

List of Requested Changes from Landowners Through Consultation but not Recommended for Incorporation into the Proposed CMU Zoning

General Text			
No.	Sections of the Zoning By-law	Nature of Correction, Error, or Omission	Rationale for Rejecting Request for Changes to the Zoning By-law
1	Section 4.12 – Vacuum Clause	Request to revise the regulation where an addition or expansion to an existing commercial building of up to 10% is permitted, to a 20% increase. The intent of the increase is to prevent further Minor Variance application to increase the percentage.	The intent of the regulation permitting up to 10% increase in Gross Floor Area to the existing commercial building allows for small additions and expansion to existing commercial buildings. For example, a 5,000 square metre building is allowed up to 500 square metre addition to the building without requiring to meet setback requirements. Staff feels such additions would be appropriate as parking requirements still need to be met.

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3	Section 4.12 – Vacuum Clause	A Vacuum Clause should be added for parking supply and landscaped open space that is existing on the date of the passing of the by-law.	<p>Under Section 5.6h) in the Hamilton Zoning By-law 05-200, parking spaces existing on the date of the passing of the By-law shall continue to be provided and maintained. This subsection requires additional parking only to any increase to the Gross Floor Area due to additions and expansions.</p> <p>However, reductions in the parking stall dimensions are addressed by adding a Special Exception for individual properties where there are previous Zoning Applications to modify the parking stall size dimensions or properties undergoing an existing Site Plan application process which would result in hardship and difficulty to meet the new requirements.</p>

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			<p>With respect to the landscaped open space, there is no requirement for existing parking areas to meet the new landscaping requirements. It would be required to provide landscaping in parking areas to new parking lots.</p>
4	Section 5.2 – Parking Stall Size	<p>There is concern for the increase in the parking stall size, in particular the width to 3.0 metres. The new parking stall size would affect the overall development due to the need to increase the land needed to accommodate parking spaces and less land for buildings and landscaping.</p>	<p>The increase in the parking stall size is the result of increased size of motor vehicles over the years. A full staff Report (PED17089) on the matter was endorsed by Planning Committee on May 18, 2017 and direction was given to address the issue of increasing the parking stall dimensions in the CMU project. Previously, during the creation of Hamilton Zoning By-law 05-200, a parking study was conducted to recommend any changes to the parking stall size, if any. The study at the time forecasted that car sizes would decrease due to fuel efficiency. However, as noted in the report, the size of motor vehicles has increased instead over the years. The increase in the parking stall size to a width of 3.0 metres is to address this increase.</p> <p>Generally the parking space requirements have been reduced especially for Retail and Shopping Centre uses, as the number of required parking spaces is less for smaller commercial development. This reduction will offset the increase in parking stall size.</p>

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			<p>Reductions in the parking stall sizes are addressed for some properties where there have been previous Zoning Applications or Minor Variance applications to modify the parking stall size dimensions. Staff also acknowledges in some situations where there is an existing Site Plan application process where the new parking size regulations would result in hardship and difficulty.</p> <p>Furthermore, acknowledging the concerns from commercial landowners, a new parking regulation has been added to permit up to 10% of the total required parking to have a compact car parking stall dimension of 2.6 metres by 5.5 metres. This ensures small cars that do not need larger parking spaces can be accommodated with smaller parking stall dimensions.</p>