

Authority: Item 6 Economic Development
and Planning Committee
Report 07-018(PED07148)
CM: October 24, 2007

Bill No. 306

CITY OF HAMILTON

BY-LAW NO. 07-306

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located within Block 80, Plan 62M-1035
and 3206 Regional Road 56, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 07-018 of the Economic Development and Planning Committee at its meeting held on the 24th day of October, 2007, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the Township of Glanbrook Official Plan), upon approval of Official Plan Amendment No. 64.

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 as follows:

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- (a) by changing from the Existing Residential "ER" Zone to the General Commercial - Holding "H-C3-225" Zone, the lands comprised of Block 1;
- (b) by changing from the Residential Multiple "RM3-202" Zone, to the General Commercial - Holding "H - C3-225" Zone, the lands comprised of Block 2;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the 'H' symbol applicable to the lands referred to in Section 1 (a) and (b) of this By-law shall be removed conditional upon:

- (a) The completion of the requirements for the Binbrook Road & Regional Road 56 Municipal Class Environmental Assessment, Phases 3 & 4 to the satisfaction of the General Manager of Public Works.

City Council may remove the "H" symbol and thereby give effect to the Zone provisions by enactment of amending By-law once the condition is fulfilled.

3. 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:

"H-C3-225

Notwithstanding the regulations of Subsection 25.1 **PERMITTED USES** of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, only the following uses shall be permitted and only on the ground floor of a mixed-use building for those lands zoned "H-C3-225":

Banks and Financial Institutions;

Day Nurseries;

Office;

Professional and Business Offices;

Personal Service Shops;

Retail Stores, excluding those specific retail uses listed in Section 25.1(a);

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Fast Food Restaurant, excluding an outdoor patio and drive-thru;
Take-out restaurant, excluding an outdoor patio and drive-thru;
Standard Restaurant, excluding an outdoor patio and drive-thru; and,
Residential units on the ground floor having 50% of the floor area combined with a permitted commercial use having 50% of the floor area.

In addition to the foregoing, residential units shall be required above any use permitted on the ground floor.

Notwithstanding the regulations of paragraphs (d), (e), (f), (g), (j), (k), (l) and (m) 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 "H-C3-225", the following regulations shall apply:

- | | | |
|-----|--------------------------|---------------------|
| (d) | Maximum Lot Coverage | N/A |
| (e) | Maximum Gross Floor Area | N/A |
| (f) | Minimum Front Yard | 3.0 metres |
| (g) | Minimum Side Yard | 3.0 metres, except: |

- (i) 7.5 metres abutting a side lot line which is the boundary of any Residential Zone, or where a ground floor residential use is located on the adjoining lands.

(j) Minimum Parking Requirements

- (i) The parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres;
- (ii) Parking spaces shall be provided at a rate of 1.25 spaces per residential dwelling unit, 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 space.

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

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(k) Minimum Loading Requirements

- (i) 1 loading space shall be required and shared for the residential and commercial uses.

(l) Minimum Landscaping Requirements

- (i) A landscaped area in the form of a planting strip having a minimum width of 6.0 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 use.
- (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 such landscaped area shall be continuous except for required driveway(s).

(m) Outside Storage and Display

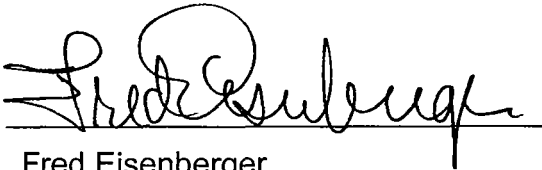
- (i) Outside Storage and display areas shall not be permitted less than 6.0 metres from any street and/or the boundary of any Residential Zone or any Zone where the adjoining land is used for residential.
- (ii) Outside storage areas shall be screened from view and enclosed with a fence having a minimum height of 1.8 metres”.

- 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.

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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 24th day of October, 2007.



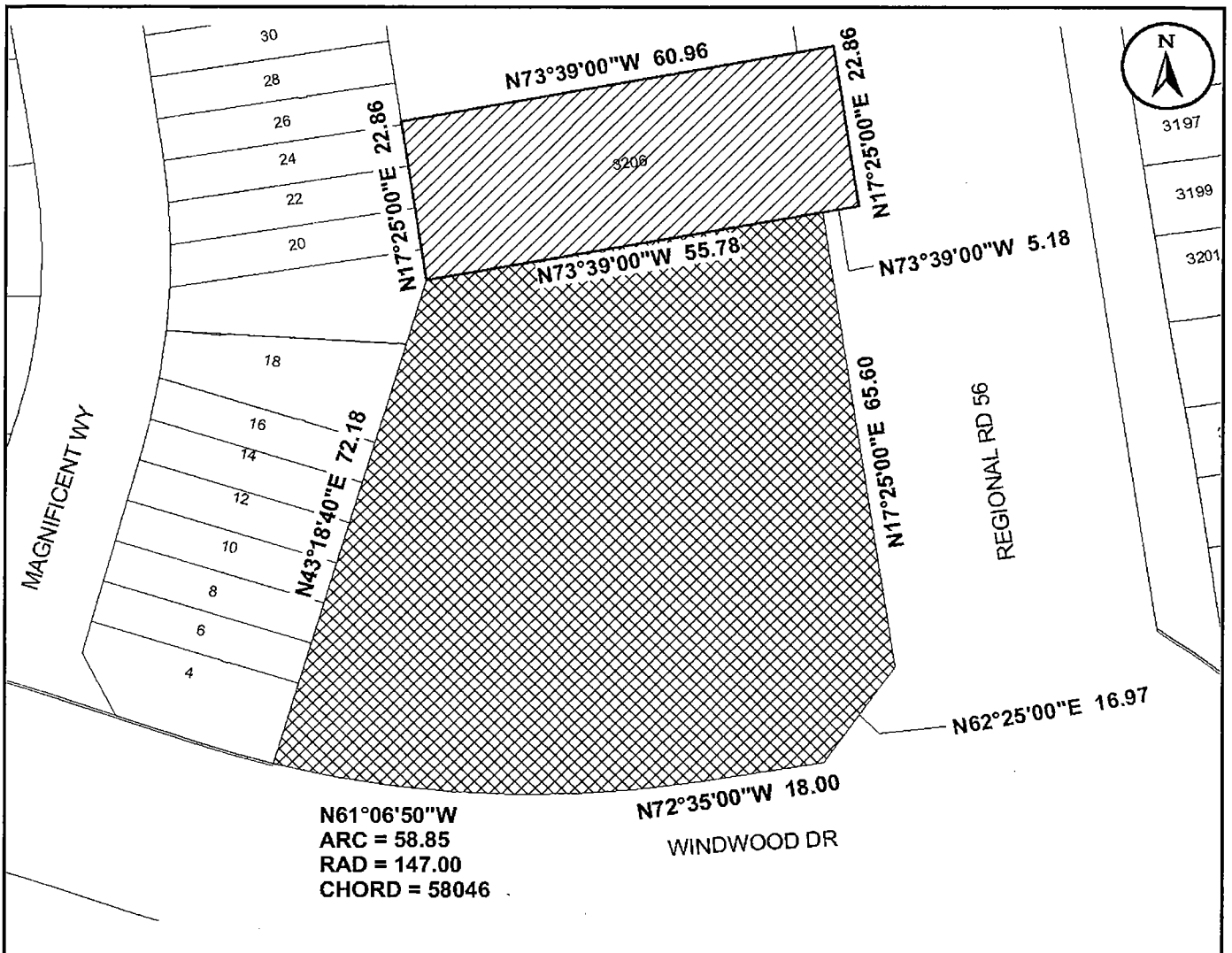
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-07-021

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This is Schedule "A" to By-Law No. 07-306

Passed the 24th day of October, 2007



[Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 07-306

to Amend By-law No. 464

Subject Property

-  **Block 1:**
 Change in Zoning from Existing Residential "ER"
 Zone to General Commercial-Holding "H-C3-225"
 Zone, Modified.
-  **Block 2:**
 Change in Zoning from Residential Multiple
 "RM3-202" Zone to General Commercial-Holding
 "H-C3-225" Zone, Modified.

Scale:
 N.T.S.

File Name/Number:
 ZAC-07-021

Date:
 August 31, 2007

Planner/Technician:
 KW/KA



Hamilton