

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No.464 (Glanbrook)
Respecting Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road
(Glanbrook)**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No.131;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Existing Residential "ER" Zone to the General Commercial "C3-317" Zone, Modified, on 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 this By-law", as amended, of Zoning By-law No. 464, is hereby further amended by adding Special Exception "C3-317" as follows:

C3-317 3033, 3047, 3055 and 3063 Binbrook Road

- i) Notwithstanding Section 25: General Commercial "C3" Zone, Subsection 25.1 - Permitted Uses, Clauses (a), and (c), only the following uses shall be permitted:

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- (a) banks and financial institutions, retail stores, commercial schools, custom workshops, hotels, medical centres, motels, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, service shops, veterinary service establishments, and uses, buildings and structures accessory to the above permitted uses.
- ii) In addition to the regulations of Section 25: General Commercial "C3" Zone, Subsection 25.1 (b) - Permitted Uses, an apartment building in conjunction with another permitted use shall also be permitted.
- iii) Notwithstanding any other permitted use, a drive-through facility shall be prohibited, even as an accessory use.
- iv) 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), (h), (i), (j), (k), (l), and (m), the following regulations shall apply to the lands zoned "C3-317":
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|----------------------------------|--|
| (f) Minimum Front Yard | Shall not apply. |
| (g) Minimum Side Yard | 3 metres, except 16 metres abutting the westerly side lot line. |
| (h) Minimum Rear Yard | 38 metres. |
| (i) Maximum Height | 26 metres and 6 storeys. |
| (j) Minimum Parking Requirements | <p>i) All parking spaces shall be provided in accordance with the general provisions of Paragraph 7.35(a) of this By-Law except as modified by Section viii) of Special Exception C3-317 herein; and</p> <p>ii) The minimum number of parking spaces shall be provided in accordance with the off-street parking requirements specified in subsections viii) (f) and (g) of Special Exception C3-317 herein; and</p> <p>iii) Shall not apply; and</p> <p>iv) No parking space or part thereof shall be located within 4.5 metres of any street</p> |

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line or within 1.5 metres of the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

- (k) Minimum Loading Requirements

Loading spaces shall be provided in accordance with the provisions of Subsection 7.36 of this By-Law except as modified by Section viii) of Special Exception C3-317 herein.
 - (l) Minimum Landscaping Requirements

A landscaped area in the form of a planting strip having a minimum width of 1.5 metres and a fence shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.
 - (m) Outside storage and display

Outside storage shall not be permitted, however the display of goods or materials for retail purposes accessory to a retail use may be permitted in the front yard.
- v) Notwithstanding the regulations of Section 25: General Commercial “C3” Zone, Subsection 25.3 – Regulations for Uses Permitted in Paragraph (b) of Subsection 25.1, Clauses (a), (b), and (c), the following regulations shall apply to an apartment building in conjunction with another permitted use:
- (a) Location

An apartment building shall only be permitted above the ground floor, except for parking, access, accessory office, amenity and utility areas, which may be located on the ground floor.
 - (b) Minimum Floor Area per Dwelling Unit

Shall not apply.
 - (c) Minimum Parking Requirements

In addition to the minimum parking requirements for other permitted uses, parking spaces for residential uses shall

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also be provided in accordance with the provisions of Subsection 7.35 of this By-Law, except as modified by Section viii) of Special Exception C3-317 herein.

vi) 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 and Subsection 25.3 - Regulations for Uses Permitted in Paragraph (b) of Subsection 25.1, the following regulations shall also apply to the lands zoned "C3-317":

- (a) Minimum Building Setback from a Street Line
 - i) 2 metres for the second to fifth storeys; and
 - ii) 6 metres for the sixth storey; and
 - iii) Notwithstanding Sections (a) i) and ii) herein, balconies and architectural elements such as sills, belt courses, cornices, eaves or gutters, pilasters, and brickwork framing the main entrance may project into the required building setback; and
 - iv) Notwithstanding Section (a) iii) herein, a maximum of 2 balconies may project into the required 2 metre building setback for the second to fifth storeys; and
 - v) Notwithstanding Section (a) iii) herein, balconies on the sixth storey may project into the required 6 metre building setback a distance of not more than 4 metres.
- (b) Maximum Building Setback from a Street Line
 - i) 3 metres for the first storey, except where a visibility triangle is required for a driveway setback.
 - ii) Section (b) i) shall not apply for any portion of a building that exceeds the requirements of subsection (h) ii) herein.

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| (c) Minimum Building Setback from a Side Lot Line | <ul style="list-style-type: none"> i) The fourth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line; and ii) The fifth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line; and, iii) The sixth storey of a building shall be set back a minimum of 27.5 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line. |
| (d) Minimum Façade Height | Minimum 7.5 metre façade height for any portion of a building along a street line, except for any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, or listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act. |
| (e) Minimum Amenity Area for dwelling units | <ul style="list-style-type: none"> i) 6 square metres for each dwelling unit; and ii) In addition to the definition of Amenity Area in Section x) of Special Exception C3-317 herein, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air, except for balconies for use by individual dwelling units. |
| (f) Location of Amenity Area | Rooftop amenity areas shall not be permitted, excepting balconies for use by individual dwelling units. |
| (g) Maximum Gross Floor Area for office use | 2,500 square metres |
| (h) Built form for new development | In the case of new buildings constructed after the effective date of this by-law or additions to |

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buildings existing as of the effective date of
this by-law:

- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- ii) The minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line.
- iii) In addition to Section (h)(ii) herein, the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.
- iv) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line.
- v) A minimum of one principal entrance shall be provided:
 1. within the ground floor façade that is set back closest to a street; and
 2. shall be accessible from the building façade with direct access from the public sidewalk.
- vi) A walkway shall be permitted in a planting strip where required by the By-law.
- vii) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
- viii) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.6 metres.

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- ix) Subsection (h)(viii) herein shall not apply to any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act.

- vii) Notwithstanding the regulations of Section 7: General Provisions for All Zones, Subsection 7.18 – Minimum Front Yard, Subsection 7.23 – Special Setback Requirements from Streets, and Subsection 7.32 – Fences shall not apply.

- viii) Notwithstanding the regulations of Section 7: General Provisions for All Zones, Subsection 7.26 – Encroachment into Yards, Clause (b), Subsection 7.35 – Minimum Parking Requirements, Clauses (a)(i), (a)(ii), (a)(vii), (a)(xii) (a)(xv), and (b), and Subsection 7.36 – Minimum Loading Requirements, Clauses (a)(i) and (b), the following regulations shall apply to the lands zoned "C3-317":
 - (a) A balcony may project into the required easterly side yard a distance of not more than 1.5 metres.
 - (b) Subsection 7.35 – Minimum Parking Requirements, Clause (a)(i) shall not apply.
 - (c) If the calculation of the required parking spaces results in a fraction, fractions shall be rounded down to the nearest whole number, and when a building or lot has more than one (1) use, the required parking spaces shall be the sum required for the separate uses.
 - (d) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 5.8 metres, however a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure; and where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.25 metres.
 - (e) Where a parking area abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 metres shall be provided and shall also include fencing to provide a solid and effective screen.

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(f) Barrier free parking spaces shall be designated and provided as part of the required parking spaces in accordance with the following requirements:

i) Number of spaces

Required Parking spaces	Designated Barrier Free Parking Spaces
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1-49	Minimum 1 space
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50-100	Minimum 4% of the total number of required parking spaces
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101-200	Minimum 1 space + 3% of the total number of required parking spaces
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ii) Each space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres.

iii) Barrier free parking spaces shall be located near building entrances and each space shall be suitably identified for use by the physically handicapped only.

