

Authority: Item 4, Economic Development
and Planning Committee
Report 10- 010 (PED10087)
CM: May 12, 2010

Bill No. 138

CITY OF HAMILTON

BY-LAW NO. 10-138

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East

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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 10-010 of the Economic Development and Planning Committee at its meeting held on the 12th day of May, 2010, 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);

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 amended by further modifying the General Commercial "C3-243" Zone, applicable to 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 That Section 44, "Exceptions to the Provisions of the By-law", "C3-243", of Zoning By-law No. 464, be repealed and replaced as follows:

"C3-243" 2651 Regional Road 56, and 2660 and 2668 Binbrook Road

For the purposes of this By-law, the lot line that abuts Binbrook Road East shall be deemed to be the front lot line, and the lot line that abuts Regional Road 56 shall be deemed to be a side lot line.

Notwithstanding **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.1 - **PERMITTED USES**, the uses permitted on the lands zoned "C3-243", shall be limited to:

- (a) Banks and financial institutions, Brewers Retail stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, Liquor License Board of Ontario stores, offices, personal services shops, photographic studios, places of entertainment, post offices, printing establishments, private or commercial clubs, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, and veterinary service establishments with no outside runs; and uses, buildings and structures accessory to the above permitted uses.
- (b) In addition to the permitted uses in Subsection (a), a maximum of one drive-through facility shall be permitted.
- (c) Dwelling units shall only be permitted above the ground floor, except for access.

Notwithstanding the regulations of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.2 - **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1**, Clauses (f), (g), (i), (j)(iv) and (l), the following regulations shall apply to the lands zoned "C3-243";

- (f) Maximum Front Yard..... 3.0 metres
- (g) Minimum Side Yard3.0 metres, except:
 - (i) A minimum 2.0 metre and maximum 5.0 metre setback for the westerly and southerly interior side yards.
 - (ii) A minimum 2.5 metre setback shall be provided and maintained to any door fronting onto the westerly and southerly interior side yards.
 - (iii) A maximum 3.0 metre setback for the side yard abutting the flankage street line.

- (i) Maximum Height10.8 metres
- (j) Minimum Parking Requirements
 - (iv) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 5.0 metres of a streetline, or within 1.5 metres of the boundary of any Residential Zone or any Zone where the adjoining land is used for residential purposes, or within 2.0 metres of the boundary of any Institutional Zone or any Zone where the adjoining land is used for institutional purposes.
- (l) Minimum Landscaping Requirement
 - (i) A landscaped area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone or any Zone where the adjoining land is used for residential purposes, and a minimum width of 2.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts an Institutional Zone or any Zone where the adjoining land is used for institutional purposes. A visual barrier having a minimum height of 1.8 metres shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone or any Zone where the adjoining land is used for residential purposes.
 - (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, except where a building is located, and such landscaped area shall be continuous except for the required driveway(s).
 - (iii) A landscaped area, in the form of a planting strip having a minimum width of 3.0 metres, shall be provided and thereafter maintained adjacent to any parking area that abuts a street line.
- (o) Drive-Through Facility
 - (i) The building containing a restaurant (fast food, standard or take-out) with associated drive-through facility, shall not proceed until the construction of the principal two-storey building has substantially commenced.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.35 - **MINIMUM PARKING REQUIREMENTS**, Clauses (a)(vii), (xv)(B), and (b), the following regulations shall apply to the lands zoned "C3-243";

(a) General Provisions

- (vii) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.
- (xv) In all Zones, parking spaces for the physically handicapped shall be assigned to the required number of parking spaces where a minimum of ten (10) parking spaces are required, as follows:
 - (B) The assigned space or spaces shall be the required spaces located nearest building entrances; each space shall have a minimum width of 4.0 metres and a minimum length of 5.5 metres.

(b) Off-Street Parking Space Requirements

- (i) Parking spaces shall be provided at a rate of 1 space per residential dwelling unit, and 1 space per every 31.5 square metres of gross floor area for any commercial use.
- (ii) Visitor parking shall be shared with commercial parking spaces.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.36 - **MINIMUM LOADING REQUIREMENTS**, clause (b) the following regulations shall apply to the lands zoned "C3-243";

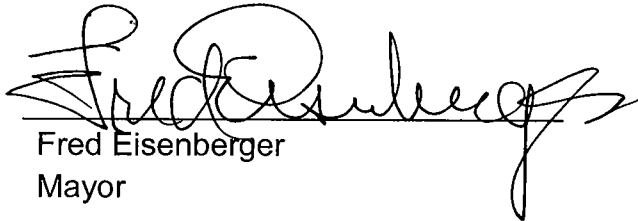
(a) Off-Street Loading Requirements

A minimum of one (1) loading space shall be provided and maintained.

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.

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 this 9th day of June, 2010.



Fred Eisenberger
Mayor



Rose Caterini
City Clerk

ZAC-09-033



This is Schedule "A" to By-Law No. 10- 138

Passed the 9th..... day of ..June....., 2010

[Signature] Clerk
[Signature] Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 10- 138

to Amend By-law No.464

Subject Property



2660 & 2668 Binbrook Road East
 and 2651 Regional Road 56, Glanbrook

Further Modification to the General Commercial
 "C3-243" Zone

Scale:
 N.T.S.

File Name/Number:
 ZAR-09-033

Date:
 June 1, 2010

Planner/Technician:
 JH/MS



Hamilton