

Authority: Item 17, Economic Development and
Planning Committee
Report 09-017 (PED09236)
CM: September 15, 2009

Bill No. 196

CITY OF HAMILTON

BY-LAW NO. 09-196

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 3015, 3021 and 3027 Binbrook Road West, and 3016,
3030 and 3034 Regional Road 56**

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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 17 of Report 09-017 of the Economic Development and Planning Committee at its meeting held on the 15th day of August, 2009, 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 amended:

By-law Respecting 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

(Page 2 of 6)

- (a) by changing from the Existing Residential "ER" Zone to the Holding - General Commercial "H-C3-255" Zone, the lands comprised of Block "1"; and,
- (b) by changing from the General Commercial "C3" Zone to the Holding - General Commercial "H-C3-255", the land comprised of Block "2";

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 the By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "H-C3-255", as follows:

"H-C3-255" 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

Notwithstanding **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.1 - **PERMITTED USES**, the uses permitted on the lands zoned "H-C3-255", shall be limited to:

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

Notwithstanding the definition of "Lot Line, Front" in **SECTION 4: DEFINITIONS**, for the purpose of this By-law, the Front Lot Line of the lands zoned "H-C3-255" shall be deemed to be Regional Road 56.

Notwithstanding the regulations of **SECTION 8: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.2 - **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1**, Clauses (f), (g), (h), (i), (j) and (l), the following regulations shall apply to the lands zoned "H-C3-255";

- (f) Maximum Front Yard..... 3.0 metres

By-law Respecting 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

(Page 3 of 6)

- (g) Minimum Side Yard1.5 metres, except:
 - (i) A maximum 3.0 metres setback for the side yard abutting the flankage street (Binbrook Road West) line.
- (h) Minimum Rear Yard.....1.5 metres
- (i) Maximum Height.....11.5 metres
- (j) Minimum Parking Requirements:
 - (iv) No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle within 3.0 metres of a streetline, or within 1.5 metres of the boundary of any Residential Zone or any Zone where the adjoining land is used for residential purposes, or within 1.5 metres of the boundary of any Institutional Zone or any Zone where the adjoining land is used for institutional purposes.
 - (v) Notwithstanding subsection (iv), above, no parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle within 4.5 metres of the boundary of any Residential “R4” Zone.
- (l) Minimum Landscaping Requirement:
 - (i) A landscaped area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes, except a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential “R4” Zone. A visual barrier having a minimum height of 1.8 metres shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone 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, except where a building is located, and such landscaped area shall be continuous except for the required driveway(s). Sidewalks/walkways associated with the permitted uses and shown on an approved site plan are permitted within landscaped areas and planting strips.

By-law Respecting 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

(Page 4 of 6)

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.35 - **MINIMUM PARKING REQUIREMENTS**, Clauses (a)(vii), (xv)(B), and (b), the following regulations shall apply to the lands zoned "H-C3-255";

(a) **General Provisions**

- (vii) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.
- (xv) Parking spaces for the physically handicapped shall be assigned to the required number of parking spaces where a minimum of ten (10) parking spaces are required, as follows:
 - (B) Each space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.

(b) **Off-Street Parking Space Requirements**

- (i) Parking spaces shall be provided at a rate of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for all other permitted uses.
- (ii) Visitor parking shall be shared with commercial parking spaces.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.36 - **MINIMUM LOADING REQUIREMENTS**, Clause (b), the following regulations shall apply to the lands zoned "H-C3-255";

(b) **Off-Street Loading Requirements**

A minimum of one (1) loading space shall be provided and maintained.

On those lands zoned "H-C3-255" by this By-law, the Holding 'H' symbol may be removed by City Council, and thereby give effect to the "C3-255" Zone provisions by enactment of an amending By-law at such time as the subject lands are consolidated in the same name and title, to the satisfaction of the Director of Planning.

3. That notwithstanding **SECTIONS 25: GENERAL COMMERCIAL "C3" ZONE** and Section 2 of this By-law, the conversion of the existing dwelling, known

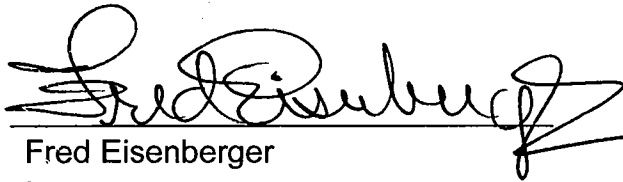
By-law Respecting 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

(Page 5 of 6)

municipally as 3034 Regional Road 56, shall be limited to the uses permitted in Section 2 of this By-law, at its current location existing on the day of the passing of this By-law, being the 16th day of September, 2009.

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 "C3" District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. 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 16th day of September, 2009.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

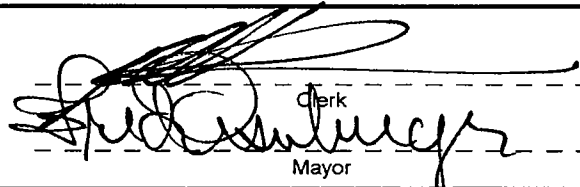
ZAC-07-064

By-law Respecting 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

(Page 6 of 6)



This is Schedule "A" to By-Law No. 09-196
 Passed the 16..... day of ...September....., 2009



 Clerk
 Mayor


Schedule "A"

 Map Forming Part of
 By-Law No. 09-196

 to Amend By-law No. 464

Subject Property

 BLOCK 1 - Change in Zoning from the Existing Residential "ER" Zone to the Holding - General Commercial "H-C3-255" Zone, Modified

 BLOCK 2 - Change in Zoning from the General Commercial "C3" Zone to the Holding - General Commercial "H-C3-255" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-07-064
Date: July 20, 2009	Planner/Technician: DF/NB

