

Authority: Item 6, Planning Committee
Report 16-013 (PED16151)
CM: July 8, 2016

Bill No. 218

CITY OF HAMILTON

BY-LAW NO. 16-

To Amend Zoning By-law No. 464 (Glanbrook) and By-law Nos. 08-264 and 10-088, Respecting Lands Located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, in the former Township of Glanbrook, now in the City of Hamilton

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 16-013 of the Planning Committee, at its meeting held on the 8th day of July, 2016, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. .

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

1. That Zoning Maps 1548 and 1593 appended to and forming part of Zoning By-law No. 464 (Glanbrook), as amended, is hereby further amended as follows:

- (a) That the land be rezoned from the General Commercial “C3-249” Zone to the General Commercial “C3-293” Zone, Modified, for the lands comprised of the subject lands.
2. That Section 44, “Exceptions to the Provisions of the By-law”, as amended, of Zoning By-law No. 464, is hereby further amended by adding the following Sub-sections:

C3-293

- (a) Notwithstanding the range of uses outlined in the General Commercial “C3-249” Zone the following additional uses shall also apply:

PERMITTED USES

- (i) Motor Vehicle Gasoline Bar, and a Drive Thru Restaurant accessory to a Motor Vehicle Gasoline Bar.
- (b) Notwithstanding the provisions outlined in the General Commercial “C3-249” Zone the following provisions shall apply:

REGULATIONS

- (i) For the purpose of this By-law a Motor Vehicle Gasoline Bar shall be defined as “a place with one or more pump islands consisting of one or more fuel pumps for the sale of fuel, liquids and small accessories essential for the operation of motor vehicles, and may include a shelter and a Motor Vehicle Washing Establishment accessory to a Motor Vehicle Gasoline Bar, but does not include motor vehicle repairs, oil changes or greasing.
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| (ii) | Maximum Gross Leasable Floor Area of Any Individual Commercial Establishment: | Not more than half of the total leasable area floor provide on the site. |
| (iii) | Maximum Gross Leasable Floor of any Group of Local Commercial Uses: | 2,500 sq m |
| (iv) | Maximum Gross Leasable Floor of any Group of Medical Centre Uses: | 210 sq m |

- (v) For the purpose of this By-law a Professional Office will be defined as “any office where professionally qualified persons, technical assistants and clerical staff are employed and where clients receive advise, but does not include a medical centre or personal service shop.”
- (vi) For the purpose of this By-law a Medical Centre will be defined as “a building or part thereof used by qualified medical practitioner(s), dentist(s), chiropractor(s), physiotherapist(s), osteopath(s) or other drugless practitioner(s), for public or private medical, surgical physio-therapeutic or other human health purposes, except when included within or accessory to a private or public hospital.”
- (vii) Minimum Front Yard 1.3 m
- (viii) Minimum Side Yard (Easterly) 4.5 m
- (ix) Minimum Side Yard (Westerly) 3.7 m (except for a Motor Vehicle Gasoline Bar and accessory uses to a Motor Vehicle Gasoline Bar, a Minimum Westerly Side Yard of 25 m is required)
- (x) Minimum Rear Yard 1.5 m
- (xi) Minimum Number of Parking Spaces:

The number of on-site Parking Spaces shall be provided in accordance with the following regulations:
 - (a) A minimum of one parking space for every 25.5 sq m of gross floor area for the uses outlined 2 (a) of By-law 16-218.
- (xii) Parking Space Requirements:
 - (a) A Drive Thru Lane shall have a minimum width of 4 m.
 - (b) The Access driveway located between the canopy of an Motor Vehicle Services Station and a Drive Thru lane shall have a minimum width of 4.2 m.

- (c) Each parking space for 90° perpendicular parking shall have a minimum size of 2.6 m in width and 5.5 m in length, with the exception of parking spaces for the physically handicapped which shall have a minimum width of 4.4 m in width and 5.5 m in length.
 - (d) A landscaped area along Rymal Road East with a minimum average width of 2 m but not less than 1.3 m shall be provided and thereafter maintained along the street line, and it shall be continuous except for driveways required for access to such parking area.
 - (e) A landscaped area along Trinity Church Road with a minimum width of 3 m shall be provided and thereafter maintained along the street line, and it shall be continuous except for driveways required for access to such parking area.
- (xiii) Loading Space Requirements: No on-site Loading Spaces are required.
- (xiv) Minimum Landscaping Requirements:
- (a) A landscape area in the form of a planting strip having a minimum width of 4.5 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 or any Zone where the adjoining land is used for residential purposes.
 - (b) A landscaped area along Rymal Road East having a minimum average width of 2 m but not less than 1.3 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 driveway(s).
 - (c) A landscaped area along Trinity Church Road having a minimum width of 3 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 driveway(s).

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- (xv) Outdoor display areas shall be permitted in accordance with provisions of the General Commercial “C3-249” Zone but no outside storage of goods and materials shall be permitted.
 - (xvi) All other provisions of the General Commercial “C3-249” Zone shall apply.
3. 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*.

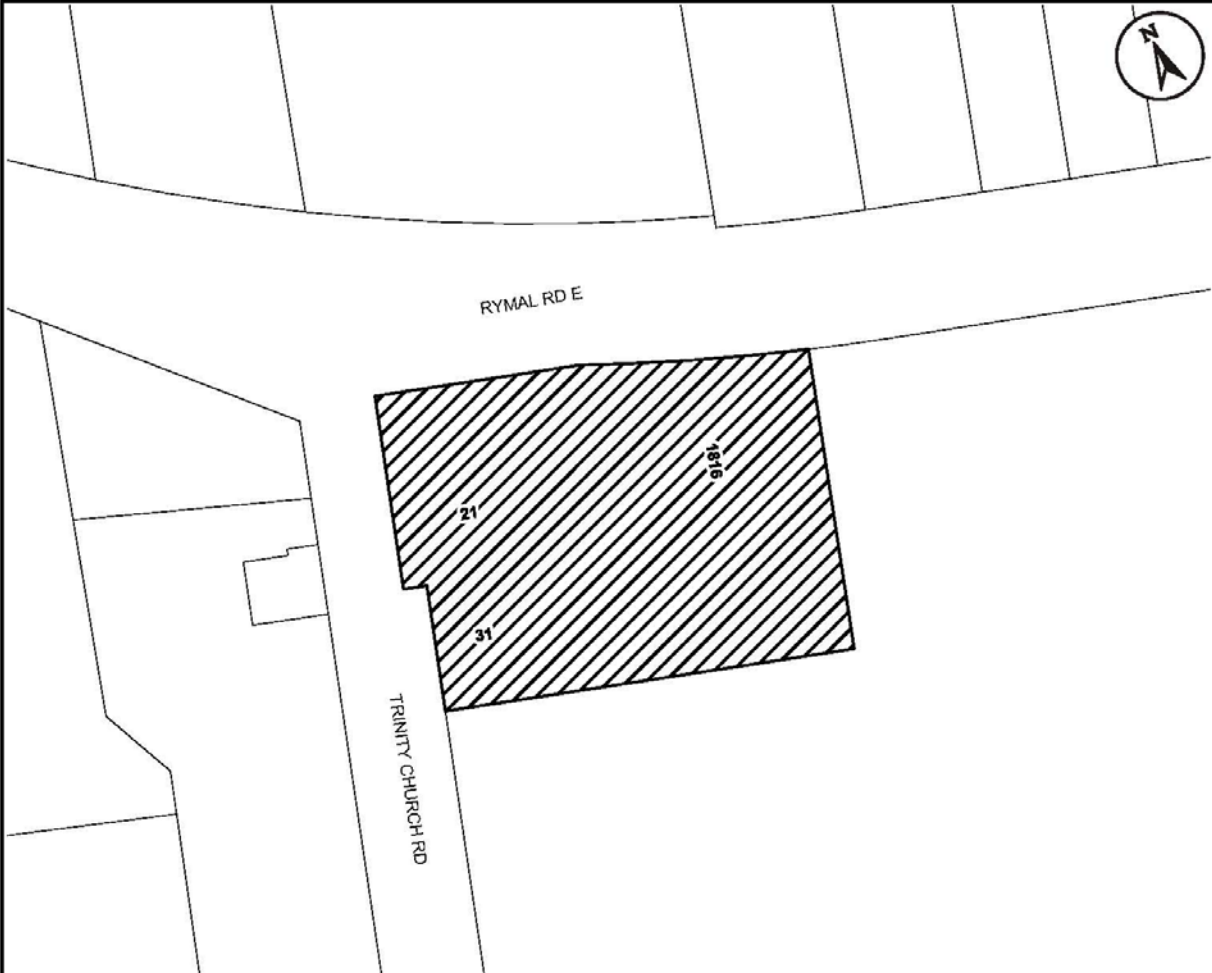


PASSED this 12th day of August, 2016.

F. Eisenberger
Mayor

ZAC-15-061

J. Pilon
Acting City Clerk

To Amend Zoning By-law No. 464 (Glanbrook) and By-law Nos. 08-264 and 10-088,
Respecting Lands Located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, in

		
<p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the day of, 2016</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>	
<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 16-_____</p> <p>to Amend By-law No. 464</p>	<p>Subject Property 21 & 31 Trinity Church Road and 1816 Rymal Road East</p> <p> Change in Zoning from the General Commercial "C3-249" Zone, Modified to the General Commercial "C3-293" Zone, Modified</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-15-061</p>	
<p>Date: May 4, 2016</p>	<p>Planner/Technician: DB/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		