

**Bill No. 116**

**CITY OF HAMILTON**

**BY-LAW NO. 16-**

**To Amend Zoning By-law No. 87-57, Respecting Lands Located at 120 and 128 Portia Drive, in the former Town of Ancaster, now in the City of Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 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 "The Corporation of the Town of Ancaster" 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 16-006 of the Planning Committee, at its meeting held on the 13<sup>th</sup> day of April, 2016, which recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. 54.

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

1. That Map 5 of Schedule "A", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Shopping Centre Commercial "C2-629" Zone, Modified (Block 1) and Shopping Centre Commercial "C2-630" Zone, Modified (Block 2), to the General Commercial "C3-673" Zone, Modified, on the lands the extent and boundaries of which are more

particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

**C3-673** That notwithstanding Section 3.0 Definitions and Section 22.1, "Permitted Uses", of Section 22: GENERAL COMMERCIAL "C3" ZONE, the following special provisions shall apply to the lands Zoned "C3-673", described as 120 and 128 Portia Avenue:

1.0 (A) Permitted Uses

That notwithstanding Section 22.1, "Permitted Uses", of Section 22: GENERAL COMMERCIAL "C3" ZONE, only the following uses shall be permitted to a maximum aggregate Gross Floor Area of 11,788 square metres:

- a) Animal Hospital;
- b) Animal Hospital with outside runs;
- c) Building Supply Sales;
- d) Building Supply Sales in wholly enclosed buildings;
- e) Convenience Retail Store in conjunction with and accessory to a Motor Vehicle Service Station;
- f) Caterers;
- g) Conference or Convention Centre;
- h) Craft and Custom Workshops;
- i) Home Furnishing Retail Establishment;
- j) Home Improvement Supply Establishment;
- k) Hotels;
- l) Motels, which shall not include a dwelling unit;
- m) Motor Vehicle Service Stations;
- n) New and / or Used Motor Vehicle Sales Establishment;
- o) Parking Areas or Structures;
- p) Recreational Areas or Uses, including Indoor Miniature Golf Courses and Golf Driving Ranges;
- q) Recreational Vehicles Sales, Service and Rental;
- r) Rental Establishments but not including Establishments for the Rental or Repair of Motor Vehicles and / or trailers;
- s) Rental Establishments or Service Shops;
- t) Restaurants;
- u) Restaurants, Fast Food; and,

- v) Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s).

(B) Restricted Uses

In addition to the foregoing, the following uses shall be permitted to a maximum Gross Floor Area of 10,525 sq m provided the permitted uses contained in 1.0(A) and 1.0(B) shall not exceed an aggregate Gross Floor Area of 11,788 sq m:

- a) Banks and Financial Institutions;
- b) Business and Professional Offices;
- c) Brewers Retail Stores;
- d) Personal Service Shops;
- e) Travel Agencies;
- f) Farmer's Market;
- g) Gymnasiums or health clubs excluding body rub parlours;
- h) Insurance Offices;
- i) Libraries, Museums and Art Galleries;
- j) Liquor Control Board of Ontario Stores;
- k) Uses, buildings, and structures accessory to a permitted use;
- l) Drugstores;
- m) Retail stores;
- n) Convenience Retail Stores; and,
- o) Uses, Buildings, and Structures accessory to a permitted use.

(C) Prohibited Uses:

That notwithstanding Section 22.1, "Permitted Uses", of Section 22: GENERAL COMMERCIAL "C3" ZONE, that the following uses shall be prohibited:

- a) Movie Theatre(s);
- b) Department stores;
- c) Warehouse Membership Club; and,
- d) Residential uses.

2.0 Regulations

That notwithstanding Items (2); (5); (6); (7); (8); (9); (10); (11); and (13) of Table 2: Regulations of Sub-Section 22.2, "Regulations", of Section 22: GENERAL COMMERCIAL "C3" ZONE, that the following regulations shall apply:

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(2)	Minimum Lot Frontage	30 m
(5)	Minimum Front Yard	1.5 m, except as per Section 2(v) of this By-law.
(6) to (8)	Minimum Side Yard	1.5 m, except where an interior side yard abuts a private vehicular turnaround, a 0.0 m side yard shall be permitted.
(9) to (11)	Minimum Rear Yard	10 m
(13)	Parking and Loading	Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 sq m of Gross Floor Area or part thereof.

That in addition to Table 2: Regulations of Sub-Section 22.2, "Regulations", of Section 22: GENERAL COMMERCIAL "C3" ZONE, that the following regulation shall apply:

(15)	Minimum Landscape Strip	3.0 m adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways / sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).
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### 3.0 Definitions

Notwithstanding Section 3.0, the following provisions apply:

#### 3.136.1 "Supermarket"

means a store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

All other regulations of the General Commercial "C3" 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 General Commercial "C3" 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 27<sup>th</sup> day of April, 2016.

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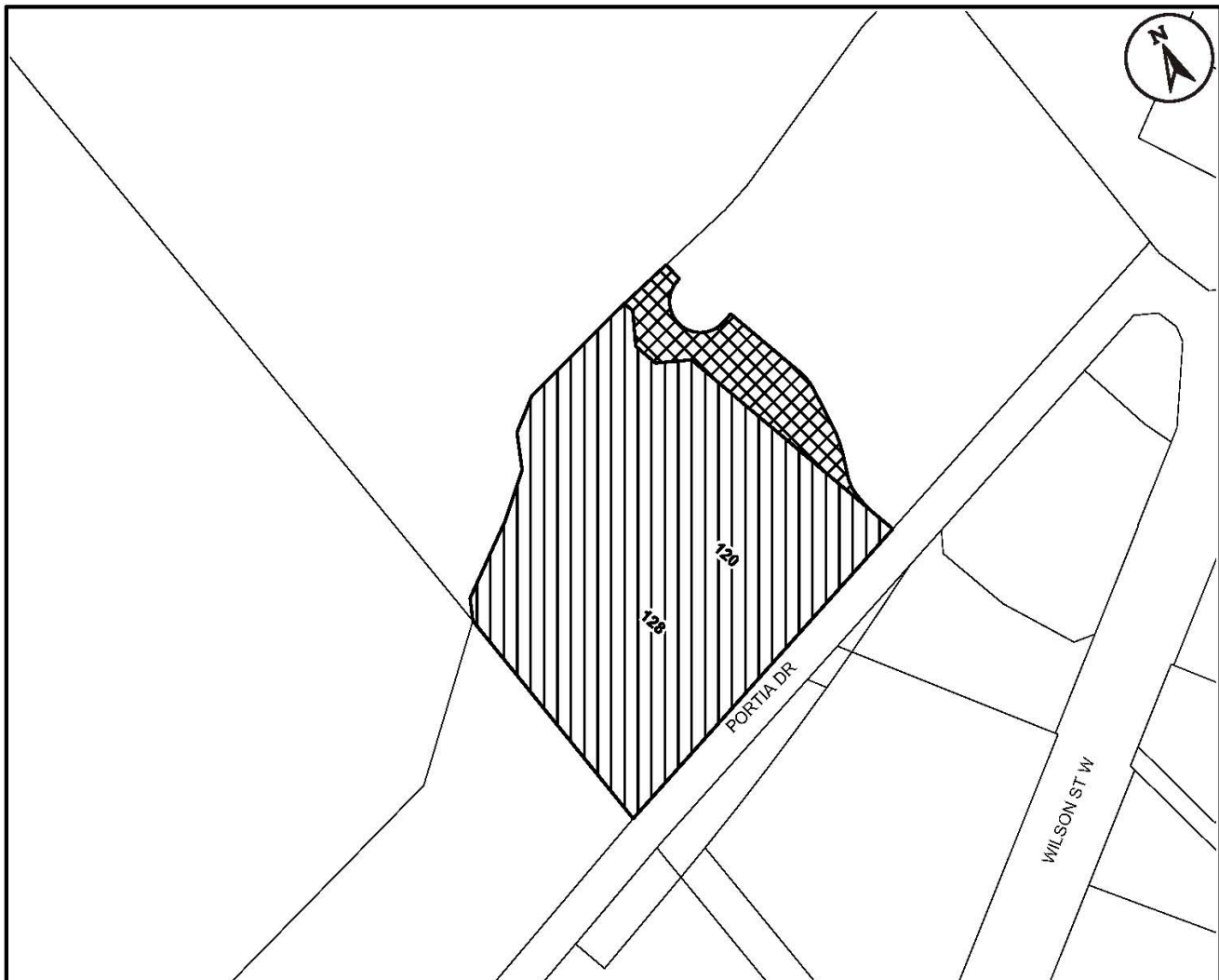
F. Eisenberger  
Mayor  
ZAC-15-037  
UHOPA-15-018

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R. Caterini  
City Clerk

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This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 16-\_\_\_\_\_

to Amend By-law No. 87-57

### Subject Property

120 & 128 Portia Drive



**Block 1** - Change in zoning from the Shopping Centre Commercial "C2-629" Zone, Modified, to the General Commercial "C3-673" Zone, Modified



**Block 2** - Change in zoning from the Shopping Centre Commercial "C2-630" Zone, Modified, to the General Commercial "C3-673" Zone, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-15-037

Date:  
March 3, 2016

Planner/Technician:  
AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT