PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division
71 Main Street West, 5th Floor
Hamilton, Ontario, Canada, L8P 4Y5
Phone: 905.546.2424 x 2719
Email: ZoningInquiry@hamilton.ca

June 26th, 2026

FILE: ZCR-2026-01425
ATTENTION OF: Emma Bodo
EMAIL: Emma.Bodo@hamilton.ca

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW – IN SUPPORT OF A ZONING BY-LAW AMENDMENT APPLICATION

Present Zoning: **C5 (Mixed Use Medium Density), Exception 851, Holding H112**
Proposed Zoning: **C6 (District Commercial), Exception 301**
Zoning By-law: **Hamilton Zoning By-law 05-200**
Address: **1310 South Service Road, Stoney Creek**

An Applicable Law Review in Support of a Zoning By-law Amendment has been completed, and the following comments are provided.

COMMENTS:

1. The applicant is proposing a parking lot expansion to serve an existing building (Costco) located at 1360 South Service Road, Stoney Creek.

2. The proposed development lands are currently subject to the "C5, 851, H112" zone within Hamilton Zoning By-law 05-200. The applicant is proposing to rezone from the "C5, 851, H112" zone to the "C6, 301" zone to align with that of 1360 South Service Road, Stoney Creek.

3. As per the submitted documents, the proposed development is for a parking lot expansion, therefore, a full review of parking has been completed, only. For calculation purposes, required parking shall be provided and maintained in accordance with the use of the existing building (Costco) which is considered retail.

4. Holding H112 applies to this property. As such, conditions are to be satisfied, and the 'H' Holding provision shall be removed prior to the commencement of the proposed development.

5. The following comments are based on the proposed "C6, 301" zone and are for reference purposes only. Until such time that a successful Zoning By-Law Amendment to amend the existing "C5, 851, H112" zone to the proposed "C6, 301" zone, the requirements of each applicable Zoning By-Law shall apply to the subject lands.

6. Please be advised that a portion of this property is within an area regulated by **Hamilton Conservation Authority**. Please contact **(905) 525-2181** or nature@conservationhamilton.ca prior to any development.

7. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 10-197. A Building permit(s) is required for all signage.

8. Fencing details have not been provided. All fencing shall conform to Hamilton Fence By-law 10-142.

9. Construction of the proposed built forms are subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

11. The proposed development has been reviewed and compared to the standards of Section 5 (Parking) within Hamilton Zoning By-law 05-200, as indicated on the following chart:

Parking
(Section 5 of Hamilton Zoning By-law 05-200)

	Required By By-Law	Provided	Conforming/ Non-Conforming
SECTION 5: PARKING			
5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS			
Minimum Number of Required Parking Spaces [as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]	The minimum number of required parking spaces which must be provided shall be the result of applying: i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1; ii) Any eligible exception in this Section; and, iii) Any eligible deductions in this Section		
Exception for Existing Buildings in All Zones [as per section 5.1.1 (b) of Hamilton Zoning By-law 05-200]	Notwithstanding Section 5.7.1, for any use located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided, except that: i) a use shall not be required to provide additional parking beyond that which is required by Section 5.7.1; and, ii) where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.7.1 shall only apply to the increased gross floor area of the building.		
Rounding Calculations [as per section 5.1.1 (c) of Hamilton Zoning By-law 05-200]	i) Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, fractions shall be rounded down to the nearest whole number. ii) Where the application of the minimum accessible parking standards in Section 5.7.3 results in a numeric fraction, fractions shall be rounded up to the nearest whole number. iii) Where the calculations in Sections 5.7.1, 5.7.2, 5.7.3, 5.7.4 or 5.7.5 apply to multiple uses, rounding shall only be applied to the sum of the requirements for all uses on the lot.		
Required Parking to be Provided on Same Lot [as per section 5.1.1 (d) of Hamilton Zoning By-law 05-200]	All required parking spaces shall be located on the same lot as the use for which they are required, unless the parking spaces are provided on another lot in compliance with Section 5.6.1.	Parking located on same lot.	**Conforms**

	Required By By-Law	Provided	Conforming/ Non-Conforming
Provision of Parking on a Lot Subject to Multiple Zones [as per section 5.1.1 (e) of Hamilton Zoning By-law 05-200]	Where more than one zone applies to a lot, parking spaces provided for any use on the lot may be located within any zone within the boundaries of the lot, except: i) where a portion of a lot is within one of the Open Space and Park Zones, no parking spaces may be located within such portion of the lot except parking spaces required for a permitted use located within such portion.	Not applicable with proposed rezoning	**N/A**
Maximum Permitted Number of Parking [as per section 5.1.2 of Hamilton Zoning By-law 05-200]	a) Maximum Permitted Number of Parking Spaces Where Section 5.7.2 specifies a maximum permitted number of parking spaces, the number of parking spaces located on a lot shall not exceed that number.		
	b) Reduction of Excess Parking Spaces Where the number of existing parking spaces exceeds the maximum permitted in accordance with Section 5.7.2, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements in Section 5.7.1.		
Minimum Required Number of Accessible Parking Spaces [as per section 5.1.3 of Hamilton Zoning By-law 05-200]	a) Minimum Number of Accessible Parking Spaces Accessible parking shall be designated and provided in accordance with the requirements of the Minimum Accessible Parking Rate Schedule in Section 5.7.3.		
	b) Exception for Certain Residential Uses Section 5.7.3 shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, Triplex Dwellings, Fourplex Dwellings and Street Townhouse Dwellings.		
5.2 FUNCTIONAL DESIGN REQUIREMENTS			
Minimum Parking Space Dimensions [as per section 5.2.1 of Hamilton Zoning By-law 05-200]	a) Minimum Parking Space Dimensions Unless permitted by another regulation in this By-law, parking space sizes shall be a minimum of 2.8 metres in width and 5.8 metres in length.	Proposed Parking Space sizes vary. Minimum: 3.05 m x 5.8 m Maximum: 3.05 m x 6.10 m	**Conforms**
	b) Required Increase in Width due to Obstruction Where a wall, column, or any other obstruction is located abutting or within any parking space, the minimum width of a parking space shall be increased by 0.3 metres for each side which is obstructed by a wall, column, or other obstruction;	Not proposed	**N/A**
	c) Exceptions to Increase in Width due to Obstruction	Not proposed	**N/A**

	Required By By-Law	Provided	Conforming/ Non-Conforming
	Notwithstanding Subsection 5.2.1 b), an additional 0.3 metres shall not be required provided all of the following conditions are met: i) the maximum length of the wall, column or other obstruction shall not exceed 1.15 metres, measured along the side of the parking space, from the front or rear of the space towards the side's midpoint; ii) the wall, column or other obstruction is located at the front, rear, or both ends of the parking space; and, iii) the wall, column or other obstruction does not project more than 0.15 metres into the width of the parking space.		
	e) Light Standards Not Considered Obstructions Notwithstanding Section 5.2.1 b), light standards, including the base, located at the intersection of four parking spaces shall not be considered as an obstruction.	Not proposed	**N/A**
	f) Optional Reduction in Minimum Dimensions for Small Car Parking Notwithstanding Subsection 5.2.1 a), where 10 or more parking spaces are provided on a lot, the minimum parking space size of not more than 10% of such required parking spaces may be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.	Not proposed	**N/A**
	g) Minimum Parallel Parking Space Dimensions Notwithstanding Subsection 5.2.1 a), each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres, except that end spaces which have a clear, unobstructed approach, may have a minimum length of 5.5 metres.	Not proposed	**N/A**

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Accessible Parking Space Dimensions and Minimum Accessibility Aisle Requirements [as per section 5.2.2 of Hamilton Zoning By-law 05-200]	a) Minimum Accessible Parking Space Width and Accessibility Aisle Requirement Each accessible parking space shall have: i) a minimum width of 3.4 metres, notwithstanding Section 5.2.1 a) above and subject to Section 5.2.2 b) below; ii) a minimum length of 5.8 metres; and, iii) a minimum of one side must continuously abut an accessibility aisle, provided in accordance with Section 5.2.2 c) and d) below	Not proposed and not required as part of the Parking Lot expansion. **NOTE: Existing Accessible Parking Spaces are required to be maintained.**	**Existing Condition**
	b) Permitted Reduction in Width for Accessible Parking Spaces Where two or more accessible parking spaces are provided, a maximum of 50% of such spaces, rounded up to the nearest whole number in the case of a numeric fraction, may have a reduced minimum width of 2.4 metres.		
	c) Accessibility Aisle Requirements A minimum of one side of each accessible parking space shall continuously abut an unobstructed accessibility aisle which shall: i) have a minimum width of 1.5 metres; ii) have a minimum length which extends the full length of each abutting accessible parking space; and, iii) be clearly identified and marked.		
	d) Sharing of Accessibility Aisle A maximum of two accessible parking spaces may abut one accessibility aisle, provided such spaces continuously abut opposite sides of the shared accessibility aisle.		
Drive Aisle Requirements [as per section 5.2.3 of Hamilton Zoning By-law 05-200]	a) Minimum Drive Aisle Width The drive aisle abutting any parking space shall be designed and provided in accordance with the following minimum width requirements	7.32 m	**Conforms**

	Required By By-Law		Provided	Conforming/ Non-Conforming
	Parking Angle Degree	One-Way and Two-Way Aisle Width		
	90º	6.0m		
Access Requirements [as per section 5.2.4 of Hamilton Zoning By-law 05-200]	a) Access Design Requirements Access to all parking shall: i) be arranged so as to not interfere with normal public use of the street or laneway; ii) be provided by means of an access driveway: 1. located on the lot; or, 2. located partly on the lot in the case of a mutual driveway; or, 3. by means of a Right-of-Way; and, iii) in the case of a Parking Lot, provide ingress and egress of vehicles to and from a street in a forward motion only.		Not proposed and not required as part of the Parking Lot expansion. **NOTE: Existing Accessible Parking Spaces are required to be maintained.**	**Existing Condition**
	b) Minimum Access Driveway Width The width of any driveway providing access to a parking space shall be a minimum of 2.7 metres			
5.3 LOCATIONAL, LANDSCAPING AND SURFACE MATERIAL REQUIRMENTS				
Locational and Landscaping Requirements for All Uses [as per section 5.3.1 of Hamilton Zoning By-law 05-200]	a) Streetline Setback and Planting Strip Requirement Unless identified as exempt in Section 5.3.1 b), parking spaces and associated drive aisles, excluding driveways extending directly from the street, shall be subject to all of the following: i) Shall not be located within 3.0 metres of a street line;		Not proposed and not required as part of the Parking Lot expansion. **NOTE: Existing Accessible Parking Spaces are required to be maintained.**	**Existing Condition**
	ii) Shall provide a 3.0 metre wide Planting Strip being required and permanently maintained between the street line and the parking spaces or aisle, except for that portion of a lot line;		Not proposed and not required as part of the Parking Lot expansion. **NOTE: Existing Accessible Parking Spaces are required to be maintained.**	**Existing Condition**

	Required By By-Law	Provided	Conforming/ Non-Conforming
	iii) Where a Planting Strip is provided, as per 5.3.1 a) ii) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.	Does not appear that an architectural wall or feature is proposed.	**N/A**
	e) Landscaped Area and Landscaped Parking Island Requirements for Surface Parking Lots Containing 50 or More Parking Spaces in All Zones In addition to Section 5.3.1 b), the following requirements shall apply to surface Parking Lots in all zones which contain 50 or more parking spaces: i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the Parking Lot and associated access driveway and manoeuvring areas shall be provided and maintained; 10% of Total Lot Area = 10% of 7,665.36 m^2 = 766.53 m^2	1,601.26 m^2 provided	**Conforms**
	ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;	24.17 m^2	**Conforms**
	iii) The calculation for Landscaped Area(s) and Landscaped Parking Island(s) shall not include the area of landscaping provided to satisfy the minimum requirement of any other Section of this By-law;		**Applicant to Note**
	iv) A Landscaped Area or Landscaped Parking Island may be traversed by a pedestrian walkway; and,	Not proposed	**N/A**
	v) When calculating the minimum number of parking spaces in accordance with Section 5.7.1, such number may be reduced by the number needed to accommodate the minimum Landscaped Parking Island requirement of this section, up to a maximum of 10% of the required parking spaces.		**Applicant to Note**
Parking Facility Surface Material Requirements [as per section 5.3.4 of Hamilton Zoning By-law 05-200]	a) Parking Spaces, Driveways and Widening(s) in All Zones Parking spaces, driveways and widening(s) in all zones shall be provided and maintained with stable surfaces such as asphalt, concrete or other hardsurfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.	Asphalt	**Conforms**

	Required By By-Law	Provided	Conforming/ Non-Conforming
	i) Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot. ii) Notwithstanding Section 5.3.4 a), in the Industrial Zones, where crushed stone or gravel is provided, the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition.		
5.6 GENERAL PARKING REGULATIONS			
Requirements for Locating Required Parking on Another Lot [as per section 5.6.1 of Hamilton Zoning By-law 05-200]	a) Notwithstanding Subsection 5.1.1 d), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided: i) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted or a U3 Zone; ii) Such off-site parking shall be subject to Subsection 5.6.1 b); and, iii) Notwithstanding Subsection 5.6.1 a), off-site parking shall only be permitted on a lot in a Residential Zone where the off-site parking is for a use in a Residential Zone.	Not proposed	**N/A**
	b) Where the required parking is provided in accordance with 5.6.1 a) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the	Not proposed	**N/A**

	Required By By-Law	Provided	Conforming/ Non-Conforming
	regulations of this By-law are provided.		
	c) Parking as provided for in 5.6.1 b) may be transferred to another lot in accordance with Subsection 5.6.1 a), provided that an agreement as per 5.6.1 b) is registered on title of said other lot.	Not proposed	**N/A**
Visitor Parking Space Requirements [as per section 5.6.6 of Hamilton Zoning By-law 05-200]	a) A required visitor parking space provided on a lot shall be clearly identified and marked as being reserved for such purpose.	Not applicable	**N/A**
5.7 PARKING SCHEDULES			
Parking Schedules [as per section 5.7 of Hamilton Zoning By-law 05-200]	a) Parking Rate Areas Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.		
	b) Application of Parking Rate Areas Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.		
Minimum Required Parking Rate Schedule [as per section 5.7.1 of Hamilton Zoning By-law 05-200]	a) Minimum Required Parking Rate Schedule Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1: Refer to table in By-law 5.7.1 Section 5.1.1b) Notwithstanding Section 5.7.1, for any use, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided, except that: i) ii) a use shall not be required to provide additional parking beyond that which is required by Section 5.7.1; and, where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.7.1 shall only apply to the increased gross floor area of the building.	Existing Parking: 670 spaces Additional Parking: 204 spaces 872 spaces total on the lot to accommodate the existing building (Costco).	**Conforms**

<table>
<tr><th></th><th>Required By By-Law</th><th>Provided</th><th>Conforming/ Non-Conforming</th></tr>
<tr><td>Maximum Permitted Parking Rate Schedule
[as per section 5.7.2 of Hamilton Zoning By-law 05-200]</td><td><u>a) Maximum Permitted Parking Rate Schedule</u>

For any use listed in Column 1, the number of parking spaces provided shall not exceed the number in Column 2:

Refer to table in By-law 5.7.2</td><td>Not applicable</td><td>N/A</td></tr>
<tr><td>Minimum Accessible Parking Rate Schedule
[as per section 5.7.3 a) of Hamilton Zoning By-law 05-200]</td><td colspan="3"><u>a) Minimum Accessible Parking Rate Schedules</u>

The minimum number of accessible parking spaces which must be provided shall be the greater minimum number resulting from the calculations in Sections 5.7.3 b) and 5.7.3 c) below, with numeric fractions rounded up in accordance with Section 5.1.1 c) ii) and iii).</td></tr>
<tr><td>Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision
[as per section 5.7.3 b) of Hamilton Zoning By-law 05-200]</td><td colspan="2"><u>b) Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision</u>

On a lot containing 5 or more parking spaces, a minimum number of the parking spaces provided shall meet the requirements of the Minimum Accessible Parking Rate Schedule below:

2 + [872*2 / 100] = 19.44 Spaces = 20 spaces</td><td>20 spaces</td><td>Conforms</td></tr>
<tr><td></td><td><u>Column 1</u>

Total Number of Parking Spaces Provided</td><td><u>Column 2</u>
Minimum Number of Accessible Parking Spaces</td><td></td><td></td></tr>
<tr><td></td><td>201 - 1000 spaces</td><td>Minimum 2 spaces + 2% of the total number of parking spaces provided; and,</td><td></td><td></td></tr>
</table>

Regards,

Emma Bodo

for the Manager of Zoning and Committee of Adjustment