

Authority: Item 8
Planning Committee
Report 13-013 (PED12128)
CM: September 11, 2013

Bill No. 225

CITY OF HAMILTON

BY-LAW NO. 13-

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3250 Homestead Drive

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8 of Report 13-013 of the Planning Committee, at its meeting held on the 4th day of **September**, 2013, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Township of Glanbrook Official Plan, approved by the Minister under the Planning Act on June 16, 1987.

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011.

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

1. That Schedule “F”, 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 Neighbourhood Commercial “C1-272” Zone, 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 the By-law”, of Zoning By-law No. 464, be amended by adding a new special provision, “C1-272”, as follows:

“C1-272” 3250 Homestead Drive

Notwithstanding **SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE**, Sub-section 23.1 - **PERMITTED USES**, the following uses shall be prohibited on the lands zoned “C1-272”:

Banks and Financial Institutions.

Notwithstanding **SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE**, Sub-section 23.1 - **PERMITTED USES**, the following use shall also be permitted on the lands zoned “C1-272”:

Retail Stores.

Notwithstanding **SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE**, Sub-section 23.2 - **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 23.1**, Clauses (e), (h), (i), (l)(ii), (l)(iv), (m), and (n), the following provisions shall apply on the lands zoned “C1-272”:

- (e) Maximum Lot Coverage: 37 percent.
- (h) Minimum Front Yard: 6.7 metres.
- (i) Minimum Side Yard:
 - (ii) 0.0 metres on a corner lot for the side yard abutting the flankage street.
- (l) Minimum Parking Requirements:
 - (ii) That notwithstanding Paragraph 7.35(b), the minimum number of parking spaces shall be provided in accordance with the provisions of Paragraph 7.35(b) of this By-law for those uses specified therein, at a minimum parking space dimension of 2.6m wide x 5.5m long.

- (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 at a distance of less than 2.6 metres from any rear lot line, or 1.0 metres from any street line, or 2.0 metres from the boundary of any Residential or Institutional Zone or any Zone where the adjoining lands are used for residential or institutional purposes.
- (m) Minimum Loading Requirements:

A minimum of one loading space shall be provided and maintained for the entire development with a minimum dimension of 2.6m wide x 5.5m long.
- (n) Minimum Landscaping Requirements:
 - (i) A landscape area, in the form of a planting strip having a minimum width of 1.8 metres and a fence having a minimum height of 1.8 metres, shall be provided and maintained adjacent to any lot line that abuts any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.
 - (ii) A landscaped area having a minimum width of 3 metres shall be provided and maintained along every portion of any lot line that abuts Homestead Drive, and 0.0m shall be provided along any portion abutting the building along Longview Drive, and a minimum of 1.0m for all other portions abutting Longview Drive.
- (p) That any garbage enclosure shall only be provided and maintained within the interior of the building.
- (q) That a minimum of 50% of the ground floor façade along Longview Drive shall be composed of windows and doors.
- (r) That residential and visitor's parking areas shall be physically and functionally separated from the commercial parking area.
- (s) That no balconies shall be permitted on the west façade of the proposed development.

Notwithstanding **SECTION 23: NEIGHBOURHOOD COMMERCIAL "C1" ZONE**, Sub-section 23.3 - **REGULATIONS FOR RESIDENTIAL USES PERMITTED IN PARAGRAPH (b) OF SUB-SECTION 23.1**, Clauses (a) and (b), the following provisions shall apply on the lands zoned "C1-272":

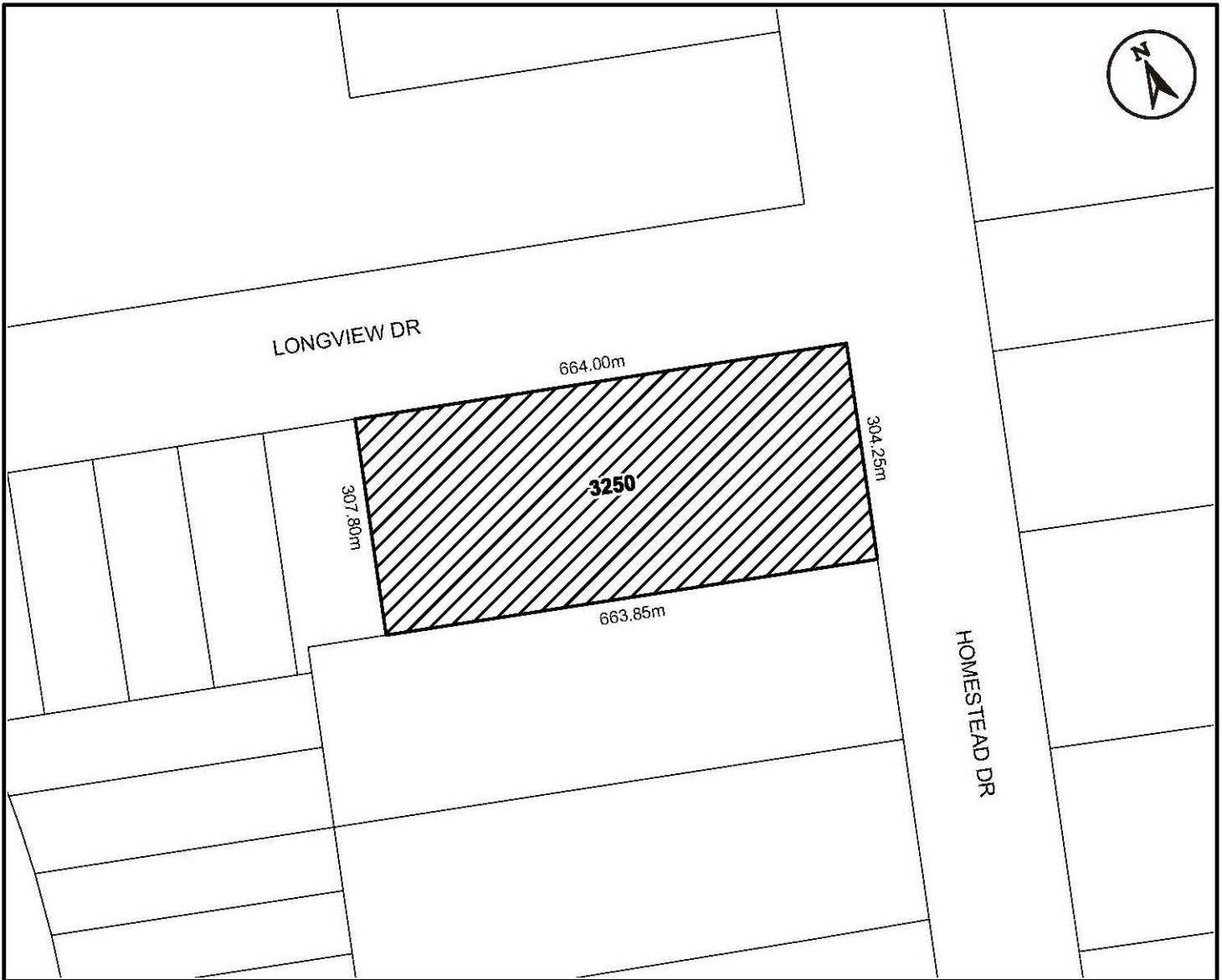
- (a) A maximum of 12 residential units shall be permitted within the principal building, provided they are located above the permitted ground floor commercial.
 - (b) Lot Area shall not apply.
 - (e) That no balconies shall be permitted on the west façade of the proposed development.
3. That no building 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 Neighbourhood Commercial “C1” Zone, provisions, subject to the modifications 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 11th day of **September**, 2013.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-11-020



This is Schedule "A" to By-Law No. 13-

Passed the day of, 2013

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 13-_____

to Amend By-law No. 464

Subject Property

3250 Homestead Drive



Change in Zoning from the Existing Residential "ER"
Zone to the Neighbourhood Commercial "C1-272" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-11-020

Date:
September 6, 2013

Planner/Technician:
AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT