

Authority: Item 15, Planning and Economic
Development Committee
Report 06-009(PED06165)
CM: June 14, 2006

Bill No. 167

CITY OF HAMILTON

BY-LAW NO. 06-167

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located in Part of Lot 5, Concession 5 (west of Homestead
Drive and south of Strathearne Place)**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 15 of Report 06-009 of the Planning and Economic Development Committee at its meeting held on the 14th day of June, 2006, 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 (the Official Plan of the former Township of Glanbrook);

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

1. Schedule "F", appended to and forming part of By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing from the Deferred Development "DD" Zone to the Residential "R4-209 (A)" Zone, the land composed of Blocks 2, 4, 5, 6, 7, 9, and 11;

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- (b) by changing from the Deferred Development "DD" Zone to the Residential "R4-209 (B)" Zone, the land composed of Blocks 1, 3, 10, and 12;
- (c) by changing from the Deferred Development "DD" Zone to the Residential "R3-209" Zone, the land composed of Blocks 8 and 13;
- (d) by changing from the Deferred Development "DD" Zone to the Residential "R3" Zone, the land composed of Block 14;

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:

R3-209 Notwithstanding Subsection 7.26 ENCROACHMENTS INTO YARDS
R4-209(A) of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES,
R4-209(B) the following provisions shall apply to those lands zoned site-specific Residential "R3-209", "R4-209(A)", and "R4-209(B)":

- (a) Unenclosed porches, both covered and uncovered, may project into the required front yard a maximum 2.0 metres, into the required rear yard a maximum 1.5 metres, and into the required exterior side yard a maximum 2 metres;
- (b) Stairs used to provide access to unenclosed porches from the ground may project into the required front yard and required exterior side yard a maximum 0.6 metres, measured from the limit of the porch closest to the lot line;
- (c) Decks may project into the required rear yard, a maximum 4.5 metres, and into the required exterior side yard a maximum 2.0 metres;
- (d) Window projections, with or without foundations, and architectural elements without a foundation such as, but not limited to, fireplaces, chimneys, pilasters, and corbels, may project into any required yard, excluding a side yard that is less than 1.2 metres, a maximum of 0.6 metres;
- (e) Balconies, canopies, awnings and fruit cellars may project into any front yard, rear yard or exterior side yard, a distance of not more than 2.0 metres. Where the exterior side yard is 1.0 metres, balconies, canopies, awnings, and fruit cellars may project into the exterior side yard a distance of not more than 1.0 metres; and

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- (f) The projections permitted by above clauses (d) and (e), and by Subsection 7.26(a) ENCROACHMENTS INTO YARDS, shall be permitted within the required minimum setback of 5.8 metres between the second floor living space above a garage that faces a front or exterior side lot line and said lot line.

R3-209 Notwithstanding Subsection 7.25 SETBACK REQUIREMENTS
R4-209(A) FROM TRANSMISSION PIPELINE RIGHTS-OF-WAY, the following
R4-209 (B) provision shall not apply to those lands zoned site-specific Residential "R3-209", "R4-209(A)", and "R4-209(B)":

Notwithstanding any provision or regulation in this By-Law, all principal buildings shall be setback a minimum distance of 10 metres (33 feet) from the boundary of a transmission pipeline right-of-way.

R3-209 Notwithstanding Subsection 15.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 15.1 (SINGLE DETACHED DWELLING) of SECTION 15: RESIDENTIAL "R3" ZONE, the following regulations shall apply to those lands zoned site-specific Residential "R3-209":

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) AND (ii) OF THIS SUBSECTION

- (i) Minimum Lot Frontage: 10.0 metres, except for a corner lot, where the minimum lot frontage shall be 12.0 metres.

R4-209(A) Notwithstanding Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL "R4" ZONE, the following regulations shall apply to those lands zoned site-specific Residential "R4-209(A)":

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) AND (ii) OF THIS SUBSECTION

- (i) Minimum Lot Frontage: 10.0 metres, except for a corner lot, where the minimum lot frontage shall be 12.0 metres.

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- (ii) Minimum Lot Area: 300 square metres, except for a corner lot, where the minimum lot area shall be 330 square metres.
- (iii) Minimum Front Yard: 4.0 metres, except for a garage that faces a front lot line which shall have a minimum front yard setback of 5.8 metres.
- (iv) Minimum Interior Side Yard: 1.2 metres, except the minimum interior side yard may be reduced to 0.61 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.
- (v) Minimum Exterior Side Yard: 2 metres, except:
 - (A) the minimum exterior side yard may be reduced to 1.0 metres where there is no public sidewalk adjacent to the exterior side yard of the lot;
 - (B) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres; and,
 - (C) a garage that faces an exterior side lot line shall have a minimum setback of 5.8 metres from the exterior side lot line.
- (vi) Minimum Rear Yard: 7.0 metres
- (vii) Maximum Building Height: 12.6 metres
- (viii) Maximum Driveway Width:

For single detached dwellings, the maximum driveway width shall be 5.5 metres, or the distance between the exterior walls of the garage, whichever is greater.

- (ix) Garage Projections
 - (A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided that:

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- (1) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,
- (2) the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.

(B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.

(C) Notwithstanding subsection (ix)(A), the front face of a garage may project a maximum of 6.0 metres beyond the front face of the main building provided that a covered and unenclosed porch extends a minimum 2.5 metres from the front face of the main building, and provided subsections (ix)(A)(1) and (2) are applied.

(x) Repetition of Front Elevations

Not more than two (2) buildings with the same front elevations shall be built upon abutting lots that front on the same street.

(xi) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. Notwithstanding Subsection 7.35(a)(vii) and Subsection 11.6(b), the following provisions shall apply:

- (A) each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres; and,
- (B) the required minimum exterior side yard of a corner lot abutting a public street may be used for the parking or storage of a motor vehicle on a driveway located between a public street and the front face of a garage.

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R4-209(B) Notwithstanding Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL "R4" ZONE, the following regulations shall apply to those lands zoned site-specific Residential "R4-209(B)":

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION

- (i) Minimum Lot Frontage: 12.0 metres, except for a corner lot, where the minimum lot frontage shall be 14.0 metres.
- (ii) Minimum Lot Area: 350 square metres, except for a corner lot where the minimum lot area shall be 400 square metres.
- (iii) Minimum Front Yard: 4.5 metres, except for a garage that faces a front lot line which shall have a minimum front yard setback of 5.8 metres.
- (iv) Minimum Interior Side Yard: 2.0 metres, except that the minimum interior side yard may be reduced to 0.61 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.
- (v) Minimum Exterior Side Yard: 2.0 metres, except:
 - (A) the minimum exterior side yard may be reduced to 1.0 metres where there is no public sidewalk adjacent to the exterior side yard of the lot;
 - (B) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres; and,
 - (C) a garage that faces an exterior side lot line shall have a minimum setback of 5.8 metres from the exterior side lot line.
- (vi) Minimum Rear Yard: 7.0 metres
- (vii) Maximum Building Height: 12.6 metres

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(viii) Maximum Driveway Width:

The maximum driveway width shall be 5.5 metres, or the distance between the exterior walls of the garage, whichever is greater.

(ix) Garage Projections

(A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided that:

(1) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,

(2) the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.

(B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.

(C) Notwithstanding subsection (ix)(A), the front face of a garage may project a maximum of 6.0 metres beyond the front face of the main building provided that a covered and unenclosed porch extends a minimum 2.5 metres from the front face of the main building, and provided subsections (ix)(A)(1) and (2) are applied.

(x) Repetition of Front Elevations

Not more than two (2) buildings with the same front elevations shall be built upon abutting lots that front on the same street.

(xi) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law.

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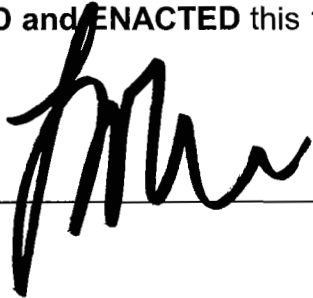
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Notwithstanding Subsection 7.35(a)(vii) and Subsection 11.6(b), the following provisions shall apply:

- (A) each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres; and,
 - (B) the required minimum exterior side yard of a corner lot abutting a public street may be used for the parking or storage of a motor vehicle on a driveway located between a public street and the front face of a garage.
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 14th day of June, 2006.

MAYOR

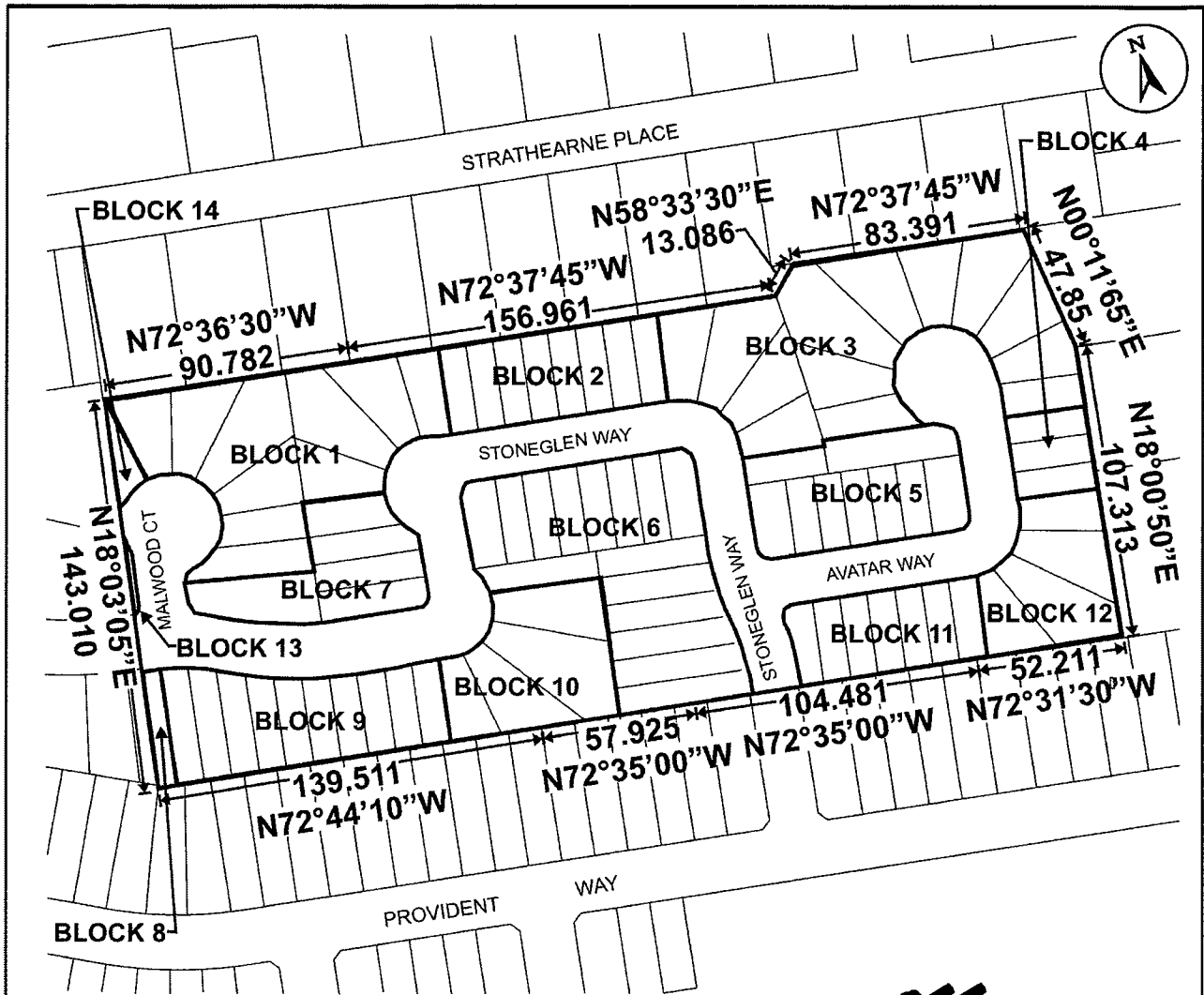


CLERK



ZAC-05-131

By-law Respecting Part of Lot 5, Concession 5 (west of Homestead Drive and south of



This is Schedule "A" to By-Law No. 06 – 167

Passed the 14th day of June, 2006

[Signature]
Clerk

[Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06- 167

to Amend By-law No. 464



Subject Property

Part of Lot 5, Concession 5 (west of Homestead Drive and south of Strathearne Place)

Change from Deferred Development "DD" Zone to:

- Blocks 1,3,10 and 12 - Residential "R4-209 (B)" Zone
- Blocks 2,4,5,6,7,9 and 11 - Residential "R4-209 (A)" Zone
- Block 8 and 13 - Residential "R3-209" Zone
- Block 14 - Residential "R3" Zone

Scale:
Not to Scale

File Name/Number:
25T-200527/ZAC-05-131

Date:
May 2, 2006

Planner/Technician:
KW/NB

