

Authority: Item 15, Economic Development and
Planning Committee
Report 09: 014 (PED09145)
CM: June 24, 2009

Bill No. 166

CITY OF HAMILTON

BY-LAW NO. 09-166

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2100, 2120 and 2190 Rymal Road East

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 15 of Report 09-014 of the Economic Development and Planning Committee, at its meeting held on the 24th day of June, 2009, 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 (the Official Plan of the former Township of Glanbrook) with the approval of Official Plan Amendment No. 76

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

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1. That Schedule "J" - Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
 - (a) by changing from the General Commercial "C3-175" Modified Zone to the General Commercial "C3-175(A)" Modified Zone, the lands comprised of Block 1;
 - (b) by changing from the Residential Multiple "H-RM3-175" Holding Zone to the General Commercial - Holding "H1-H2-C3-175(A)" Zone, the lands comprised of Block 2;
 - (c) by changing from the Residential Multiple "H-RM2-173" Holding Zone to the General Commercial - Holding "H1-H2-C3-175(A)" Zone, on the lands comprised of Block 3;
 - (d) by changing from the Residential Multiple "H-RM3-175" Holding Zone to the Residential Multiple "H-RM4-257" Holding Zone, the lands comprised of Block 4; and;
 - (e) by changing from the Residential Multiple "H-RM2-173" Holding Zone to the Residential Multiple "H-RM4-257" Holding Zone, the lands comprised of Block 5;

the extent and boundaries of which Blocks 1 to 5, inclusive, are shown on the 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 new special exemptions "C3-175(A)", "H1-C3-175(A)", "H2-C3-175(A)" and "H-RM4-257" as follows:

C3-175(A) In addition to the Permitted Uses and Regulations of Exception "C3-175"; the following permitted use and regulations shall apply to those lands zoned General Commercial "C3-175(A)" Modified Zone:

- (a) PERMITTED USES:
 - (i) Notwithstanding Section (a) PERMITTED USES of Exception "C3-175(A), one retail store having a minimum Gross Leasable Floor Area of 12,500 square metres, may include a maximum of 4,180 square metres for the sale and display of food.
 - (b) Notwithstanding Subsection (iv), (v) and (vi) of Section (b) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(i) OF THIS SUBSECTION of Exception "C3-175", and Subsection 25.2 (l)(ii) of SECTION 25 of the General Commercial "C3" Zone, the following shall apply:

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- (iv) Maximum Gross Leasable Floor Area.....47,940 square metres
- (v) Gross Leasable Floor Area (GLFA) for Individual Retail Stores:
 - 1. Retail Stores (Minimum).....1,860 square metres
 - 2. Retail Stores (Maximum).....17,650 square metres
 - 3. Notwithstanding 1. above, a maximum GLFA of 11,200 square metres for retail stores between 460 and 1,860 square metres shall be permitted, in addition to not more than 20% of the 11,200 square metre maximum GFLA for retail stores having a minimum of 110 square metres.
- (c) Notwithstanding Section 7.35 Subsections (a)(i) to (xiii) and (b) of the MINIMUM PARKING REQUIREMENTS, the following regulations shall apply:
 - (A) A minimum of 4.6 parking spaces for each 100 square metres of gross floor area or fraction thereof shall be provided and maintained.
 - (B) No parking space shall be less than 2.6 metres in width by 5.5 metres length, unless otherwise provided for in this By-law.
 - (C) Notwithstanding Subsection (B) herein:
 - (1) Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres;
 - (2) The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic, and a minimum width of 6.0 metres for two-way traffic; and,
 - (3) In the case of barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.
- (d) A minimum driveway width of 4.0 metres shall be provided and maintained for a drive-thru, and no drive-thru lane, stacking lane or pick-up window, shall be located between the building and a street.

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- (e) Notwithstanding the definition of a “Lot”, those lands zoned General Commercial “C3-175(A)” by this By-law shall be considered as one lot, notwithstanding any consolidation or division of the same.
- (f) For buildings constructed after the date of the passing of this by-law, being the 9th day of July, 2009, a maximum 3.0 metre front yard setback, which area shall be provided and maintained as a landscape area, shall apply to not less than 37.5% or more of the measurement of the front lot line.

That the ‘H1’ symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:

- (i) The submission and approval of a Traffic Impact Study to address the need for, and timing of, any other required road improvements, prior to the development of the subject lands, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.
- (ii) All roadway network upgrades required to facilitate the applications be identified and submitted, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

That the ‘H2’ symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:

- (i) All matters listed under ‘H1’ have been satisfied.
- (ii) That the provision of adequate servicing has been allocated for the proposed development, to the satisfaction of the Director of Development Engineering.

While zoned “H2-C3-175(A)”, all uses shall be permitted, except for sit down, take-out and drive-thru restaurants; coffee shops; laundromats; dry cleaning establishments; hair salons; beauty parlours; aestheticians; and barber shops, which uses shall be restricted to a total Gross Leasable Floor Area of 743 square metres.

H-RM4-257 Notwithstanding Section 4 **DEFINITIONS**, the following definitions shall apply to the lands zoned Residential Multiple “H-RM4-257” Holding Zone:

“Retirement Home” - Shall mean a multiple dwelling where all dwelling units do not contain full kitchens but where the building provides communal facilities such as a kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter,

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lodging house, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.

“Maisonette” - Shall mean back to back townhouse dwellings.

Notwithstanding Subsections 20.1 **PERMITTED USES**, and 20.2 **REGULATIONS FOR PERMITTED USES IN PARAGRAPH (a) OF SUBSECTION 20.1** of **SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE**, the following special regulations shall apply to those lands zoned site-specific Residential Multiple - Holding “H-RM4-257” Zone:

(a) **PERMITTED USES:**

- (i) Apartment Building.
- (ii) A Retirement Home.
- (iii) Maisonettes.
- (iv) Uses, buildings and structures, accessory to the uses described in Paragraph (a) of this Subsection.

(b) **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) (i), (ii) and (iii) OF THIS SUBSECTION:**

- (c) Maximum Lot Area2.11 hectares
- (e) DensityMinimum of 48 units per net hectare
- (g) Minimum Side Yard6.0 metres
- (h) Minimum Rear Yard:
 - Maisonettes6.0 metres
- (k) Minimum Landscaped Area for Maisonettes.....50% of lot area

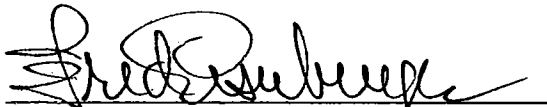
That the ‘H’ symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:

- (a) That the provision of adequate servicing has been allocated for the proposed development, to the satisfaction of the Director of Development Engineering.
- (b) The submission and approval of a Traffic Impact Study to address the need for, and timing of, any other required road improvements, prior to the development of the subject lands, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

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- (c) That all roadway network upgrades, which are required to facilitate the application, be identified and submitted, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.
City Council may remove the 'H' symbol and thereby give effect to the "RM4-257" Zone provisions by enactment of amending By-law once the conditions are fulfilled.
3. That 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 Zones and special requirements referred to in Section 2.
 4. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW is hereby amended by deleting ZONE AND EXCEPTION NUMBERS H-RM2-173 and H-RM3-175 in their entirety.
 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 and ENACTED this 9th day of July, 2009.


Ghad Collins Fred Eisenberger
~~Acting~~ Mayor


Kevin C. Christenson
City Clerk

OPA-06-29
ZAC-06-111