(g) Minimum Off-Street Parking Space Requirements

i) Apartment building dwelling units

i) Dwelling units less than 50 square metres in gross floor area	0.3 spaces per unit
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ii) Dwelling units greater than 50 square metres in gross floor area	
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1-14 units	0.7 spaces per unit
15-50 units	0.85 spaces per unit
51 + units	1.0 spaces per unit

iii) Visitor Parking	0.1 spaces per unit
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- ii) Other permitted uses
 - i) 0 parking spaces for the first 450.0 square metres in gross floor area; and
 - ii) Minimum one space for each 17 square metres of gross floor area which accommodates such uses, for that portion of a building that is in excess of 450.0 square metres.

- (h) Subsection 7.36 – Minimum Loading Requirements, Clause (a)(i) shall not apply.

- (i) A minimum of one off-street loading space shall be required for all uses.

- ix) In addition to the regulations of Section 7: General Provisions for All Zones, Subsection 7.35 – Minimum Parking Requirements, the following regulations shall also apply:

(a) Minimum Short Term Bicycle Parking Requirements

- | i) Use | Short Term Spaces |
|--------------------|-------------------|
| Apartment Building | Minimum 5 spaces |
| Commercial Use | Minimum 5 spaces |
- ii) Notwithstanding subsection i) above, for any office, personal service, restaurant or retail use less than 450 square metres no short-term bicycle parking spaces shall be required.

 - iii) Locational Requirements
 - Short term bicycle parking spaces shall be located within a bicycle parking area at grade

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- (b) Notwithstanding Subsection viii)(d) of Special Exception C3-317 herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.
- (c) In addition to Subsection viii)(e) herein, the following landscaping requirements shall apply to a parking lot where 50 or more parking spaces are provided on a lot:
- i) Landscaped areas or landscaped parking islands with a minimum combined area of 10% of the areas of the parking lot and associated access driveway and manouvering areas shall be provided and maintained; and
 - ii) Each landscaped area or landscaped parking island shall have a minimum area of 10.0 square metres.
- x) Notwithstanding the definition of "Amenity Area", "Height", "Landscaped Area", "Lot Line, Rear" and "Planting Strip" in Section 4: Definitions, the following definitions shall apply:
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|------------------|---|
| (a) Amenity Area | Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or a planting strip. |
| (b) Height | Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to |

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determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

(c) Landscaped Area

Shall mean any portion of a lot which:

- a) Contains no building thereon;
- b) Is not used for parking, access to parking, driveways or loading space;
- c) Is used for the purpose of landscaping; and,
- d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.

(d) Lot Line, Rear

Shall mean the lot line farthest and opposite to the front lot line.

(e) Planting Strip

Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.

xi) In addition to the definitions in Section 4: Definitions, the following definitions shall also apply:

(a) Drive-Through Facility

Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, and may include drive-in or drive-through

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restaurants, retail and service uses, but shall not include a motor vehicle washing establishment or a motor vehicle service station.

- (b) Façade Shall mean a building wall or series of building walls facing a street.
- (c) Façade Height Shall mean the vertical distance between the base of the façade at finished grade level and the lowest point of the top of the façade.
- (d) Landscaped Parking Island Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls, or features, and light standards, and shall form part of a Planting Strip or Landscaped Area.
- (e) Landscaping Shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreation amenities, fencing, decorative architectural features and retaining walls.
- (f) Setback Shall mean the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure of 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 of this by-law.
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*.

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PASSED this [] day of [], 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

ZAC-16-051

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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? No

Committee: Chair and Members Report No.: XXXXX Date: XX/XX/2020

Ward(s) or City Wide: Ward: 11 (MM/DD/YYYY)

Prepared by: Melanie Pham Phone No: 6685

For Office Use Only, this doesn't appear in the by-law

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This is Schedule "A" to By-law No. 20-
 Passed the day of, 2020


 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 464

Subject Property
 3033, 3047, 3055 and 3063 Binbrook Road, Glanbrook

 Change in Zoning from Existing Residential "ER" Zone to General Commercial "C3-317" Zone

Scale: N.T.S	File Name/Number: ZAC-16-051	
Date: April 16, 2020	Planner/Technician: MP/NB	