

Authority: Item 14, Economic Development
and Planning Committee
Report 08-016 (PED08192)
CM: September 10, 2008

Bill No. 204

CITY OF HAMILTON

BY-LAW NO. 08-204

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2620 Binbrook Road

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 Township of Glanbrook" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton in adopting Item 14 of Report 08-016 of the Economic Development and Planning Committee at its meeting held on the 10th day of September, 2008, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is hereby amended by changing from the Existing Residential "ER" Zone to the

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General Commercial "C3-242" Zone, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following new special provisions:

"C3-242

Notwithstanding the uses permitted in **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.1 - **PERMITTED USES**, of Zoning By-law No. 464, the following uses shall be permitted only on the ground floor of a mixed use building for those lands zoned "C3-242":

- (a) Banks and financial institutions, liquor, beer or wine stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, offices, personal service shops, photographic studios, places of entertainment, post office, printing establishments, private and commercial clubs, professional and business offices, standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru), retail stores, service shops, taverns, veterinary service establishment with no outside runs, and uses, building and structures accessory to the above permitted uses.
- (b) Dwelling units shall only be permitted above the ground floor, except for access.

Notwithstanding the regulations of Paragraphs (f), (g), (j) and (l) of Subsection 25.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1** of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, for those lands zoned "C3-242", the following regulations shall apply:

- (f) Maximum Front Yard 3.0 metres, except:
 - (i) Minimum setback to the hypotenuse of a daylight triangle 1.0 metre
- (g) Minimum Side Yard 3.0 metres, except:
 - (i) Minimum setback to the hypotenuse of a daylight triangle 1.0 metre
- (j) Minimum Parking Requirements
 - (i) Notwithstanding Paragraph 7.35 (a) of this By-law, the parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres;
 - (ii) Notwithstanding Paragraph 7.35 (b) of this By-law, Parking spaces shall be provided at a rate of 1 space per residential dwelling unit,

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and 1 space per every 30 square metres of gross floor area for commercial uses; and,

(iii) Visitor parking shall be shared with the commercial parking spaces.

All other requirements shall be pursuant to the provisions of Subsection 7.35 of this By-law.

(l) **Minimum Landscaping Requirements**

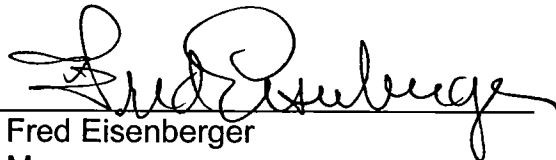
(i) A landscaped area in the form of a planting strip having a minimum width of 3.0 metres, and a fence having a minimum height of 1.8 metres, shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

(ii) A landscaped area having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street and 1 metre abutting the hypotenuse of a daylight triangle, and such landscaped area shall be continuous except for required driveway(s).

3. 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 "C3" District provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. 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 10th day of September, 2008.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk



This is Schedule "A" to By-Law No. 08-204
 Passed the ...10th day of ...September..., 2008

[Signature]
 Clerk
[Signature]
 Mayor


Schedule "A"

Map Forming Part of
 By-Law No. 08- 204

to Amend By-law No. 464

Subject Property

2620 Binbrook Road

 Change in zoning from the Existing Residential "ER" Zone to the Modified General Commercial "C3-242" Zone

| | |
|---------------------------|---------------------------------|
| Scale: N.T.S. | File Name/Number: ZAC-07-110 |
| Date: January 17, 2008 | Planner/Technician: DF/LC |



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT