

Authority: Item 11, Economic Development
and Planning Committee
Report: 10-005 (PED10041)
CM: March 10, 2010

Bill No. 046

CITY OF HAMILTON

BY-LAW NO. 10-046

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 367 Highway No. 8, Stoney Creek

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 11 of Report 10- 005 of the Economic Development and Planning Committee, at its meeting held on the 10th day of March, 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Subsection 8.3.8, "Special Exemptions", of Section 8.3 General Commercial "GC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by deleting Special Exemption, "GC-16", and replacing it with the following

"GC-16" - 367 Highway No. 8, Schedule "A", Map No. 6

Notwithstanding the permitted uses in Section 8.3.2 of the General Commercial "GC" Zone, the use of those lands zoned "GC-16" by this By-Law shall be limited to retail stores, professional and business offices, personal service shops, and Standard Restaurants provided the maximum commercial floor area does not exceed 233 square metres. Uses accessory to any permitted use including a maximum of two dwelling units are permitted provided that they are located over the commercial area of the building.

Notwithstanding the provisions of Paragraphs (a), (d), and (g)3. of Section 8.3.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "GC-16" by this by-law, the following shall apply:

- | | | | |
|-------|-------------------------------|---|--|
| (a) | Minimum Lot Frontage | - | 15.2 metres. |
| (d) | Minimum Side Yard | - | 0.3 metres for the Westerly Side Yard. |
| (g)3. | Minimum Landscaped Open Space | - | No landscaped strip will be required adjacent to every portion of the easterly or westerly lot lines abutting a commercial zone. |

Notwithstanding the provisions of Paragraph a), Section 4.10.3 "Dimensions of Parking Spaces" of Zoning By-law No. 3692-92 on those lands zoned "GC-16" by this by-law, the following shall apply:

- a) Required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways, or a similar purpose.

Notwithstanding the provisions of Paragraph a), Section 4.10.4 "Requirement For Parking Designated For Vehicles of Physically Challenged" of Zoning By-law No. 3692-92 on those lands zoned "GC-16" by this by-law, the following shall apply:

- a) have minimum rectangular dimensions of 4.4 metres by 5.5 metres.

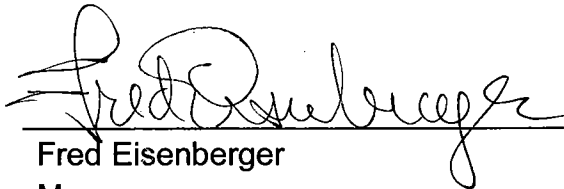
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Notwithstanding the provisions of Paragraph b), Section 4.10.5 "Access To Parking Spaces" of Zoning By-law No. 3692-92 on those lands zoned "GC-16" by this by-law, the following shall apply:

- b) Indirect Access - A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 4.5 metres where designed for one-way vehicular circulation, or 5.9 metres where designed for two-way vehicular circulation.
2. 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 "GC-16" Zone provisions, subject to the special requirements referred to in Section 1.
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.

PASSED this 10th day of March, 2010.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

ZAR-09-047