

Authority: Item ,
Report (PED 17162)
CM:
Ward: 9

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 60-72 Centennial Parkway South, Stoney Creek

WHEREAS the *City of Hamilton Act, 1999*, S. O. 1999 Chap. 14, Sch. C did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

WHEREAS ; the City of Hamilton is the successor to certain area municipalities, including the former municipality known as "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton –Wentworth";

WHEREAS ; the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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;

WHEREAS ; the Council of the City of Hamilton, in adopting item XX of Report PED17162 of the Planning Committee, at its meeting held on the 19th day of September, 2017, 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 Urban Hamilton Official Plan upon adoption of UHOPA No. ____.

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

1. That Map No. 5 of Schedule "A" – appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) by changing the zoning from the Multiple Residential "RM1" Zone to the General Commercial "GC-55(T)" Zone, Modified, for the lands comprised in Block "1"; and,

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(b) by changing the zoning from the General Commercial "GC-7" Zone, Modified to the General Commercial "GC-55(T)" Zone, Modified, for the lands comprised in Block "2; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 8.3.8 "Special Exemptions", of Section 8.3 General Commercial "GC" Zone of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "GC-55(T)", as follows:

"GC-55(T)" 60, 68 and 72 Centennial Parkway South, Schedule "A", Map No. 5

Notwithstanding the permitted uses in Section 8.3.2 of the General Commercial "GC" Zone, the use of those lands zoned "GC-55(T)" by this By-law shall be limited to:

- Medical Clinic;
- Retail Stores; and,
- Restaurants – Convenience

provided the maximum floor area – gross leasable of the medical clinic does not exceed 1,203 square metres, and the total maximum gross floor area of all accessory uses, retail stores and restaurant – convenience, does not exceed 402 square metres.

Notwithstanding the provisions of Paragraphs (c), (d), (f), and (g) of Subsection 8.3.3 of the General Commercial "GC" Zone, and Subsections 4.9.1 (c), 4.10.3 (a) and 4.10.9, the following regulations shall apply:

- (c) Minimum Front Yard 1.2 metres
- (f) Maximum Building Height 11 metres
- (g) Minimum Landscaped Open Space 10% of the lot area, a portion of which shall include the following, where applicable:
 - 1. A landscaped strip having a minimum width of 1.2 metres along the building and 1.6 metres along the parking area shall be provided except for points of ingress and egress.

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2. A landscaped strip having a minimum width of 2.5 metres for the northerly side yard and 0.76 metres for the southerly side yard adjacent to a Multiple Residential (RM1) Zone, and 2.2 metres for the easterly side yard adjacent to a Single Residential "R2" Zone shall be provided, along with a 1.8 metre visual barrier, adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.

Notwithstanding the provisions of Subsection 4.9.1 (c), a loading space shall have dimensions of 3.0 metres by 5.5 metres.

Notwithstanding the provisions of Subsection 4.10.3 (a), required parking spaces for 90 degree perpendicular parking space shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres.

Notwithstanding the provisions of Subsection 4.10.3 (b), for other than 90 degree perpendicular parking spaces, the required parking space shall not be less than 2.4 metres in width or less than 6.0 metres in length.

Notwithstanding the provisions of Subsection 4.10.4(a), parking designated for vehicles of physically challenged shall have minimum rectangular dimensions of 4.4 metres by 5.5 metres.

Notwithstanding the provisions of Subsection 4.10.9, Schedule of Minimum Parking Requirements, a medical clinic not located in a shopping centre shall have a minimum parking requirement of 1 parking space for each 16 sq. m. of Floor Area – Gross Leasable, and retail store and restaurants - convenience as accessory uses shall have no minimum parking requirement.

In addition to the uses permitted on those lands zoned "GC-55(T)" by this By-law, a medical clinic and accessory uses, in addition to the existing medical clinic of 850 square metres, having a Maximum Floor Area – Gross Leasable of 1605 sq. m., may be erected. The parking requirement for the existing medical clinic shall be 45 spaces. This exemption shall apply until October XX, 2020.

3. 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*.
4. That this By-law No. _____ shall come into force, and be deemed to have come into force, in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Sub-section.

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PASSED this _____ , _____

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-16-043
UHOPA-16-17