

Authority Item 11, Planning Committee
Report 18-004 (PED18065)
CM: March 28, 2018
Ward: 10

Bill No. 086

CITY OF HAMILTON

BY-LAW NO. 18-086

**To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 417, 419, 421, and 423 Highway 8, 176 Millen Road,
and 175 Margaret Avenue, Stoney Creek**

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 municipality known as the "The Corporation of the City of Hamilton" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 by Order on the 31st day of May 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 11 of Report 18-004 of the Planning Committee, at its meeting held on the 28th day of March 2018, 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. 99;

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

1. That Map No. 6 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 Single Residential "R2" Zone to the General Commercial "GC-57" Zone, Modified, for the lands comprised in "Block 1"; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

- b) By changing the zoning from the Single Residential “R2” Zone to Single Residential “R2-64” 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 the Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “GC-57”, as follows:

“GC-57” 417, 419, 421 and 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue, 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-57” by the By-law shall be limited to:

Animal Hospital only if wholly enclosed within a building;
Art Galleries;
Athletic Clubs;
Bakeries;
Banks or Financial Institutions;
Business or Commercial Schools;
Car Washing Establishments;
Convenience Food Stores;
Day Nurseries;
Dry Cleaning Depots;
Equipment Rental, Sales or Repairs;
Medical Clinics;
Food Stores;
Funeral Homes;
Gasoline Bars; and
Office.

provided the maximum gross floor area for all commercial uses within a building does not exceed 1,800 square metres.

Notwithstanding the provisions of Paragraphs (c) and (g), of Section 8.3.3, Section 4.9.2, Section 4.10.9, Section 4.16, and Paragraphs (a) and (d) of Section 4.19, within the General Commercial “GC-57”, Modified, Zone, the following shall apply:

- c) Minimum Front Yard 2.0 metres
- g) Minimum Landscape Open Space

1. A landscape strip having a minimum width of 1.75 metres shall be provided adjacent to every portion of any lot line that abuts a street except for points of ingress and egress.
2. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.

Notwithstanding Section 4.9.2, loading spaces shall not be required.

Notwithstanding the provisions of Paragraph (a) of Section 4.10.3 the minimum dimension of a parking space shall be 2.75 metres in width by 5.8 metres in length.

Notwithstanding Section 4.10.9, Schedule of Minimum Parking Requirements, a minimum of 59 parking spaces shall be provided for all uses on the subject lands.

A maximum of 50% of glazing on west facing windows shall be composed of transparent vision glass.

3. That Subsection 6.3.7 “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone of the Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “R2-64”, as follows:

“R2-64” 175 Margaret Avenue, Schedule “A”, Map No. 6

Notwithstanding the provisions of Paragraphs (a), (c), & (d) of Section 6.3.3 “Zone Regulations” of Zoning By-law No. 3692-92, the following shall apply to the lands identified as Block 2 on Schedule “A” for the dwelling existing at the date of the passing of this By-law:

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|----|---------------------------|--------------|
| a) | Minimum Lot Area | 420.0 metres |
| c) | Minimum Front Yard | 4.75 metres |
| d) | Minimum Side Yard (North) | 1.0 metres |

Notwithstanding Section 4.16 an air conditioner shall be permitted within the northerly side yard, not closer than 0.4 metres from the northerly lot line.

Notwithstanding the provisions of Paragraph (a) of Section 4.19 a bay window may project into the front yard not more than 0.6 metres.

Notwithstanding the provisions of Paragraph (d) of Section 4.19 an unenclosed porch may project into the front yard not more than 2.7 metres.

4. 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" Zone provisions and the Single Residential "R2" Zone provisions, subject to the special requirements referred to in Sections 2 and 3.
5. In all other respects, By-law No. 3692-92 is hereby confirmed, unchanged.

That the Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 11th day of April, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-028/UHOPA-17-15



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 3692-92</p>	<p>Subject Property</p> <p>417, 419, 421 & 423 Highway No. 8 176 Millen Road & 175 Margaret Avenue</p> <p> Block 1 - Change in zoning from the Single Residential "R2" Zone to the General Commercial "GC-57" Zone</p> <p> Block 2 - Change in zoning from the Single Residential "R2" Zone to the Single Residential "R2-64" Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-028 / UHOPA-17-15
Date: Feb. 5, 2018	Planner/Technician: JL/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

