

Authority: Item 40, Planning and Economic
Development Committee
Report; 05-027(PED05193)
CM: December 14,2005

Bill No. 374

CITY OF HAMILTON

BY-LAW NO. 05-374

**To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at the
Southeast Corner of Rymal Road East and Dakota Boulevard**

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 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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 40 of Report 05-027 of the Planning and Economic Development Committee at its meeting held on the 14th day of December, 2005, 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 (formerly the Township of Glanbrook), in accordance with the requirements of the Planning Act;

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

1. That Schedule "J", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Deferred Development "DD" Zone to the Neighbourhood Commercial - Holding "H-C1-205" Zone, the lands located at the

Southeast corner of Rymal Road East and Dakota Boulevard, 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 applying the Holding Provision of Section 36(1) of The Planning Act, R.S.O. 1990, by introducing the holding symbol (H) as a suffice to a new special exception, "H-C1-205", as follows:

"H-C1-205"

Notwithstanding Subsection 23.1 and 23.2 **PERMITTED USES** and **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 23.1** of **SECTION 23: NEIGHBOURHOOD COMMERCIAL "C1" ZONE**, the following regulations shall apply to those lands zoned "H-C1-205":

(a) **PERMITTED USES**

- (i) Commercial, community, and institutional uses identified in Section 24.1 of Zoning By-law No. 464, except that department stores shall not be permitted.
- (ii) Residential uses in accordance with the provisions of the "RM3-175" Zone.

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

- (i) Maximum Lot Area 48,000 square metres
- (ii) Maximum Total Gross Leasable Floor Area 11,000 square metres
- (iii) Maximum Gross Leasable Floor Area for a Supermarket..... 4,650 square metres
- (iv) Maximum Gross Leasable Floor Area for a Drug Store..... 1,200 square metres
- (v) Maximum Gross Leasable Floor Area for a Medical Centre..... 560 square metres
- (vi) Maximum Gross Leasable Floor Area for all Other Commercial Establishments..... 460 square metres
- (vii) **All other provisions of Subsection 24.2 shall apply**

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION

Pursuant to the provisions of the Multiple Residential "RM3-175" Zone of this By-law

The "H" symbol may be removed by a further amendment to this By-law at such time as the following matters have been completed, to the satisfaction of the Director of Operations and Maintenance, Public Works Department:

- (1.1) Environmental Assessment studies have been completed and approved;
- (1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,
- (1.3) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms;

for each of the following required road improvements:

- (2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;
- (2.2) The widening of Rymal road to four (4) lanes plus turn lanes;
- (2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,
- (2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection; or,

The submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional commercial development, and complies with the matters set out in (1.1 to 1.3) in respect of such improvements, to the satisfaction of the City's General Manager of Public Works.

The use of these lands while zoned "H-C1-205" shall be restricted to uses permitted in Paragraph (a)(i) of this By-law.

- 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 Residential "H-C1-205" Zone provisions.

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 14th day of December, 2005.

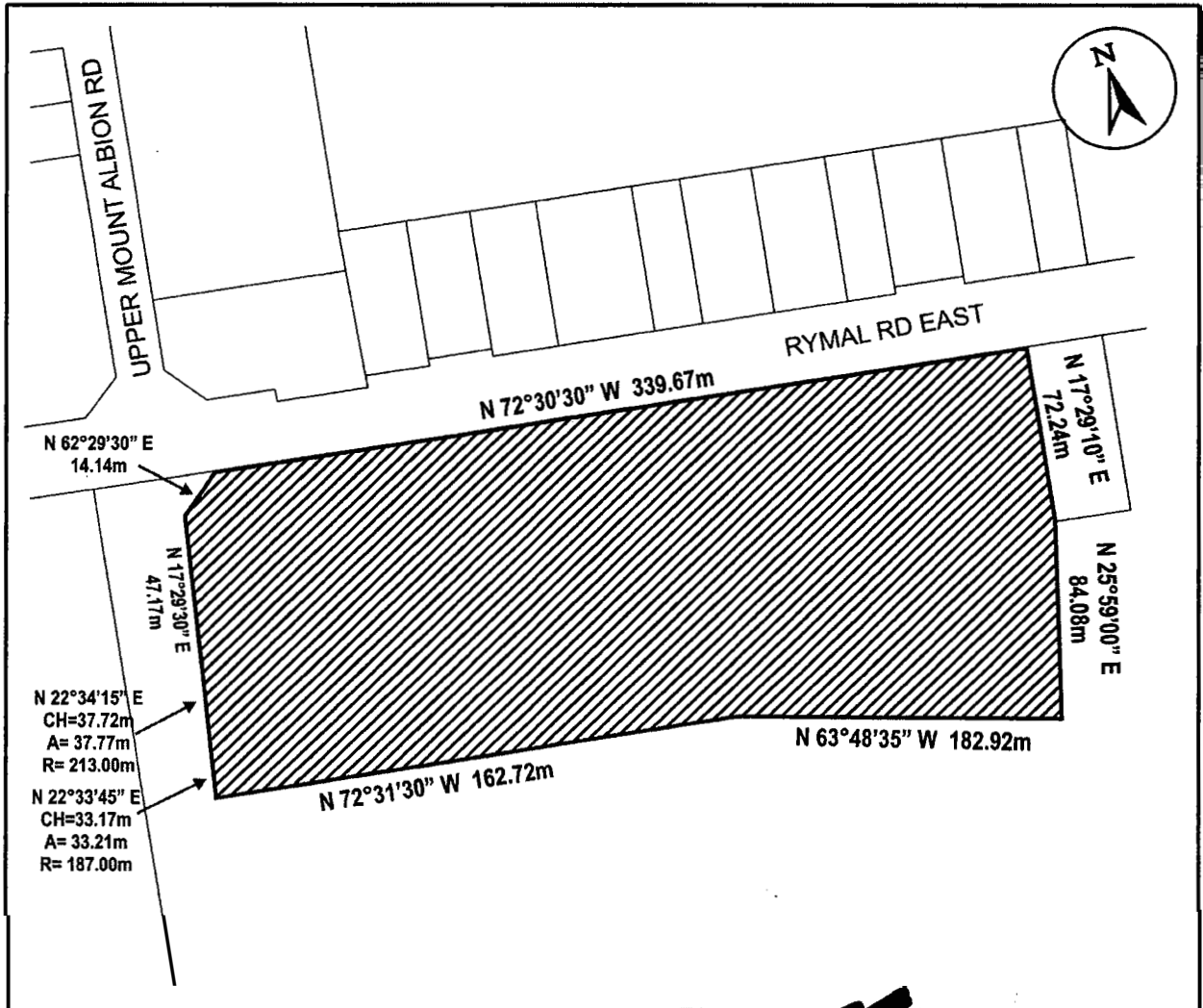


MAYOR



CLERK

ZAC-05-96



This is Schedule 'A' to By-Law No.05 — 374

Passed the 14th day of December, 2005

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 05-374
 to Amend By-Law No.464

Subject Property

 Change in Zoning from Deferred Development "DD" Zone to the Neighbourhood Commercial - Holding "H-C1-205" Zone.

 Planning and Economic Development Department
 Hamilton



Scale:
 Not to Scale

Date:
 November 2005

File Name/Number:
 ZAC-05-96

Planner/Technician:
 GM/LC

&C File Name: zac-05-96 schedule a.cdr