

**Authority:** Item 10, Planning Committee  
Report: 17-013 (PED17142)  
CM: August 18, 2017  
Ward: 11

**Bill No. 184**

## **CITY OF HAMILTON**

### **BY-LAW NO. 17-184**

#### **To Amend Zoning By-law No.464 Respecting Lands Located at 3079 Binbrook Road (Glanbrook)**

**WHEREAS**, the *City of Hamilton Act*, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. incorporated as of January 1, 2001, the "City of Hamilton".

**WHEREAS**, the City of Hamilton is the lawful 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;

**WHEREAS**, Zoning By-law No. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May 1993;

**WHEREAS**, the Council of the City of Hamilton, in adopting Item 10 of Report 17-013 of the Planning Committee, at its meeting held on the 18<sup>th</sup> day of August, 2017, which recommended that Zoning By-law No. 464 (Glanbrook), 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 Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Existing Residential "ER" Zone to the General Commercial- Holding "H-C3-305" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44: "Exceptions to the Provisions on this By-law," is hereby further amended as follows:

**"H-C3-305"**

**3079 Binbrook Road**

1) Notwithstanding Section 25.1 Permitted Uses of Section 25: General Commercial "C3" Zone, only the following uses shall be permitted on the subject lands:

- (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, Medical Centres, Motels, Offices, Personal Services Shops, Photographic Studios, Places of

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Entertainment, Post Offices, Printing Establishments, Private or Commercial Clubs, Professional and Business Offices, Fast Food Restaurants, Standard Restaurants, Take-out Restaurants, Retail Stores, Service Shops, Taverns, Veterinary Service Establishments with no outside runs; and, uses, buildings and structures accessory to the above permitted uses.

(b) Drive-thru facilities, even as accessory uses shall be prohibited.

2) Notwithstanding the regulations of Section 25: General Commercial “C3” Zone, Subsection 25.2 – Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1, Clauses (a), (g), (h), (i), (j)(iii)(iv), (l) and (m), the following regulations shall apply to the lands zoned “H-C3-305” Zone:

(a) Minimum Lot Frontage.....20metres

(g) Minimum Side Yard.....1 metre

(h) Minimum Rear Yard.....1.5 metres

(i) Maximum Height.....14 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 2.5 metres of any street line or 0.78 metres from the boundary of any Residential Zone or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

(l) Minimum Landscaping Requirements:

(i) A landscaped area in the form of a planting strip having a minimum width of 0.70 m and a fence having a minimum height of 1.8 m 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. Pedestrian and access walkways shall be permitted within a required planting strip.

(ii) A landscaped area having a minimum width of 2.4 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the required driveway. Benches, other street furniture, and outdoor recreational equipment shall be permitted within a required landscaped area.

(m) Outside Display and Storage Requirements:

Outside display areas, in the form of benches, other street furniture, and outdoor recreational equipment shall be permitted abutting a street and/or the boundary of any Residential or Institutional Zone or any Zone where the adjoining lands are used for residential or institutional purposes and shall comprise no more than 22% of the total area of the required front yard.

- 3) Notwithstanding the regulations of Section 7: General Provisions for all Zones, Subsection 7.26 – Encroachment Into Yards, Clause (a) the following regulations shall apply to lands zoned “H-C3-305”:

Sills, belt courses, cornices, eaves or gutters, chimneys, bay windows, or pilasters, which may project into any required yard a distance of not more than 0.7 metres

- 4) Notwithstanding the regulations of Section 7: General Provisions for all Zones, Subsection 7.30 – Visibility Triangle, the following regulations shall apply to lands zoned “H-C3-305”:

That recreational equipment, street furniture and decorative screening shall be permitted within a required visibility triangle.

- 5) Notwithstanding the regulations of Section 7: General Provisions for All Zones Section 7.35 – Minimum Parking Requirements, Clauses (a), (iii), (vii), (xii) (xiii) (xv)(B), and clause (b), the following regulations shall apply to the lands zoned “H-C3-305”:

(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.
- (xii) Subject to the establishment of more specific and/or substantial regulation in the Regulations for various Zones, where a parking area which is required to provide more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area of a minimum width of 0.70 metres shall be provided and shall also include fencing to provide a solid and effective screen.
- (xiii) Subject to the establishment of more specific and/or substantial regulations in the Regulations for Various Zones, where a parking area which is required to provide more than four (4) parking spaces

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which abuts a street, a 2.4 metre landscaped area, as amended shall be provided along the street line.

(b) Off Street Parking Space Requirements

(i) Parking Spaces shall be provided at a rate of 1 space for every 46 square metres of gross floor area for any permitted commercial use.

6) Notwithstanding the regulations of Section 7: General Provision for All Zones, Subsection 7.36 – Minimum Loading Requirements, shall not apply to the lands zoned “H-C3-305”;

That the “H” symbol applicable to the lands zoned “H-C3-305” may be removed by a further amendment to this By-law at such time that the necessary upgrades to the Binbrook Sanitary Sewer Pumping Station are completed to the satisfaction of the Senior Director of Growth Management.

3. Notwithstanding the provisions contained in this By-law, the “H” symbol applicable to the lands zoned “H-C3-305” shall not apply to a Personal Service Shop having a maximum Commercial Gross Floor Area of no more than 675m<sup>2</sup>.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure of part thereof be used, nor shall any land be used, except in accordance with the General Commercial “C3” Zone, subject to the special requirements referred to in Section 2 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** this 18<sup>th</sup> day of August 2017.

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J. Farr  
Deputy Mayor

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R. Caterini  
City Clerk

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This is Schedule "A" to By-law No. 17-  Passed the ..... day of ....., 2017	_____ 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. 17-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 464</p>	<p><b>Subject Property</b>                  3079 Binbrook Road</p> <p> Change in Zoning from Existing Residential "ER" Zone to General Commercial - Holding "H-C3-305" Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-037	 <b>Hamilton</b>
Date: July 24, 2017	Planner/Technician: RF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		