

Authority: Item 4, Planning Committee
Report 18-007 (PED18085)
CM: May 9, 2018
Ward: 10

Bill No. 140

CITY OF HAMILTON

BY-LAW NO. 18-140

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 86, 88, 90, 92, 94, and a portion of 96 Lakeview Drive

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 18-007 of the Planning Committee, at its meeting held on the 9th day of May, 2018, which 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 Urban Hamilton Official Plan.

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

1. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Highway Commercial (Holding) "HC(H)" Zone, to the Mixed Use Commercial "MUC-10" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 8.8.4, "Special Exemptions" of Section 8.8, Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption, "MUC-10", as follows:

**"MUC-10" 86, 88, 90, 92, 94, and a portion of 96 Lakeview Drive,
Schedule "A", Map No. 2**

In addition to the uses permitted in Subsection 8.8.2 "Permitted Uses for Each Lot" of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-10" by this By-law, the following uses shall also be permitted:

- (a) Apartment Dwellings
- (b) Bakery Shop
- (c) Convenience Food Stores
- (d) Drug Stores
- (e) Dry Cleaning Depot
- (f) Food Stores
- (g) Medical Offices or Clinics
- (h) Private or Commercial Schools
- (i) Restaurant – Convenience
- (j) Restaurant – Fast Food
- (k) Restaurant – Outdoor Patio
- (l) Veterinary Facility

That notwithstanding the provisions of Paragraphs (e), (f), (g), (h), (k), (l), (n) 1. and 4., and (o) of Subsection 8.8.3 "Zone Regulations" of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-10" by this By-law, the following shall apply:

- (e) Front Yard
 - Minimum 1.5 metres up to a maximum 4.5 metres
- (f) Minimum Side Yard
 - 7.5 metres, except 12 metres for a flankage yard
- (g) Minimum Rear Yard
 - 7.5 metres
- (h) Minimum Residential Density
 - 100 units per hectare
- (k) Shall not apply

(l) Minimum Landscaped Open Space

1. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to Lakeview Drive.
2. A landscaped strip having a minimum width of at least 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.
3. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts another lot.

(n) Minimum Parking Requirement

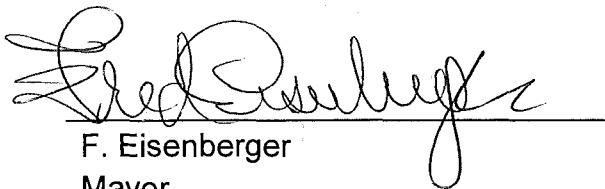
1. Residential Uses – 1.3 spaces per dwelling unit.
4. Shall not apply.

(o) Shall not apply

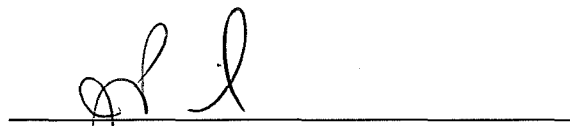
All other regulations of the Mixed Use Commercial “MUC” Zone shall apply.

3. 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 Mixed Use Commercial “MUC” Zone provisions, subject to the special requirements referred to in Section 2.
4. 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 23rd day of May, 2018.

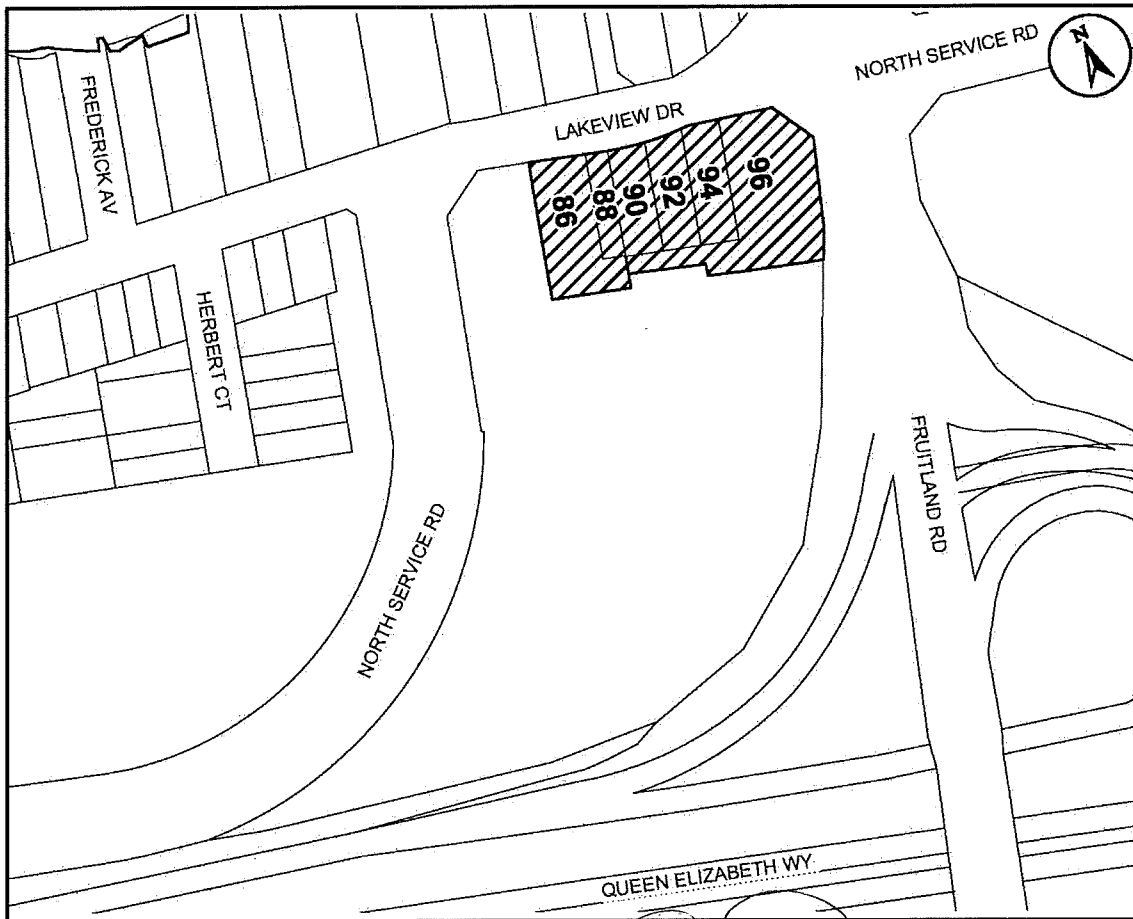


F. Eisenberger
Mayor



J. Pilon
Acting City Clerk

ZAC-17-020



This is Schedule "A" to By-law No. 18- 140
 Passed the 23rd day of May, 2018

Fred Paulge
 Mayor


[Signature]
 Clerk


Schedule "A"

Map Forming Part of
 By-law No. 18- 140

to Amend By-law No. 3692-92

Subject Property
 86, 88, 90, 92, 94 & a portion of 96 Lakeview Drive

 Change in zoning from Highway Commercial (Holding) "HC (H)" Zone, to a Mixed Use Commercial "MUC-10" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-17-020/JHOPA-17-009	
Date: May 2, 2018	Planner/Technician: AF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton