

Authority: Item 4, Planning Committee
Report 16- 004 (PED16068)
CM: March 9, 2016

Bill No. 081

CITY OF HAMILTON

BY-LAW NO. 16-

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2605 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 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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 16-004 of the Planning Committee, at its meeting held on the 9th day of March, 2016, which recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. 51.

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 changing from the:
 - (a) Existing Residential "ER" Zone to the General Commercial "C3-287" Zone, Modified, the lands identified as Block "1"; and,

- (b) Deferred Development “DD” Zone to the General Commercial “C3-287” Zone, Modified, the lands identified as Block “2”.

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 (Glanbrook), be amended by adding Special Exception “C3-287”, as follows:

“C3-287” – 2605 Binbrook Road East, Schedule “H”

Notwithstanding **SECTION 25: GENERAL COMMERCIAL “C3” ZONE**, Subsection 25.1, **PERMITTED USES**, the uses permitted on lands zoned “C3-287” 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 (excluding a gym), photographic studios, places of entertainment, post offices, printing establishments, private or commercial clubs, professional and business offices (excluding the office of a medical practitioner), fast food restaurants (excluding drive-thru), standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru), 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) Dwelling units are permitted above any use permitted on the ground floor. Dwelling units are permitted on the ground floor (but not in a basement or cellar) but shall not be located on the portion of the ground floor facing Binbrook Road East or Southbrook Drive.

Notwithstanding the regulations of **SECTION 8: GENERAL COMMERCIAL “C3” ZONE, Subsection 25.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 25.1**, Clauses (f), (g), (i), (j) and (l), the following regulations shall apply to the lands zoned “C3-287”:

- (f) Minimum Front Yard.....0.0 m
- (g) Minimum Side Yard.....0.0 m except 7.5 metres abutting a side lot line which is the boundary of any Residential or Institutional Zone.
- (i) Maximum Height.....10.7 m (3-storeys) but a maximum height of 14.1 m is permitted to the top of an ornamental dome or other such architectural feature.

(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 3.0 m of any street line or within 1.5 m of the boundary of any Residential Zone or within 1.25 m of any Institutional Zone.

(l) Minimum Landscaping Requirements

- (i) A landscaped area in the form of a planting strip having a minimum width of 1.5 m and a fence having a minimum height of 1.8 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone. A landscaped area having a minimum width of 1.25 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts an Institutional Zone. A transformer shall be permitted within the planting strips.
- (ii) A landscaped area having a minimum width of 3.0 m 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 the required driveways and where a building is located. A transformer is permitted within this landscaped area.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.35 - **MINIMUM PARKING REQUIREMENTS**, Clauses (a)(vi)(b), (a)(vii), (a)(vi)(b), (a)(xii), (a)(xiii), (a)(xv)(B), and (b), the following regulations shall apply to the lands zoned "C3-287";

(a) General Provisions

(vi)(b) Indirect Access

An access driveway of 2.4m is permitted to be provided to the parking spaces within attached garages.

- (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) 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) Each space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres, except where two (2) handicapped parking spaces are located together, a

minimum width of 3.5 metres for each space shall be permitted.

- (xii) Where a parking area which is required to provide for more than four (4) vehicles abuts any Residential Zone, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 m shall be provided and shall also include fencing to provide a solid and effective screen. Where a parking area which is required to provide for more than four (4) vehicles abuts any Institutional Zone, a landscaped area with a minimum width of 1.25 m shall be provided.
- (xiii) Where a parking area which is required to provide for more than four (4) vehicles abuts a street, a permanently maintained landscaped area with a minimum width of 3 m shall be provided along the street line, and it shall be continuous except for driveways required for access to such parking area and where a building is located.

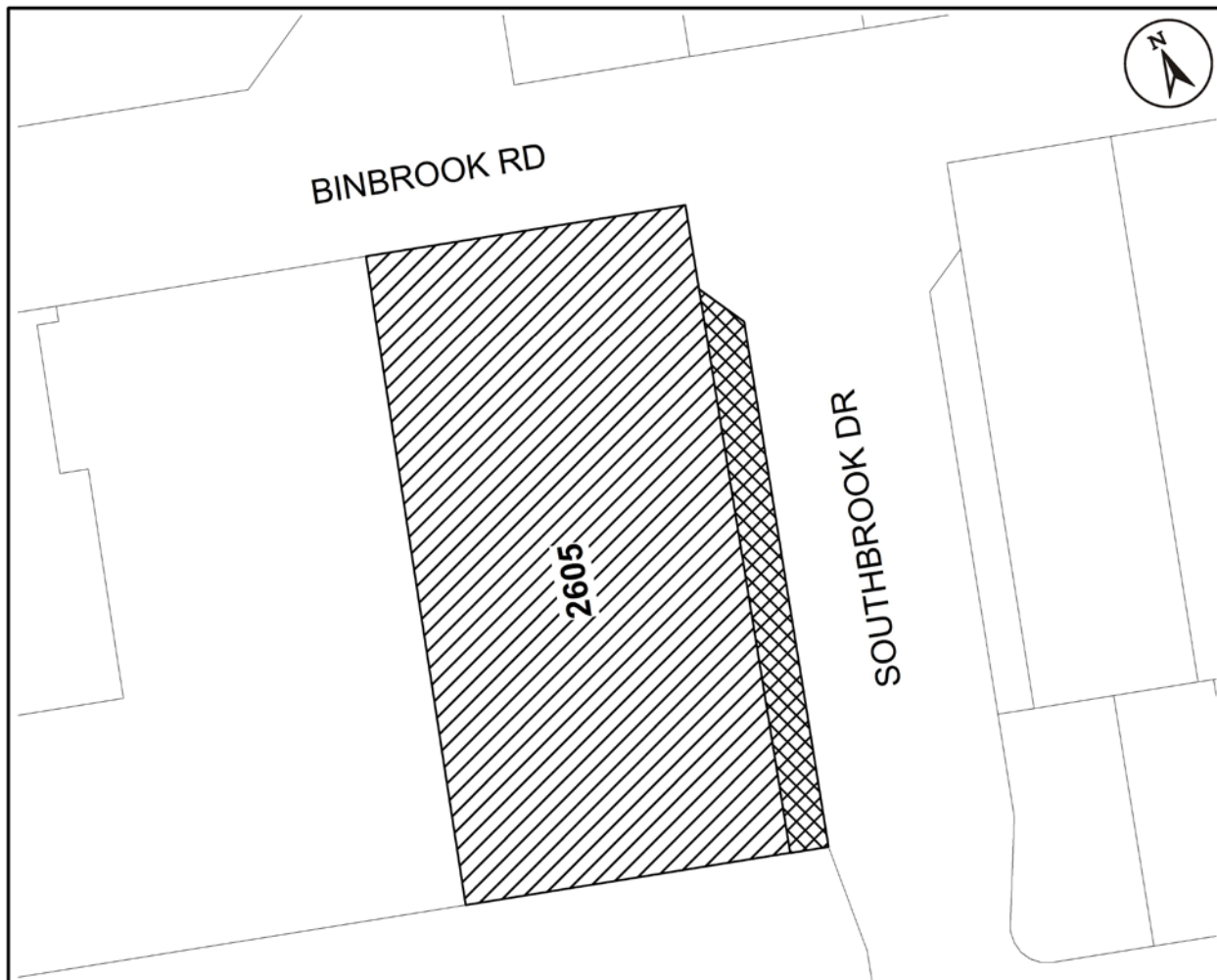
(b) Off-Street Parking Space Requirements

- (i) Parking spaces shall be provided at a rate of 1.25 spaces per residential dwelling unit, and 1 space per every 34.0 square metres of gross floor area for all other permitted uses, and visitor parking for the residential uses is permitted to be shared with parking for other permitted uses.
- 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 General Commercial "C3" Zone provisions, subject to the special requirements referred to in Section 2.
 - 4. 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 this 30th day of March, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk



This is Schedule "A" to By-law No. 16-

Passed the day of, 2016

Mayor

Clerk



Schedule "A"

Map Forming Part of
By-law No. 16-_____

to Amend By-law No.

Subject Property

2605 Binbrook Road East, Glanbrook

-  Change in Zoning from Existing Residential "ER" Zone to General Commercial "C3-287" Zone, Modified
-  Change in Zoning from Deferred Development "DD" Zone to General Commercial "C3-287" Zone, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-15-038/UHOPA-15-019

Date:
January 22, 2016

Planner/Technician:
GM/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT