

**Authority:** Item 13, Planning Committee  
Report 14-014 (PED14195)  
CM: September 24, 2014

**Bill No. 269**

## **CITY OF HAMILTON**

### **BY-LAW NO. 14-269**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands located at 267, 275 – 283 and 293 Upper Centennial Parkway  
(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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13 of Report 14-014 of the Planning and Economic Development Committee at its meeting held on the 24<sup>th</sup> day of September, 2014, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Map No. 11 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing from the:
  - (i) Highway Commercial "HC-6" Zone, Modified, to the Highway Commercial (Holding) "HC-6 (H)" Zone, Modified, the lands identified as "Block 1";
  - (ii) Highway Commercial "HC" Zone, to the Highway Commercial (Holding) "HC-6 (H)" Zone, Modified, the lands identified as "Block 2"; and,
  - (iii) Neighbourhood Development "ND" Zone, to the Highway Commercial (Holding) "HC-6 (H)" Zone, Modified, the lands identified as "Block 3";

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

2. That Subsection 8.7.8, "Special Exemptions" of Section 8.7, Highway Commercial (HC) Zone, of Zoning By-law No. 3692-92, be amended by modifying the existing Special Exemption "HC-6" Zone, Modified as follows:

**"HC-6 (H)" 267, 275 – 283 and 293 Upper Centennial Parkway, Schedule "A" Map No. 11**

In addition to the uses permitted in Sub-section 8.7.2 of the Highway Commercial "HC" Zone, the following uses shall also be permitted:

- (a) Business Offices and/or Professional Offices, provided they are located above the ground floor
- (b) Retail Stores
- (c) Banks and/or Financial Institutions
- (d) Medical Clinics
- (e) Personal Service Shops
- (f) Banquet Halls
- (g) Building Supply Outlet
- (h) Hardware Store
- (i) Commercial Recreation uses

Notwithstanding the provisions of Paragraphs (d), (e), (f), (h) 1. & 2. (j) 1., and (k) of Sub-section 8.7.3 of the Highway Commercial "HC" Zone, on those lands zoned "HC-6 (H)" by this By-law, the following shall apply:

- (d) Minimum Front Yard: 3.0 metres  
Maximum Front Yard: 6.0 metres
- (e) Minimum Side Yard: 3.0 metres
- (f) Minimum Rear Yard: 1.0 metres
- (h) Minimum Landscape Open Space:
  - 1. A landscape strip having a minimum width of 3.0 metres shall be provided adjacent to any street except for points of ingress and egress.
  - 2. A landscape strip having a minimum width of at least 3.0 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.
- (j) Minimum Parking Requirements:
  - 1. Notwithstanding Subsection 8.7.3 (j) 1. a minimum of one parking space per 28 square metres of gross floor area or fraction thereof shall be required.
- (k) Minimum Loading Requirements:

Notwithstanding Section 4.9.2 of By-law No. 3692-92, 1 loading space shall be required.
- (l) A minimum of 40 percent of the ground floor façade shall be composed of windows and doors for the buildings fronting Mud Street West and Upper Centennial Parkway.
- (m) The minimum combined width of the ground floor façade of all buildings located along Mud Street West shall be equal to 40 percent or more of the measurement of the front lot line, and shall be subject to a maximum building setback of 6.0 metres.
- (n) The minimum combined width of the ground floor façade of all buildings located along Upper Centennial Parkway shall be equal to 40 percent or more of the measurement of the side lot line, and shall be subject to a maximum building setback of 6.0 metres.

Notwithstanding Subsection 4.10.3 and Subsection 4.10.4 (a) commercial parking spaces shall be provided, at a size of 2.6 metres wide by 5.5 metres long for a standard parking stall and 4.4 metres wide by 5.5 metres long for barrier free stalls.

3. The (H) symbol may be removed by further amendment to this By-law at such time as the following condition has been satisfied:
  1. That there is adequate water and sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate connections available for water and sanitary sewer, including the construction of a local sanitary sewer to the subject property to the satisfaction of the Senior Director of Growth Management.
  4. 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 Highway Commercial "HC" Zone provisions, subject to the special provisions referred to in Section 2.
  5. 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 24<sup>th</sup> day of September, 2014.



R. Bratina  
Mayor



R. Caterini  
City Clerk



This is Schedule "A" to By-law No. 14- 269  
 Passed the ..24.th day of September., 2014




*R. Bratina*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**

Map Forming Part of  
 By-law No. 14-269

to Amend By-law No. 3692-92

**Subject Property**

-  Block 1 - Lands to be rezoned from the Highway Commercial "HC-6" Zone, Modified to the Highway Commercial (Holding) "HC-6 (H)" Zone, Modified.
-  Block 2 - Lands to be rezoned from the Highway Commercial "HC" Zone to the Highway Commercial (Holding) "HC-6 (H)" Zone, Modified.
-  Block 3 - Lands to be rezoned from the Neighbourhood Development "ND" Zone to the Highway Commercial (Holding) "HC-6 (H)" Zone, Modified.

Scale: N.T.S.	File Name/Number: ZAC-13-042
Date: July 31, 2014	Planner/Technician: RC/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

