

**Authority:** Item 10, Planning and Economic  
Development Committee  
Report; 04-018 (PD04260)  
CM: October 27, 2004

**Bill No. 283**

## **CITY OF HAMILTON**

### **BY-LAW NO. 04-283**

#### **To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located on the northwest corner of Twenty Road and Garth Street**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Section 10 of Report 04-018 of the Planning and Economic Development Committee at its meeting held on the 27<sup>th</sup> day of October, 2004, 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) as amended by Official Plan Amendment No. 47 proposed by the City of Hamilton as By-law No.04- 282 but not yet approved in accordance with the provisions of the Planning Act.

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

1. Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing the zoning from the site-specific Neighbourhood Commercial "C1-171" Zone to a site-specific Holding Neighbourhood Commercial "H-C1-196" Zone, for the lands located on the northwest corner of Garth Street and Twenty Road, 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 deleting special provision, "C1-171", and by adding special provision "H-C1-196" to include the following:

Notwithstanding Subsections 23.1 **Permitted Uses** and 23.2 **Regulations for Uses Permitted in Paragraph (a) of Subsection 23.1 of Section 23: Neighbourhood Commercial "C1" Zone**, Clauses (g) and (n)(ii) the following additional permitted uses and regulations shall apply to those lands zoned site-specific Neighbourhood Commercial "H-C1-196" Zone:

(a) **ADDITIONAL PERMITTED USES**

- (i) Medical Centres; retail stores, including pharmacies and postal outlets; commercial schools; and, restaurants (standard, take-out and fast food).

(b) **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF THIS SUBSECTION**

- (g) No Maximum Gross Leasable Floor Area for Each Individual Establishment.
- (n) Minimum Landscaping Requirements:
  - (ii) A landscaped area having a minimum width of 4.5 metres (14.7 ft) 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 driveways.

On those lands zoned "H-C1-196" by this by-law, the Holding "H" Symbol may be removed by City Council and thereby give effect to the "C1-196" Zone provisions by enactment of an amending By-law upon completion of the necessary road improvements to ensure safe traffic and pedestrian movements for a drive-through all to the satisfaction of the Director of Development.

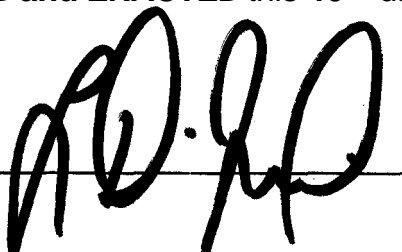
While zoned "H-C1-196", a drive-through in conjunction with a restaurant shall not be permitted on the subject lands. All other provisions of the "H-C1-196" Zone shall apply. For the purposes of this paragraph, a drive-through in conjunction with a restaurant is defined as an establishment whereby a customer may order and take

and take delivery of food or refreshments in his/her vehicle to be consumed on the site or elsewhere.

- 34. 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 10<sup>th</sup> day of November, 2004.

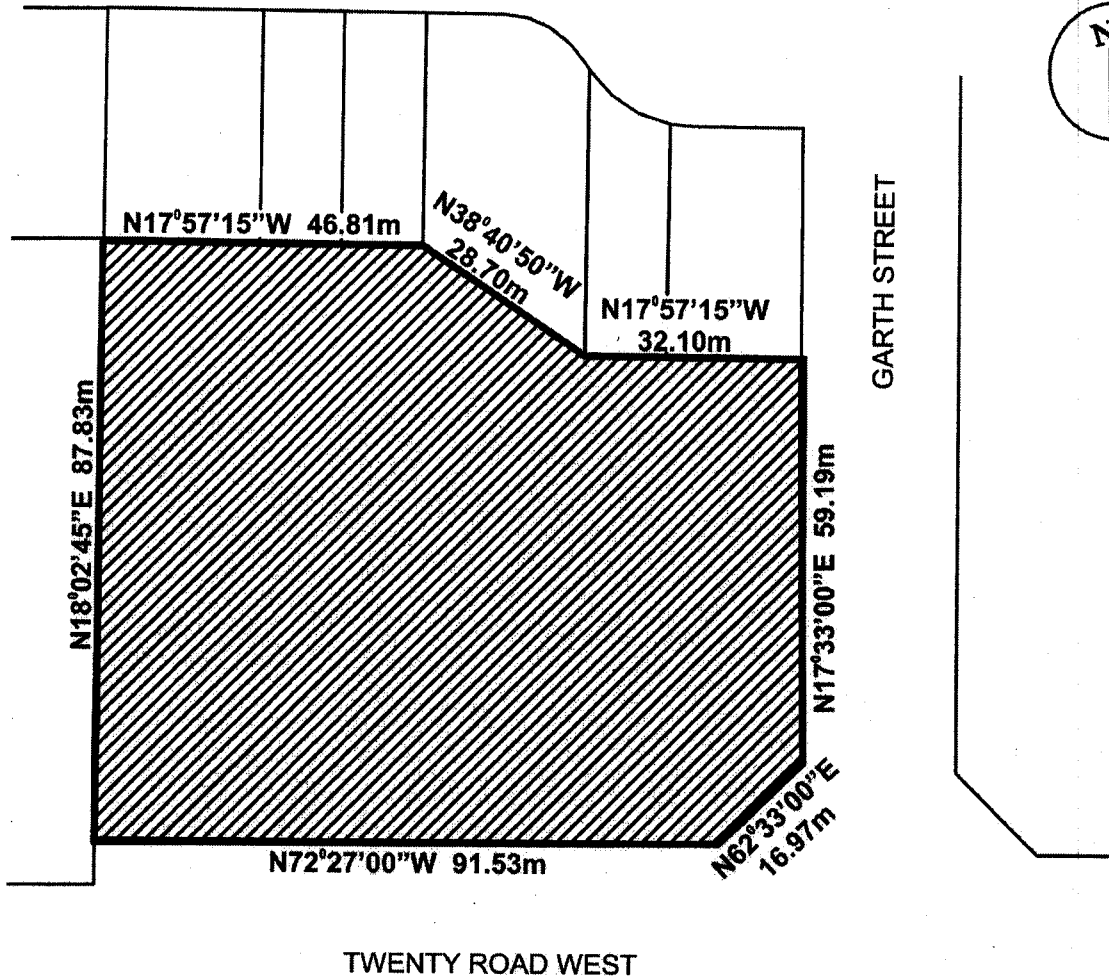
MAYOR



ZAC-04-50

CLERK





This is Schedule "A" to By-Law No. 04— 283

Passed the 10th..... day of November....., 2004

*[Handwritten signature]*  
 Clerk  
*[Handwritten signature]*  
 Mayor

# Schedule "A"

Map Forming Part of  
 By-Law No. 04-283  
 to Amend By-Law No. 6593



Hamilton

## Subject Property

North west corner of Twenty Road  
 and Garth Street



Change from the Neighbourhood Commercial "C1-171"  
 Zone to the Holding Neighbourhood Commercial "H-C1-  
 196" Zone.

North



Scale:  
 Not to Scale

Date:  
 October 26, 2004

File Name/Number:  
 ZAC-04-50

Planner/Technician:  
 KW/NB

T&C File Name: