

**List of Site Specific Requested Changes Through Consultation with Landowners,  
but not Recommended for Incorporation into the Proposed CMU Zoning During and Since the June 6,  
2017 Planning Committee**

<b>Ward 1</b>					
<b>No.</b>	<b>Map or Text Change</b>	<b>Municipal Address</b>	<b>Zone / Regulation</b>	<b>Nature of Correction, Error, or Omission</b>	<b>Rationale for Rejecting Request for Changes to the Zoning By-law</b>
1	Text	1579 and 1581 Main Street West and 45 Rifle Range Road	District Commercial (C6) Zone	Request by the landowner to confirm if the existing seasonal garden centre is permitted as a temporary use. Would like to address through a Special Exception if possible.	Seasonal garden centres can continue as a permitted use through proposed modifications to Subsection 4.18(c). A Special Exception to recognize the temporary use is not necessary.

<b>Ward 4</b>					
<b>No.</b>	<b>Map or Text Change</b>	<b>Municipal Address</b>	<b>Zone / Regulation</b>	<b>Nature of Correction, Error, or Omission</b>	<b>Rationale for Rejecting Request for Changes to the Zoning By-law</b>
1	Text	1565 Barton Street East (Strathbarton Mall)	Community Commercial (C3) Zone	Request by the landowner to add a Motor Vehicle Sales and Service Establishment as a list of permitted uses.	The subject lands is designated Neighbourhoods, and permits local commercial uses that cater to the daily and weekly needs of immediate neighbourhoods. Motor Vehicle Sales and Service Establishment is not identified as a permitted use.  In consultation with the landowner, an Official Plan Amendment and Zoning By-law Amendment will be required to allow a comprehensive review of the policies in the Urban Hamilton Official Plan of the by staff.
2	Text	1283 Barton Street (Canadian Tire)	Mixed Use High Density (C4) Zone	Request by the landowner to add more flexibility to the Built Form for New Development regulations, more specifically requiring minimum required ground floor façade lengths. The flexibility is to potentially add new building pads that are smaller in size.	This regulation is not found in the Mixed Use High Density (C4) Zone. The applicant is permitted to build additional pads regardless of the building façade length.

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1	Text	480 - 500 Centennial Parkway North, Stoney Creek	Section 5.2b)	Request by the landowner to address concerns respecting the proposed parking stall size increase to 3.0m in width and 5.8m in length. The increase in size will affect sites that are going through a multi-phased development.	Part of the Centennial Neighbourhood Secondary Plan Process. Not part of CMU project.
			Section 5.2h)	Request by the landowner to address concerns respecting the provision of landscaping in parking lots such as needing more space for the parking lot.	Part of the Centennial Neighbourhood Secondary Plan Process. Not part of CMU project.
2	Text	210 Centennial Parkway North, Stoney Creek	Section 5.2b)	Request by the landowner to address concerns respecting the proposed parking stall size increase to 3.0m in width and 5.8m in length. The increase in size will affect sites that are going through a multi-phased development.	Part of the Centennial Neighbourhood Secondary Plan Process. Not part of CMU project.
			Section 5.2h)	Request by the landowner to address concerns respecting the provision of landscaping in parking lots such as needing more space for the parking lot.	Part of the Centennial Neighbourhood Secondary Plan Process. Not part of CMU project.

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<b>Ward 6</b>					
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1	Text	601 Upper Gage Avenue & 952 Fennell Avenue	District Commercial (C6) Zone	The existing plaza will see future redevelopment. A Special Exception is requested by the landowner to address the complications with proposed regulations for parking, maximum setbacks, façade lengths, drive through facilities.	<p>There are no conceptual drawings of the redevelopment to address the requested modifications. Vacuum Clause permits small additions of up to 10% of the GFA of the commercial building.</p> <p>However, a new regulation has been added to permit up to 650 square metres without the need to comply to the Minimum Building Façade Length. This administrative change by staff is a response to concerned landowners who may wish to add small commercial building pads closer to the street. This will over time allow landowners to build multiple building pads close to the street line, effectively meeting the Official Plan requirements building a street edge that improves the pedestrian environment.</p>
2	Text	724 Mohawk Road East	Community Commercial (C3) Zone	Request by the landowner to confirm if the existing seasonal garden centre is permitted as a temporary use.	Seasonal garden centres can continue as a permitted use through proposed modifications to Subsection 4.18(c). A Special Exception to recognize the temporary use is not necessary.

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3	Text	810 Upper Gage Avenue	Community Commercial (C3) Zone	Site Plan Amendment (SPA-14-106) is to facilitate the construction of a drive-through restaurant upon the demolition of a portion of the existing building. The balance of the subject lands is a defined as a shopping centre. Request by the landowner to add a Special Exception to exempt the subject lands from the Drive Through Facility regulations in Section 4.25.	The proposed drive-through restaurant must conform to the existing regulations under Hamilton Zoning By-law No. 6593. Proposed Drive-Through Facility regulations based on the existing zone regulations in Hamilton Zoning By-law No. 6593.

<b>Ward 7</b>					
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1	Text and Mapping	651 – 679 Upper James Street	Section 5.2h)	Request by the landowner to address concerns respecting the provision of landscaping in parking lots such as needing more space for the parking lot.	<p>The purpose of requiring landscaping in parking areas is to address climate change, stormwater management, and aesthetics.</p> <p>The number of parking spaces can be reduced relative to the amount of landscaped areas or Landscaped islands that are to be provided.</p>
2	Text	505 Rymal Road East	District Commercial (C6) Zone	The existing plaza will see future redevelopment. A Special Exception is requested by the landowner to address the complications with proposed regulations for parking, maximum setbacks, façade lengths, drive through facilities.	There are no conceptual drawings of the redevelopment to address the requested modifications. Vacuum Clause permits small additions of up to 10% of the GFA of the commercial building.

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					However, a new regulation has been added to permit up to 650 square metres without the need to comply to the Minimum Building Façade Length. This administrative change by staff is a response to concerned landowners who may wish to add small commercial building pads closer to the street. This will over time allow landowners to build multiple building pads close to the street line, effectively meeting the Official Plan requirements building a street edge that improves the pedestrian environment.
3	Text	883 and 889 Upper Wentworth Street, and 508 and 520-524 Limeridge Road East (Limeridge Mall)	Mixed Use High Density (C4) Zone	Request by the landowner to include a Special Exception to permit, on a temporary use basis, the ability to sell and display motor vehicles within the shopping mall.	Under Section 4.18d), a temporary tent for the purposes of retail sales events includes the indoor and outdoor display and customers service of motor vehicles.  Motor Vehicle Dealers have recently begun to rent tenant space within regional malls where the purpose is to showcase the latest vehicle models. These tenant spaces do not have service stations nor can the vehicles be operated within the mall. Furthermore, there may be a small retail component selling souvenirs and brand product related to the

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					motor vehicle company. These activities are permitted as retail and services are sold, and products are on display within the tenant space inside the mall.
				Request by the landowner to include a Special Exception or regulation in the C4 Zone a maximum building setback from a street and/or a public or private driveway. This is to ensure the evolution of the property of the subject lands.	Private driveways and private roads are generally subject to realignment and would be difficult to enforce with each change to the private driveway.  It is acknowledged that future development would possibly include expansions to the existing mall. A revision is made to Section 4.12f)ii) where the Mixed Use High Density (C4) Zone has been included in the regulation with respect to the Vacuum Clause and permitting additions and alterations of up to 10% of the Gross Floor Area of the existing building. This will permit additions to the mall without subject to regulations respecting minimum building façade requirements and minimum setback abutting the street.

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				Request by the landowner to eliminate or lower the Minimum Building Height requirement of 11.0 metres. This requirement would be problematic for single tenant commercial uses such as banks or restaurants. Furthermore, it would not be likely the frontage would be redeveloped all at the same time with higher building heights.	<p>Future studies will be required to determine the ultimate building heights on the subject lands. Due to the residential communities that surround the mall (i.e. east and west sides), a comprehensive study of the lands is needed to determine where the most appropriate and maximum building heights can be located.</p> <p>This is similar to Eastgate Square and the initiation of the Centennial Neighbourhood Secondary Plan where the study is looking to determine the best location of increased building heights.</p>
				A request by the landowner is made to expand the restrictions on outdoor storage to allow the display of goods or materials for retail purposes accessory to a retail use to a “private driveway” as well as the front or flankage yard abutting a street.	Outdoor storage regulation permits outdoor storage for the purpose of displaying goods for retail purposes are permitted along the front lot line and flankage lot line. In this case, outdoor storage is permitted along Limeridge Road East lot line and the Upper Wentworth Street lot line.
				Request by the landowner to remove Subsection 10.4.3g)ii) with respect to the screening of rooftop mechanical equipment	All mechanical equipment must be shielded either using a parapet wall or other methods of screening. Screening provides for better aesthetics of the building, and shield from noise.

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				A request by the landowner is made to amend Subsection 10.4.3g)ii) with respect to the providing a minimum of one principal entrance. The words “or private driveway” is requested to be added.	Currently, one of the numerous entrances of the shopping mall currently face the street and there is pedestrian connection from Upper Wentworth Street.
				Request by the landowner to recognize the existing chain link fence along the eastern boundary of the subject lands.	The existing chain link fence is considered legal non-conforming and is permitted to remain.
				Request by the landowner for the Landscaped Parking Islands be revised to reduce the minimum size requirements.	The requirement of Landscaped Parking Islands only applies to new parking lots, where existing parking lots do not need to be retrofitted with islands. For example as the mall currently is occupied by an existing parking lot, no further changes to the lot are required.  The minimum width of 2.8 metres for a landscaped parking island is consistent with the requirements in the Site Plan Guideline where a width of 2.5m to 3.0 metres is needed for sustainable tree growth. Finally, the dimensions are the exact size of the new parking stall size.
			Section 5.7c)	A request is made by the landowner to require bicycle parking only for new development and existing building should be exempt to the new requirements.	Under Section 5.6f) bicycle parking requirements apply only to new development and apply only to the increased Gross Floor Area of the building, not the entire total.



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<b>Ward 8</b>					
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1	Text	830 & 836 Upper James Street	Mixed Use Medium Density (C5, 315) Zone, Modified	A request by the landowner is made to remove a regulation where Drive-Through Facilities are prohibited.	<p>The purpose of the prohibition is to not allow such a use due to internal traffic layout and also traffic concerns on Upper James Street and Mohawk Road. This prohibition was approved by Council as part through By-law 11-116.</p> <p>The requested change to remove the Holding Provision has not been approved as consultation with Public Works – Corridor Management is requirement to ensure traffic concerns have been met, and an application to remove the Holding Provision is required.</p>
2	Text	801 Mohawk Road East	Community Commercial (C3) Zone	A request by the landowner is made to add a Special Exception to address conflicts with parking stall dimensions, building façade lengths, and maximum setbacks as the subject lands have frontage on three sides.	<p>The existing setback and parking stall size regulations and parking are covered in the Vacuum Clause and are deemed to comply.</p> <p>However, a proposed regulation is added to the C3, C5, and C6 Zones where the minimum building façade length requirement shall not apply for small commercial buildings of up to 650 square metres. Multiple buildings can be constructed and not be subject to the requirements. However, they will still be required to</p>

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					<p>meet setback and building height requirements.</p> <p>In consultation with the agent of the landowner, there is currently no planning application or conceptual drawings to show the future plans for the site, and it would be difficult to modify the zone regulations without any conceptual plans.</p>

<b>Ward 9</b>					
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1	Text	237 Upper Centennial Parkway, Stoney Creek	Arterial Commercial (C7) Zone	Request by the landowner is made to permit additional commercial uses on the subject lands due to the small size of the subject lands and the natural heritage constraints on the property. Such uses include retail, medical clinic, laboratory, and office.	<p>The uses requested to be added does not meet Policy E.4.8.2a) of the UHOP. The intent of the designation is to cater to the travelling public or drive-by consumer. Any amendments to the policies would require an Official Plan Amendment.</p> <p>Furthermore, the subject lands are still appropriately sized to facilitate the development of a restaurant or motor vehicle related uses.</p>
2	Text	300 – 310 Limeridge Road West	Community Commercial (C3) Zone	Request by the landowner is made to recognize through a Special Exception the existing Minimum Front Yard	The existing setback regulations are covered in the Vacuum Clause and are deemed to comply. As no

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				Setback, remove Planting Strip requirements, remove requirements of Landscaping within the Parking Area, and remove Bicycle Parking requirements.	development proposals are planned for the subject lands, it is not required for landscaping to be installed in existing parking areas, and bicycle parking to be provided.  Bicycle parking requirements would apply for new development or additions and expansions to existing commercial development.
4	Text and Mapping	512 Highland Road	Mixed Use Medium Density (C5, 349, H101, H102, H103, H104) Zone, Modified, with Holding Provisions	Request by the landowner is made to increase the Maximum Building Height to 20 metres as the existing Shopping Community Centre (SC2) Zone in the Stoney Creek Zoning By-law No. 3692-92 permits up to 20 metres in height.	In consultation with the agent of the landowner, the UHOP provides policy direction with respect to the subject lands.  The subject lands are designated District Commercial in Schedule E-1 – Urban Land Use Designations, and District Commercial in Map B.7.6-1 in the West Mountain Area (Heritage Green) Secondary Plan in Volume 2 of the UHOP. Furthermore, the subject lands is identified as Site Specific Policy – Area “D” in the Secondary Plan where under Policy 7.6.8.20.2b)4), it states that the building height shall create a streetscape scaled to the pedestrian. The Maximum Height in the District Commercial (C6) Zone is 14.0 metres is appropriate to meet this policy.

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1	Text and Map	423 Barton Street, 319 Margaret	n/a	Request by the landowner is made to include the subject lands into the CMU project due to the presence of local commercial uses on the subject lands.	The subject lands are designated Business Park in Schedule "E-1" – Urban Land Use Designations. Proposing a CMU Zone within this designation would not conform to UHOP policies. A Zoning By-law Amendment application is needed to amend the zoning to an Industrial Zone.

<b>Ward 11</b>					
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1	Text	2130 - 2140 Rymal Road East, Glanbrook	Section 5.2b)	Request by the landowner is made address concerns respecting the proposed parking stall size increase to 3.0m in width and 5.8m in length. The increase in size will affect sites that are going through a multi-	Special Exception 318 already has a reduced parking stall size of 2.6m by 5.5m. No further changes are required.

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				phased development.	
4	Text and Map	2657 and 2665 Binbrook Road, Stoney Creek	Mixed Use Medium – Pedestrian Focus (C5a) Zone	Request by the landowner is made to remove subject lands from the CMU Zone due to an impending planning application. A Formal Consultation application (FC-16-094) was processed in the 2 <sup>nd</sup> quarter of 2016.	Lands that currently are undergoing a planning application such as a Zoning By-law Amendment application and an Official Plan Amendment have been removed from the CMU project to allow their process to continue. However, a Formal Consultation application is not considered a planning application. The Mixed Use Medium – Pedestrian Focus (C5a) Zone as proposed for this subject lands remains unchanged.

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<b>Ward 12</b>					
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1	Text	1051 Garner Road West, Ancaster	Section 5.2b)	Request by the landowner is made to address concerns respecting the proposed parking stall size increase to 3.0m in width and 5.8m in length. The increase in size will affect sites that are going through a multi-phased development.	Site is existing and fully built out. Existing parking space will be recognized and deemed to comply through a vacuum clause.
			Section 5.2h)	Request by the landowner is made to address concerns respecting the provision of landscaping in parking lots such as needing more space for the parking lot.	The purpose of requiring landscaping in parking areas is to address climate change, stormwater management, and aesthetics.  The number of parking spaces can be reduced relative to the amount of landscaped islands that are provided.
2	Text	1172 Wilson Street West	Arterial Commercial (C7, 598) Zone, Modified	Request by the landowner is made to add additional uses such as a Dry Cleaning Plant, Day Nursery, and Beverage Making Establishment.	Uses requested by landowner do not meet Arterial Commercial Policy E.4.8.2b) in UHOP.  The Dry Cleaning Plant is considered an industrial use, and is currently defined in the Hamilton Zoning By-law No. 05-200 as “a building where dry cleaning, dry dyeing, washing or pressing of articles of clothing is conducted”. The use is intensive and generally located on a large site as large numbers of clothing items are processed at the same time. Dry Cleaning Establishments are

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					<p>considered as a Personal Service, and dry cleaning, dry dyeing, washing or pressing of articles of clothing is also permitted as an accessory use.</p> <p>A Day Nursery is not permitted in an Arterial Commercial (C7) Zone due to the sensitive nature of the use. Generally the C7 Zone is for large-scale commercial uses that require extensive loading and parking or commercial vehicles and motor vehicles, and also motor vehicle related uses that require extensive land for storage and parking. A Day Nursery would be impacted by these uses.</p> <p>A Beverage Making Establishment is the production of beverages for personal consumption such as small batch soda and cold brew tea and coffee. These are also appropriate in an industrial zone for large scale production. The C7 Zone is intended for large scale commercial uses that require extensive loading and parking, and also motor vehicle related uses that require extensive land for storage and parking.</p>

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4	Text	60 Martindale Crescent	Mixed Use Medium (C5) Zone	Request by the landowner is made to add a Special Exception to address existing parking, building façade, and building setbacks of existing commercial conflicts with proposed C5 Zone regulations. Request a Special Exception to recognize and legalize the existing built form.	<p>The Vacuum Clause will recognize existing setbacks are deemed to comply. Proposed Vacuum Clause will also recognize existing parking areas with respect to parking stall sizes.</p> <p>Furthermore, small additions to existing buildings up to 10% of the GFA of the building is permitted and will not be subject to the required setbacks in the parent zone.</p> <p>However, a new regulation has been added to permit up to 650 square metres without the need to comply to the Minimum Building Façade Length. This administrative change by staff is a response to concerned landowners who may wish to add small commercial building pads closer to the street. This will over time allow landowners to build multiple building pads close to the street line, effectively meeting the Official Plan requirements building a street edge that improves the pedestrian environment.</p>



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5	Text	122 Martindale Crescent	Mixed Use Medium (C5) Zone	Request by the landowner is made to add a Special Exception to address existing parking, building façade, and building setbacks of existing commercial conflicts with proposed C5 Zone regulations. Request a Special Exception to recognize and legalize the existing built form.	<p>The Vacuum Clause will recognize existing setbacks are deemed to comply. Proposed Vacuum Clause will also recognize existing parking areas with respect to parking stall sizes.</p> <p>Furthermore, small additions to existing buildings up to 10% of the GFA of the building is permitted and will not be subject to the required setbacks in the parent zone.</p> <p>However, a new regulation has been added to permit up to 650 square metres without the need to comply to the Minimum Building Façade Length. This administrative change by staff is a response to concerned landowners who may wish to add small commercial building pads closer to the street. This will over time allow landowners to build multiple building pads close to the street line, effectively meeting the Official Plan requirements building a street edge that improves the pedestrian environment.</p>

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1	Text	50 Cootes Drive	Mixed Use Medium Density (C5, 582) Zone, Modified	Request made to add a Special Exception for the subject lands only to recognize existing regulations found under the General Commercial (C3) Zone of Dundas Zoning By-law 1964.	<p>The General Commercial (C3) Zone of Dundas Zoning By-law No. 1964 contains zone regulations such as Minimum Side and Rear yard Setbacks, Landscaping Requirements, and Lot Frontage. There are separate requirements for Motor Vehicle Service Stations and all other uses.</p> <p>As the UHOP provides for policy direction for Hamilton Zoning By-law No. 05-200, carrying the zoning regulations from the Dundas Zoning By-law No. 1964 forward would be in contravention of many of the policies such as requiring buildings to be built close to the street and requiring parking to be located behind the building to create a positive pedestrian environment, and increase in building height for intensification opportunities.</p>

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<b>No.</b>	<b>Map or Text Change</b>	<b>Municipal Address</b>	<b>Zone / Regulation</b>	<b>Nature of Correction, Error, or Omission</b>	<b>Change/ No Change</b>
1	Text	Clappison's Corner (NE corner of Highway 6 and Highway 5)	District Commercial (C6, 326) Zone, Modified	Request by the landowner to modify the regulations in the Special Exception to either eliminate the Maximum GFA for Office or increase the Maximum GFA beyond the existing 2,000 square metres.	In consultation with the agent of the landowner, the CMU Zone implements the UHOP policies.  The UHOP provide policy direction on Maximum GFA for Office Use. Under Policy E.4.7.8, office uses on the same lot shall not exceed 2,000 square metres. This is to not compete with Downtown Hamilton for office demands.
				Request by the landowner to reduce the Side Yard Setback beyond the approved requirements from the OMB decision (PL140892) and in By-law 16-073.  A similar request to eliminate the Minimum Lot Frontage and Minimum Lot Area for Restaurants from the OMB decision (PL140892) and in By-law 16-073.	These regulations were approved by the OMB and thus mandated to be carried forward as Special Exception 326 in the Hamilton Zoning By-law No. 05-200. Any modifications to these requirements will require approval of a Minor Variance application or a Zoning By-law Amendment application.