

Authority:
Ward 11
Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 3100-3140 Regional Road 56 and Block 131 of
Registered Plan of Subdivision 62M-1062 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 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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 _____ of Report 17-_____ of the Planning Committee, at its meeting held on the _____ day of _____ 2017, 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. _____.

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 the zoning from the:
 - (a) Existing Residential "ER" Zone to the General Commercial – Holding "H-C3-304" Zone, Modified;
 - (b) Restricted Agricultural "A2" Zone to the General Commercial – Holding "H-C3-304" Zone, Modified; and,

- (c) General Commercial "C3" Zone to the General Commercial – Holding "H-C3-304" Zone, Modified.

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 "H-C3-304", as follows:

"H-C3-304" – 3100, 3110, 3120 and 3140 Regional Road 56 and Block 131 of Registered Plan of Subdivision 62M-1062, Schedule "H"

Notwithstanding SECTION 25: GENERAL COMMERCIAL "C3" ZONE, Subsection 25.1, PERMITTED USES, only the following uses shall be permitted on lands zoned "H-C3-304":

- (a) Banks and financial institutions, Brewer's Retail stores, commercial schools, commercial recreation, day nurseries, Liquor Licence Board of Ontario stores, medical centres, offices, personal service shops, photographic studios, post offices, printing establishments, private or commercial clubs, professional and business offices, retail stores, fast food restaurants (excluding an outdoor patio and drive-thru), take-out restaurants (excluding an outdoor patio and drive-thru), standard restaurants (excluding an outdoor patio and drive-thru), and uses, buildings and structures accessory to the above permitted uses.
- (b) The uses permitted in Paragraph (a) of this Subsection shall only be permitted on the ground floor.
- (c) Dwelling units shall be permitted above any use permitted on the ground floor.

Notwithstanding the definition of "Landscaped Area" in SECTION 4: DEFINITIONS, for the purpose of this By-law, "Landscaped Area" means "an area that shall not be built upon and shall not be used for any purpose other than as an area of landscaping, which may include grass, shrubs, flowers, trees and similar types of vegetation, and paths, walks, patios, fences, hydro transformers and similar appurtenances, but shall exclude parking areas, loading areas, driveways or ramps".

Notwithstanding the definition of "Lot Line, Front" in SECTION 4: DEFINITIONS, for the purpose of this By-law, the Front Lot Line shall be deemed to be the lot line adjacent to Regional Road 56.

Notwithstanding the regulations of SECTION 25: GENERAL COMMERCIAL "C3" ZONE, Subsection 25.2 - REGULATIONS FOR USES PERMITTED IN

PARAGRAPH (a), (b) and (c) OF SUBSECTION 25.1, Clauses (f), (i), and (l), the following regulations shall apply to the lands zoned "C3-304":

- (f) Minimum Front Yard.....3.0 metres
where balconies on the upper floors are permitted to encroach 2.3 m into the required yard
- (i) Maximum Height.....10.7 metres
(3 storeys), except for an area equivalent to 61% of the ground floor area of each building is permitted to have a maximum height of 15.1 metres (4 storeys).
- (l) Minimum Landscaping Requirements
 - (i) A landscaped area in the form of a planting strip having a minimum width of 6.0 metres 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 use.
 - (ii) A landscaped area shall not be required for the portion of a lot line that abuts Regional Road 56.

In addition to the regulations of SECTION 25: GENERAL COMMERCIAL "C3" ZONE, Subsection 25.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1, Clause (g), the following regulation shall apply to the lands zoned "H-C3-304":

- (g) Minimum Side Yard 0.2 m abutting a daylight triangle

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.35 - MINIMUM PARKING REQUIREMENTS, Clauses (a)(vii), (a)(xv)(B), (a)(xii), and (b), the following regulations shall apply to the lands zoned "H-C3-304":

- (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)(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 use or where the adjoining land is used for a residential purpose, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 6.0 metres shall be provided and shall also include fencing to provide a solid and effective screen. A transformer is permitted within this landscaped area.

(b) Off-Street Parking Space Requirements

- (i) The minimum number of parking spaces shall be one (1) parking space for each 30 square metres, or fraction thereof, of ground floor area devoted to commercial uses.

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.36 – MINIMUM LOADING REQUIREMENTS, Clauses (b)(a)(i) and (b)(b)(i) the following regulations shall apply to the lands zoned "H-C3-304":

- (i) Two loading spaces shall be provided.

That the "H" symbol applicable to the lands zoned "H-C3-304" may be removed by a further amendment to this By-law at such time that the necessary upgrades to the Binbrook Sanitary Sewer Pumping Station are completed to the satisfaction of the Senior Director of Growth Management.

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 and ENACTED this day of , 2017.

F. Eisenberger
Mayor

R. Caterini
Clerk

ZAC-16-054
UHOPA-16-019



This is Schedule "A" to By-law No. 17-
Passed the day of, 2017

Mayor


Clerk

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 464

Subject Property
3100 - 3140 Regional Road 56
& Block 131, Plan 62M-1062

 Change in zoning from Existing Residential "ER" Zone, Restrcted Agricultural "A2" Zone and General Commercial "C3" Zone to General Commercial "H-C3-304" Zone, Modified, Holding

Scale: N.T.S.	File Name/Number: ZAC-16-054 & UHOPA-16-019
Date: August 1, 2017	Planner/Technician: MG/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members

Report No.: PED17140

Date: 09/05/2017

Ward(s) or City Wide: Ward 11

(MM/DD/YYYY)

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