

Authority: Item 13, Economic Development
and Planning Committee
Report: 07-019 (PED07279)
CM: November 14, 2007

Bill No. 320

CITY OF HAMILTON

BY-LAW NO. 07-320

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 3137 Regional Road 56

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13 of Report 07-019 of the Economic Development and Planning Committee at its meeting held on the 14th day of November, 2007, 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. Schedule "H", appended to and forming part of Zoning By-law No. 464 (Glanbrook), is amended by changing from the Existing Residential "ER" Zone to the General Commercial - Holding "H-C3-227" Zone, the lands, 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 adding a new special provision "H-C3-227", to include the following:

H-C3-227 3137 Regional Road 56

Notwithstanding the uses permitted in **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.1 – **PERMITTED USES**, of Zoning By-law No. 464, the uses permitted on the lands zoned "C3-227", shall be limited to:

- (a) Banks and financial institutions, liquor, beer or wine stores, commercial schools, custom workshops, dairies, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, medical centre, offices, personal service shops, photographic studios, places of entertainment or recreation, post office, printing establishments, private and commercial clubs, professional and business offices, public transportation depots, standard restaurants, take-out restaurants, fast-food restaurants, retail stores, service shops, taverns, taxi establishments, veterinary service establishment with no outside runs, and uses, building and structures accessory to the above permitted uses.
- (b) Residential uses ancillary to the uses permitted in Paragraph (a) of this Subsection.

Notwithstanding the regulations of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.2 – **REGULATIONS FOR PERMITTED USES IN SUBSECTION 25.1**, Clauses (g) and (l)(i), the following regulations shall apply only to the buildings or structures existing at the date of passing of this amending By-law being the 14th day of November, 2007, for lands zoned "C3-227";

- (g) Minimum Side Yard - 3 metres, except:
 - (i) 6.0 metres abutting the northerly lot line and 7.5 metres abutting the southerly lot line which are the boundary of any Residential or Institutional Zone or where a ground floor residential use or an institutional use is located on the adjoining land.
- (l)(i) A landscaped area in the form of a planting strip having a minimum width of 0.5 metres shall be provided and thereafter maintained adjacent to the northerly lot line that abuts a Residential or Institutional Zone.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISION FOR ALL ZONES**, Subsection 7.35 **MINIMUM PARKING REQUIREMENTS**, Clause (a)(xii), the following regulations shall apply only to the buildings or structures

existing at the date of passing of this amending By-law being the 14th day of November, 2007, for lands zoned "C3-227";

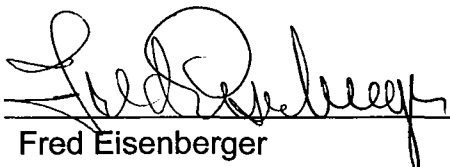
(a)(xii) A landscape area consisting of a planting strip having a minimum width of 1.5 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained along the northerly lot line adjacent to any parking spaces and/or the manoeuvring area of the parking spaces that abuts a Residential or Institutional Zone.

The "H" symbol may be removed by a further amendment to this By-law at such time that an archaeological assessment of the subject property is completed and approved by the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

The use of these lands while zoned "H-C3-227" shall be restricted to only a medical centre for a maximum of one (1) medical practitioner within the building, existing at the date of the passing of this by-law being the 14th day of November, 2007, subject to the above-noted zone provisions.

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 General Commercial "C3-227" Zone provisions, subject to the special requirements referred to in Section 2.
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.

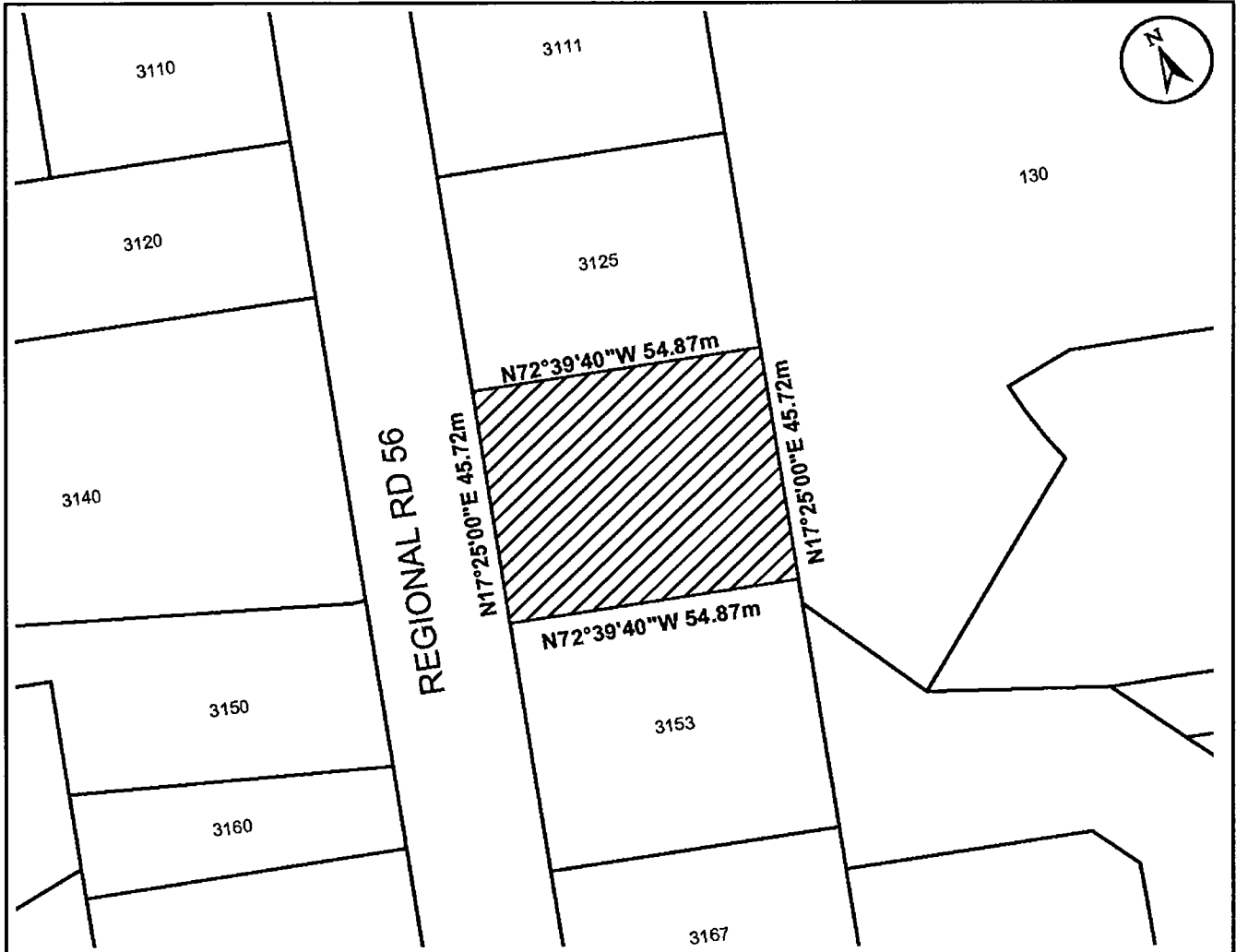
PASSED and ENACTED this 14th day of November, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk



This is Schedule "A" to By-Law No. 07- 320
Passed the .14th... day of ...November..., 2007


[Signature]
Clerk
[Signature]
Mayor


Schedule "A"

Map Forming Part of
By-Law No. 07-320

to Amend By-law No.464

Subject Property
3137 Regional Road No. 56

 Change in Zoning from the Existing Residential "ER" Zone to the modified General Commercial – Holding "H-C3-227" Zone.

Scale: N.T.S.	File Name/Number: ZAC-07-045	
Date: October 4, 2007	Planner/Technician: TH / MB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		