

Authority: Item 3, Planning Committee Report 23-019 (PED23210)
CM: November 22, 2023 Ward: 11
Written approval for this by-law was given by Mayoral Decision MDR-202310
Dated November 22, 2023

Bill No. 222

**CITY OF HAMILTON
BY-LAW NO. 23-222**

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 3169 Fletcher Road**

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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Council, in adopting Item 3 of Report 23-019 of the Planning Committee at its meeting held on the 22nd day of November, 2023, 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. 196.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook), be amended by changing the zoning from the Restricted Agricultural “A2” Zone to the Residential Multiple – Holding “H-RM3-327” Zone, Modified, on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule “A”.
2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended by adding the following exception:

“H-RM3-327” – 3169 Fletcher Road

- (1) For the purpose of regulations contained in Sections 7, 11, 18, and 44 of Glanbrook Zoning By-Law No. 464, the boundary of lands zoned “RM3-327” Zone shall be deemed to be the lot lines for this purpose and the regulations of the “RM3-327” Zone, including but not limited to lot area, lot frontage, lot coverage, density, building setbacks, landscaped areas, and accessory buildings, shall be from the boundaries of the land zoned “RM3-327” Zone and not from individual property boundaries of dwelling units created by registration of a condominium plan, through a Consent or created by Part Lot Control.
- (2) In addition to Section 4 and for the purpose of the Residential Multiple “RM3-327” Zone, Back-to-Back Townhouse dwellings shall be defined as follows:

“DWELLINGS, BACK-TO-BACK TOWNHOUSE” shall mean a building divided vertically into a minimum of six and a maximum of 16 dwelling units, with each unit separated by a common or party walls both at the rear and at the side or sides of the unit, and whereby each unit has an independent entrance to the unit at grade.
- (3) Notwithstanding the definition of STREET in Section 4, DEFINITIONS, a common element condominium road shall be deemed to be a public street for the purposes of creating freehold lots.
- (4) Notwithstanding any provisions of the Zoning By-law to the contrary, for the purposes of the “RM3-327” Zone, the westerly lot line (Fletcher Road) shall be considered the front lot line and the southerly lot line (future Street ‘B’) shall be considered the exterior side lot line. The northerly lot line shall be considered a side lot line. The easterly lot line shall be considered a rear lot line.
- (5) For the lands zoned “RM3-327” Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s) and parking and landscaping are permitted within the street(s).
- (6) In addition to the regulations of Subsection 19.1 PERMITTED USES of SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, for those lands zoned “RM3-327”, the following use shall also be permitted:

Back-to-Back Townhouse Dwelling

- (7) Notwithstanding the regulations of paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (m) and (n) of Subsection 19.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) of SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS) of SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, for those lands zoned “RM3-327”, the following regulations

shall apply:

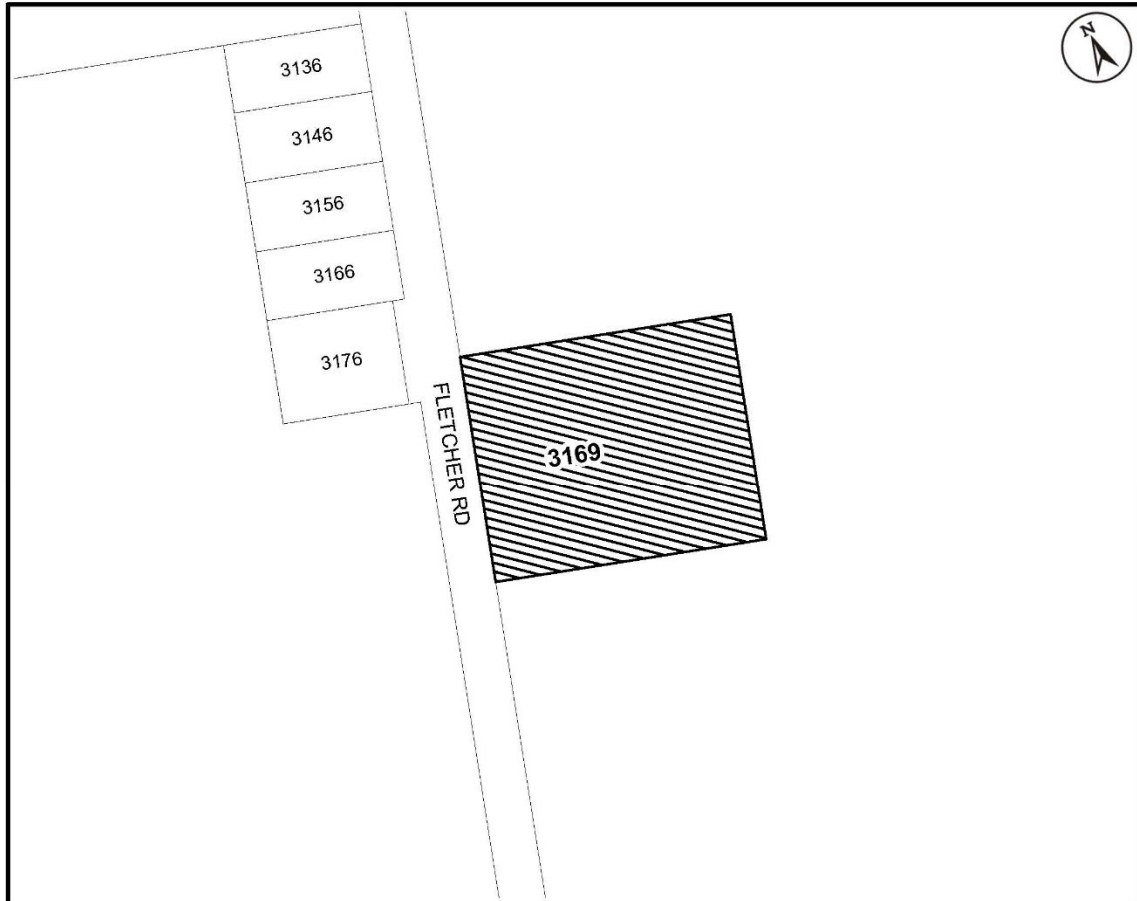
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| (a) Minimum Lot Frontage: | 90 metres |
| (b) Minimum Lot Area: | 1 hectare |
| (c) Maximum Lot Coverage: | 32% |
| (d) Maximum Density: | 60 units per net hectare |
| (e) Minimum Front Yard: | 3.5 metres |
| (f) Minimum Rear Yard: | 7.5 metres |
| Minimum Interior Side Yard: | 7.9 metres |
| Minimum Exterior Side Yard: | 3 metres |
| (g) Minimum Separation Distance | N/A |
| (h) Minimum Floor Area per Dwelling Unit | N/A |
| (i) Maximum Height: | 11.5 metres |
| (j) Minimum Landscaped Area: | 30% |
| (k) Landscaping Strip/Fencing: | Along any interior side/north or rear lot line/east, a landscape strip with a minimum width of 1.5 metres and/or a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained. |
| (l) Minimum Privacy Area for Back-to-Back Townhouse Dwellings: | N/A |
| (m) Minimum Amenity Area: | A minimum of 8 square metres per dwelling unit of common amenity area shall be provided. |
| (o) Dwelling Unit Placement: | Not more than eight (8) block townhouse dwelling units shall be attached in a continuous row, and not more than sixteen (16) Back-to-Back Townhouse Dwelling units in a row |

- (8) Notwithstanding the regulations of paragraphs (a)(i) and (a)(vii) and in addition to paragraph (a) of Section 7.35 MINIMUM PARKING REQUIREMENTS, for those lands zoned “RM3-327”, the following regulation shall apply to Block townhouse and Back-to-Back Townhouse dwellings:
- (i) Minimum Required Parking Spaces: A minimum of 2 parking spaces per unit plus 0.2 visitor parking spaces shall be provided for each Block townhouse and Back-to-Back Townhouse dwelling.
 - (ii) Each parking space shall have a minimum width of 2.8 metres and a minimum length of 5.8 metres, exclusive of any land required for access or driveway.
 - (iii) Minimum Setback for Visitor Parking Areas: Front Yard 3 metres
Rear Yard 1.5 metres
3. The “H” Holding Symbol may be removed by a further amendment to this By-law at such time that the landowner demonstrates to the satisfaction of the Director, Growth Management and Chief Engineer that:
- a. Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers;
 - b. Street ‘B’ on Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed; and,
 - c. The Stormwater Management Pond within the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 is constructed and fully operational.
4. 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 Residential Multiple “RM3-327” Zone, Modified provisions, subject to the special requirements as referred to in Section 2 of this By-law.
5. 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 22nd day of November, 2023.

A. Horwath
Mayor
ZAC-21-001/UHOPA-21-001

J. Pilon
Acting City Clerk



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| This is Schedule "A" to By-law No. 23- Passed the day of, 2023 | ----- Mayor ----- Clerk |
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| <h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 23-_____</h3> <h3>to Amend By-law No. 464</h3> | <p>Subject Property 3169 Fletcher Road</p> <p> Change in Zoning from the Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-327" Zone, Modified</p> |
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| Scale: N.T.S | File Name/Number: ZAC-21-001 & 25T-202101 & UHOPA-21-001 | |
| Date: August 28, 2023 | Planner/Technician: CT/AL | |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | | |