the required road upgrades and servicing works (i.e. sanitary sewer, road reconstruction, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Senior Director of Growth Management.


- ii. That the owner/applicant shall undertake an Urban Design Brief, to the satisfaction of the Manager of Community Planning and Design.
- iii. That the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
- iv. That the owner/applicant shall conduct an Archaeological Assessment of 1367 Baseline Road and mitigate, through preservation or 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.

All other provisions of the Mixed-Use Commercial "MUC" Zone shall apply.

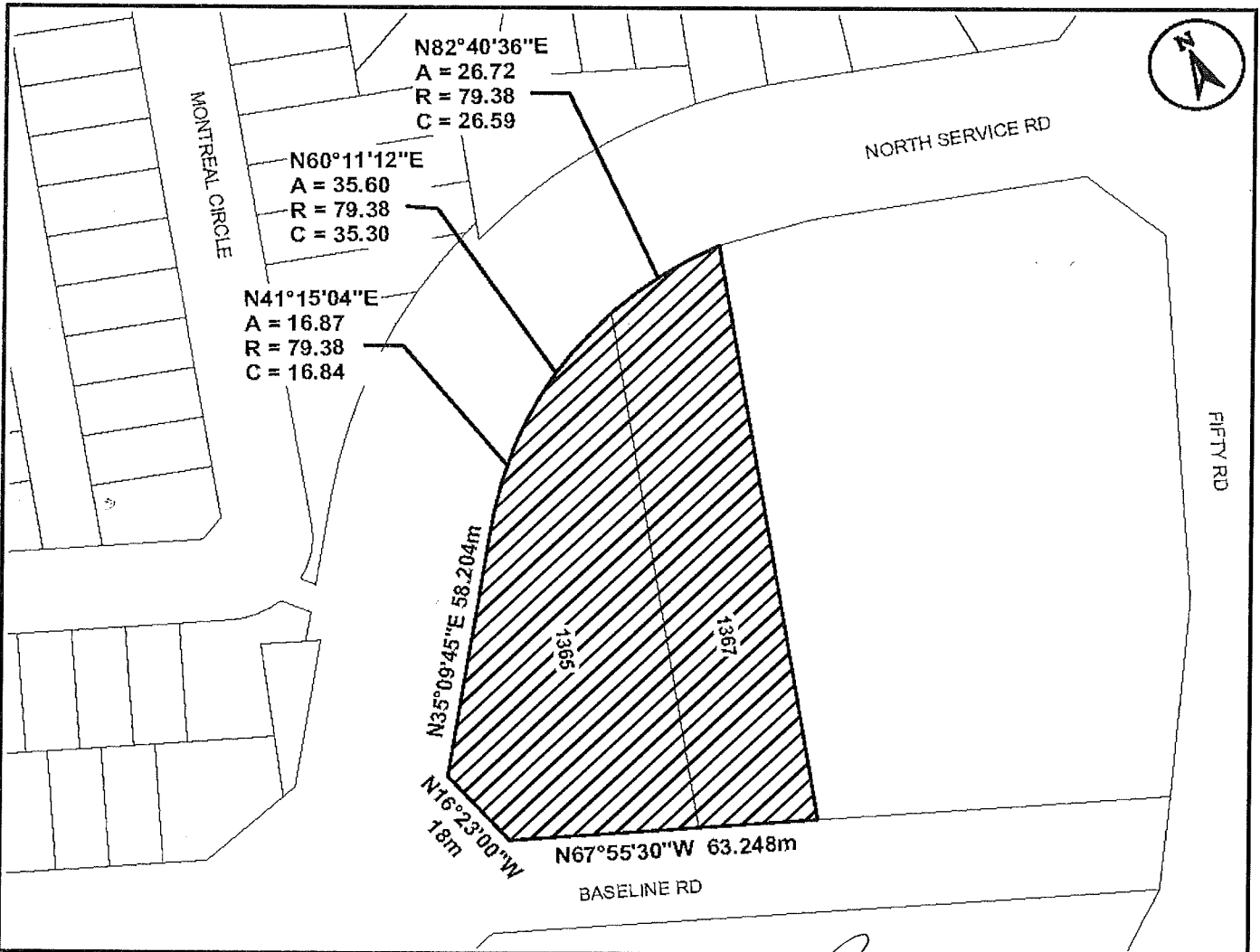
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Mixed-Use Commercial "MUC" Zone provisions, subject to the special requirements referred to in Section 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 28<sup>th</sup> day of March, 2012.

  
\_\_\_\_\_  
R. Bratina  
Mayor

  
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R. Caterini  
City Clerk

ZAC-09-022



This is Schedule "A" to By-Law No. 12-065

Passed the 28th day of March, 2012

*R. Batma*  
Clerk  
*R. Batma*  
Mayor

### Schedule "A"

Map Forming Part of  
By-Law No. 12-065

to Amend By-law No. 3692-92

#### Subject Lands

1365 and 1367 Baseline Road



Change in Zoning from Rural Residential  
"RR" Zone to the Mixed Use Commercial  
Holding "MUC-6(H)" Zone.

Scale:  
N.T.S.

File Name/Number:  
ZAC-09-022

Date:  
Oct 24, 2011

Planner/Technician:  
AC/KA



Hamilton