

Authority: Item 26, Planning and Economic
Development Committee
Report: 05-017 (PED05065)
CM: August 10,2005

Bill No. 233

CITY OF HAMILTON

BY-LAW NO. 05-233

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located within Part of Lot ■ ,Concession 4

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 26 of Report 05-017 of the Planning and Economic Development Committee at its meeting held on the 10th day of August, 2005, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the Township of Glanbrook Official Plan), as amended by Official Plan Amendment No. 52 proposed by the Corporation of the City of Hamilton as By-law No. 05-253 but not yet approved in accordance with the provisions of the Plannina Act.

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

1. Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing from the Restricted Agricultural “A2” Zone to the Residential Multiple “RM4-203” Zone, the land comprised of Block 1;
 - (b) by changing from the Restricted Agricultural “A2” Zone to the Public Open Space “OS2” Zone, the land comprised of Block 2;

- (c) by changing from the Institutional Holding “H-I-183” Zone to the Public Open Space “OS2” Zone, the land comprised of Block 3;
- (d) by changing from the Residential Multiple “RM3” Zone to the Residential Multiple “RM3-202” Zone, the land comprised of Block 4;
- (e) by changing from the Restricted Agricultural “A2” Zone to the Residential “R4-199” Zone, the land comprised of Block 5;
- (f) by changing from the Restricted Agricultural “A2” Zone to the Residential “R4-200” Zone, the land comprised of Block 6;
- (g) by changing from the Restricted Agricultural “A2” Zone to the General Commercial “C3-204” Zone, the land comprised of Block 7;
- (h) by changing from the Restricted Agricultural “A2” Zone to the Residential Multiple “RM2-201” Zone, the land comprised of Block 8;
- (i) by changing from the Residential Multiple “RM3” Zone to the Residential Multiple “RM2-201” Zone, the land comprised of Block 9;
- (j) by changing from the Public Open Space “OS2” Zone to the Residential “R4-199” Zone, the land comprised of Block 10;
- (k) by changing from the Institutional Holding “H-I-183” Zone to the Residential “R4-199” Zone, the land comprised of Block 11;
- (l) by changing from the Restricted Agricultural “A2” Zone to the General Commercial “C3” Zone, the land comprised of Block 12;

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, be amended by adding the following new special provisions:

“R4-199

Notwithstanding the regulations of paragraphs (c), (d) and (e) (ii) of Subsection 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)** of **SECTION 16: RESIDENTIAL “R4” ZONE**, for those lands zoned modified “R4-199”, the following regulations shall apply:

- (a) Maximum Lot Coverage.....40%
- (b) Minimum Front Yard..... 6.0 metres

(c) Minimum Side Yard

On a corner lot the minimum side yard abutting the flankage street shall be 3.0 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

In addition to the provisions of paragraph (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned modified "R4-199", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 2.0 metres.

"R4-200

Notwithstanding the regulations of paragraphs (a), (b), (c), (d) and (e) (ii) of Subsection 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)** of **SECTION 16: RESIDENTIAL "R4" ZONE**, for those lands zoned modified "R4-200", the following regulations shall apply:

- | | | |
|-----|---------------------------|---|
| (a) | Minimum Lot Frontage..... | 9 metres, except on a corner lot the minimum lot frontage shall be 13.0 metres |
| (b) | Minimum Lot Area..... | 270 square metres, except on a corner lot the minimum lot area shall be 390 square metres |
| (c) | Maximum Lot Coverage..... | .40% |
| (d) | Minimum Front Yard..... | 6.0 metres |
| (e) | Minimum Side Yard..... | .0.6 metres, except |
- (i) On an interior lot where not attached garage or carport is provided, the minimum side yard on one side shall be 4.2 metres; and
- (ii) On a corner lot the minimum side yard abutting the flankage street shall be 3.0 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

In addition to the provisions of paragraph (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned modified "R4-200", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 2.0 metres.

"RM2-201

Notwithstanding the regulations of paragraphs (a), (b), (c), (d), (e) (ii) and (i) of Subsection 18.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING) OF SUBSECTION 18.1 of SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE**, for those lands zoned modified "RM2-201", the following regulations shall apply:

- (a) Minimum Lot Frontage..... .6 metres per dwelling unit, except:
 - (i) For a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 8.0 metre; and
 - (ii) On a corner lot, the minimum lot frontage for an end dwelling unit adjacent to the flanking street shall be 9.0 metres.
- (b) Minimum Lot Area180 square metres per dwelling unit, except:
 - (i) On an end lot which does not abut a flanking street, the minimum lot area shall be 240 square metres; and
 - (ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 270 square metres.
- (d) Minimum Front Yard..... .6.0 metres
- (e) Minimum Side Yard
 - (i) End dwelling unit not abutting a flankage street..... .2.0 metres
 - (ii) End dwelling unit on a corner lot abutting a flankage street..... .3.0 metres

"RM3-202

Notwithstanding the regulations of paragraphs (c), (d), (e), (f), and (i) of Subsection 19.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS) of SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE**, for those lands zoned modified "RM3-202", the following regulations shall apply:

- (a) Maximum Lot Coverage..... 50 percent
- (b) Maximum Density..... .42 units per hectare
- (c) Minimum Front Yard..... .6.0 metres
- (d) Minimum Side and Rear Yards..... ..6.0 metres, except 7.5 metres where abutting lands are zoned Existing Residential "ER, or Residential "R1", "R2", "R3", "R4", or "RM1"
- (e) Maximum Height..... ..12.0 metres

"RM4-203

Notwithstanding the regulations of paragraphs (b), **(9)**, (g), (i), (j), (k) and (m) of Subsection 20.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING)** of **SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE**, and Notwithstanding the Definition of Apartment Building in **SECTION 4: DEFINITIONS**, for those lands zoned modified "RM4-203", the following regulations shall apply:

- (a) Maximum Lot Area..... .1.2 hectares
- (b) Minimum Front Yard 6.0 metres
- (c) Minimum Side and Rear Yards
4.5 metres, except where the boundary of a Residential Multiple "RM4" Zone adjoins lands zoned Existing Residential "ER, or Residential "R1", "R2", "R3", "R4", or "RM1", a minimum yard of 9.0 metres shall be provided.
- (d) Maximum Height..... 12 metres except, 10.5 metres for dwelling units located directly adjacent to lands zoned General Commercial "C3" Zone

- (e) Minimum Landscaped Area..... 40 percent of the lot area including the Amenity Area

(9) Minimum Parking Requirements

The following requirement is in addition to the provisions of Subsections 7.35, 11.5 and 11.6 of this by-law:

- (i) No parking space or area shall be located closer to a street line than 6.0 metres and not closer than .75 metres to any Residential Zone, unless such parking space is located within a below-grade communal parking structure.
- (g) On the lands zoned "RM4-203", an Apartment Building shall mean a building arranged, intended or designed for three (3) or more dwelling units, which has individual unit entrances at street level.

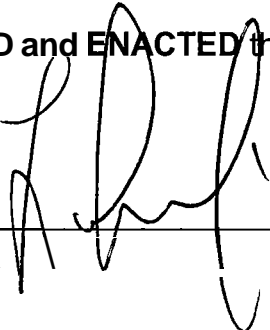
"C3-204

Notwithstanding the regulations of paragraphs (a) of Subsection 25.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL "C3" ZONE,** and for those lands zoned modified "C3-204", the following regulations shall apply:


- (a) Minimum Lot Frontage..... .20.0 metres

3. 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.

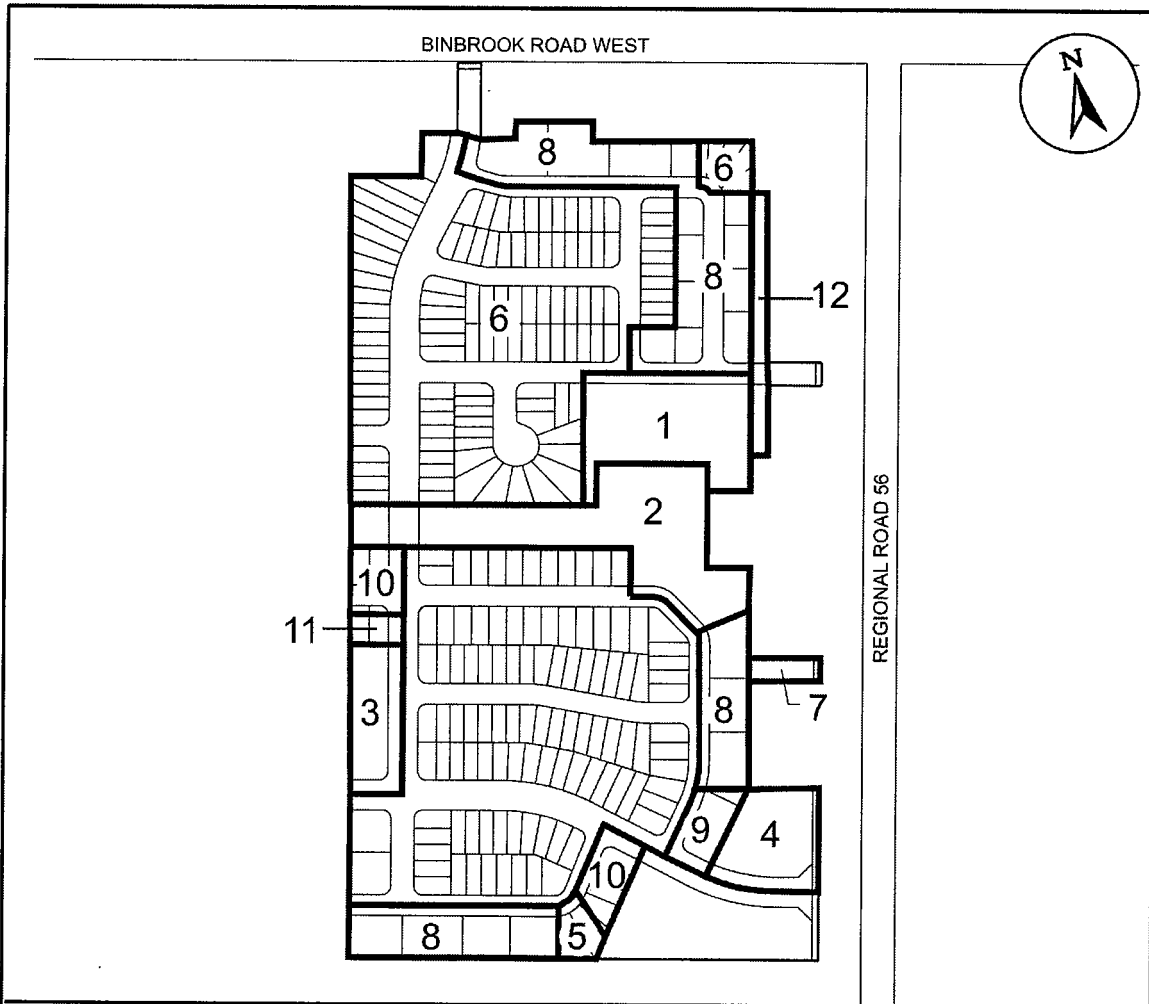
PASSED and ENACTED this 10th day of August , 2005.



 MAYOR



 CLERK



This is Schedule "A" to By-Law No. 05-233

Passed the 10th day of August 2005

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"
Map Forming Part of
By-Law No. 05-233
to Amend By-Law No 464



Subject Property - Elizabeth Gardens

- 1** Block 1 - Change from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-203" Zone
- 2** Block 2 - Change from the Restricted Agricultural "A2" Zone to the Public Open Space "OS2" Zone
- 3** Block 3 - Change from the Institutional Holding "H-I-183" Zone to the Public Open Space "OS2" Zone
- 4** Block 4 - Change from the Residential Multiple "RM3" Zone to the Residential Multiple "RM3-202" Zone
- 5** Block 5 - Change from the Restricted Agricultural "A2" Zone to the Residential "R4-199" Zone
- 6** Block 6 - Change from the Restricted Agricultural "A2" Zone to the Residential "R4-200" Zone
- 7** Block 7 - Change from the Restricted Agricultural "A2" Zone to the General Commercial "C3-204" Zone
- 8** Block 8 - Change from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-201" Zone
- 9** Block 9 - Change from the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-201" Zone
- 10** Block 10 - Change from the Public Open Space "OS2" Zone to the Residential "R4-199" Zone
- 11** Block 11 - Change from the Institutional Holding "H-I-183" Zone to the Residential "R4-199" Zone
- 12** Block 12 - Change from the Restricted Agricultural "A2" Zone to the General Commercial "C3" Zone

North



Scale:

Not to Scale

Date:

June 9, 2005

File Name/Number:

ZAC-04-96

Planner/Technician:

PM/MZ