

Authority: Item 14, Economic Development
and Planning Committee
Report 09-014(PED09166)
CM: June 24, 2009

Bill No. 164

CITY OF HAMILTON

BY-LAW NO. 09-164

To Amend Zoning By-law No. 6593

**Respecting Lands Located at 480 and 500 Centennial Parkway North and
20 Warrington Street**

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 and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 14 of Report 09-014 of the Economic Development and Planning Committee at its meeting held on the 24th day of July, 2009, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

**Zoning By-law Respecting 480 and 500 Centennial Parkway North and
20 Warrington Street**

1. That Sheet No. E-112 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended by changing from the "KK" (Restricted Heavy Industrial) District to the "G-1-'H'/S-1613" (Designed Shopping Centre - Holding) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to the lands referred to in Section 1, be modified to include the following special requirements:
 - (a) In addition to the permitted uses of Subsection 13A. (1), a hotel, and conference or convention centre shall also be permitted.
 - (b) Notwithstanding the permitted uses of Subsection 13A. (1), institutional uses and public uses shall be prohibited.
 - (c) A maximum gross floor area of 23,226 square metres of retail and service uses shall be permitted, plus an additional 1 square metre of retail and service use for every 1 square metre of the following non-retail and service uses for which construction has substantially commenced:
 - (i) Hotel;
 - (ii) Business or Professional Person's Office;
 - (iii) Conference or Convention Centre;
 - (iv) Commercial School;
 - (v) Commercial Lending Library;
 - (vi) Photographer's or Artist's Studio;
 - (vii) Theatre;
 - (viii) Bowling Alley or Billiard Hall; and,
 - (ix) Place of Amusement that provides only childrens' rides and penny arcades.
 - (d) A maximum gross floor area of 18,581 square metres for a single retail store.
 - (e) A maximum gross floor area of 10,000 square metres of Business or Professional Person's Office shall be permitted.
 - (f) Notwithstanding Subsection 13A. (3), no building shall exceed twelve storeys, and no structure shall exceed 60.0 metres, in height.
 - (g) Notwithstanding Subsection 13A. (4)(a) and (b), the following setbacks shall apply:
 - (i) Centennial Parkway - 6 metres (minimum)

**Zoning By-law Respecting 480 and 500 Centennial Parkway North and
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- (ii) Warrington Street - 2 metres (minimum)

 - (iii) South Service Road - 14 metres (minimum) for all buildings, and parking and landscaping required by the By-law.

 - (h) Notwithstanding Subsection 18A. (1)(a), the parking ratio applicable to retail uses and service uses, shall be 1 parking space per 20 square metres of floor area. For all other uses, the requirements of Section 18A shall apply.

 - (i) Notwithstanding Subsection 18A. (1)(d), buildings having less than 1,552 square metres (16,700 square feet) of floor area shall not be required to provide a loading space.

 - (j) Notwithstanding Subsection 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.

 - (k) That the site-specific regulations apply to the entire property as if it were one lot, regardless of any future consent(s).
3. That the 'H' symbol referred to in Section 1 of this By-law shall be removed conditional upon:
- a) Completion and implementation of a Traffic Impact Study, which also addresses the access requirements of 21 Warrington Street, to the satisfaction of the Ministry of Transportation, and Manager of Traffic Engineering and Operations, Public Works Department; and,

 - b) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
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 "G-1" (Designed Shopping Centre) District provisions, subject to the special requirements referred to in Section 2.

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5. That Sheet No. E-112 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1613.
6. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1613.
7. 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 and ENACTED this 9th day of July, 2009.



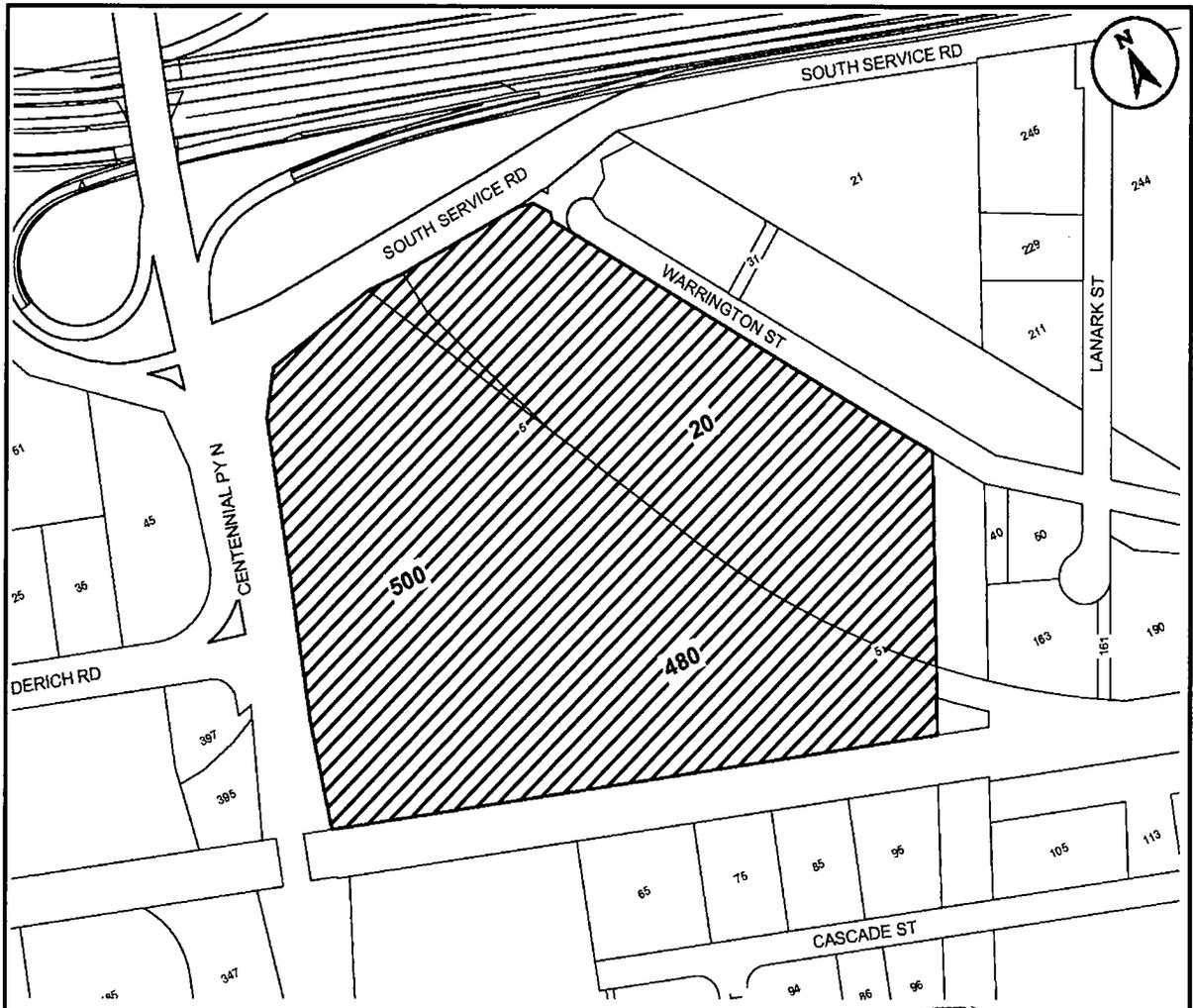
~~Chad Collins~~ Fred Eisenberger
Acting Mayor



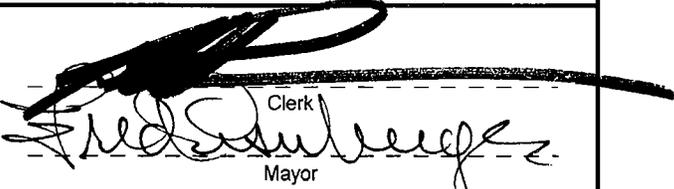
Kevin C. Christenson
City Clerk

ZAC-07-029

Zoning By-law Respecting 480 and 500 Centennial Parkway North and 20 Warrington Street



This is Schedule "A" to By-Law No. 09-164
 Passed the ..9.th... day ofJuly....., 2009


 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 09- 164
 to Amend By-law No.6593

Subject Property

 480 - 500 Centennial Pkwy N
 and 20 Warrington Street

Change in Zoning from the "KK" (Restricted Heavy Industrial) District to the "G-1-H/S-1613" (Designed Shopping Centre - Holding) District, Modified.

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| Scale: N.T.S. | File Name/Number: OPA-07-08/ZAC-07-029 |
| Date: May 13, 2009 | Planner/Technician: PD/NB |
|  PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | |