

Authority: Item 7, Planning Committee
Report 16- 014 (PED16165)
CM: August 12, 2016

Bill No. 235

CITY OF HAMILTON

BY-LAW NO. 16-

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2064, 2066, 2068 and 2070 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 7 of Report 16-014 of the Planning Committee, at its meeting held on the 12th day of August, 2016, which 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 the approval of Official Plan Amendment No. 63.

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

1. That Zoning Schedule C 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 Rural Commercial “C6-026” Zone to the General Commercial “C3-301” 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 as follows:

(a) by deleting Sub-section “C6-026” and all its contents, and

(b) adding the following Sub-section:

“C3-301 2064, 2066, 2068, and 2070 Rymal Road East

- (a) Notwithstanding Subsection 25.1 Permitted Uses of Section 25 General Commercial “C3” Zone of Zoning By-law 464, the following shall be the only permitted uses:
 - (i) Banks and financial institutions, billiard parlour, Brewers Retail stores, commercial schools, day nurseries, dry cleaning distribution stations, farm equipment sales establishments, Farm produce market, Liquor License Board of Ontario stores, personal service shops, post offices, printing establishments, professional and business offices, private or commercial clubs, fast food restaurants with a maximum seating of 30 persons, standard restaurants with a maximum seating of 30 persons, take-out restaurants, retail stores, service shops, taverns, veterinary service establishments; urban farmers market and uses, buildings and structures accessory to the above permitted uses; and
 - (ii) Motor Vehicle Service Station (oil and lube service station only, as defined in section C3-301), and Motor Vehicle Washing Establishment (manual and automatic).
 - (iii) Notwithstanding any of the uses permitted in sub-sections (i) and (ii) the below-grade storage of fuel, petroleum products, or chemical storage tanks shall be prohibited.
- (b) Notwithstanding subsection (e) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1:
 - i) a maximum permitted gross floor area of 3,735 square metres shall be permitted;

- ii) the maximum permitted gross floor area for any individual commercial use permitted in subsection (a) (i) shall not be more than 60% of the total gross floor area provided on site;
 - iii) Notwithstanding subsection ii) above, the maximum gross floor area for a billiard parlour shall be 372 square metres.
 - iv) The maximum permitted combined gross floor area for the uses listed in subsection (a) (ii) shall be 1,360 square metres.
- (c) Notwithstanding subsection (f) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 the minimum front yard setback for any new commercial building established after the date of passing of this site-specific by-law shall be 4.75 metres;
- (d) Minimum Landscaping Requirements:

Notwithstanding subsection (l)(i) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and subsection 26.2 (j)(i) of Section 26.2 Regulations for Uses Permitted in Subsection 26.1 the following shall apply:

- i) A landscaped area in the form of a planting strip having a minimum width of 4.5 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 other than for the west lot line where a landscape area in the form of a planting strip having a minimum width of 3.0 metres shall be provided and thereafter maintained.
- (e) Acoustical Barriers
- Acoustical barrier walls and / or wing walls for noise mitigation shall be required.
- Noise mitigation shall be implemented to the satisfaction of the General Manager of Planning and Economic Development.
- (f) Minimum Number of Parking Spaces:

Notwithstanding subsection (j) (ii) and (iii) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and Section 26.2 (h) Regulations for uses permitted in Subsection 26.1: The number of on-site

Parking Spaces shall be provided in accordance with the following regulations:

- i) A minimum of 1 parking space for every 24 square metre of gross floor area for the uses in 2 (a) (i) above;
 - ii) No parking spaces shall be required for the uses outlined in subsection 2 (a) (ii) above.
- (g) Parking Space Requirements:
 - i) Notwithstanding subsection 7.35 (vi) (b) A minimum access driveway of 6.0 metres shall be provided for two-way vehicular circulation except the one-way access driveways to the Motor Vehicle Services Station and the Automatic Motor Vehicle Washing Establishment shall have a minimum width of 3 metres.
- (h) Loading Space Requirements:
 - i) Notwithstanding subsection (k) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and Section 26.2 (i) Regulations for uses permitted in Subsection 26.1 one (1) on-site Loading Space is required.
- (i) Notwithstanding Section 4: Definitions, for the purpose of this By-law a Motor Vehicle Service Station “means a building, structure and/or lot where oil and grease, may be stored above grade or kept for sale, and where motor vehicles may be oiled or greased or have their ignition adjusted. This definition shall not include a motor vehicle body shop, motor vehicle repair garage or motor vehicle dealership and shall not include the sale of gasoline or other motor fuels. The below grade storage of fuel, petroleum products, and chemicals is prohibited. ”
- (j) Notwithstanding Section 4: Definitions, for the purpose of this By-law a Landscaped area and planting strip shall be defined as a strip of land or area of land which shall not be used for any other purpose than an area of landscaping, which may include grass, shrubs, flowers, trees, and similar types of vegetation, and paths, walk, patios, fences, and similar appurtenances, but shall exclude parking areas, loading areas, driveways or ramps. Landscaped areas / planting strips abutting a street shall also be permitted to contain hydro transformers and related appurtenances and the one sign existing as of the date of the passing of this site-specific amendment. All signage shall be provided in accordance with the City of Hamilton’s Sign By-law No. 10-197.

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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

J. Pilon
Acting City Clerk

ZAC-15-056

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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. 464

Subject Property

2064, 2066, 2068 & 2070 Rymal Road East



Change in Zoning from the Rural Commercial "C6-026" Zone, Modified to the General Commercial "C3-301" Zone, Modified

Scale:

N.T.S.

File Name/Number:

ZAC-15-056 / UHOPA-15-026

Date:

August 11, 2016

Planner/Technician:

VM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT