

Authority: Item 9. Economic Development
and Planning Committee
Report 07-010 (PED07148)
CM: May 30, 2007

Bill No. 169

CITY OF HAMILTON

BY-LAW NO. 07-169

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located within Lot 3, Concession 4, Binbrook Road

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 9 of Report 07-010 of the Economic Development and Planning Committee at its meeting held on the 30th day of May 2007, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the Township of Glanbrook Official Plan), upon approval of Official Plan Amendment No. 59

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

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook) is hereby amended as follows:

- (a) by changing from the Restricted Agricultural "A2" Zone to the Institutional "I" Zone, the lands comprised of Block 1;
- (b) by changing from the Restricted Agricultural "A2" Zone to the Public Open Space "OS2" Zone, the lands comprised of Block 2;
- (c) by changing from the Restricted Agricultural "A2" Zone to the Open Space – Conservation "OS3" Zone, the lands comprised of Block 3;
- (d) by changing from the Restricted Agricultural "A2" Zone to the Residential "R4-220" Zone, the lands comprised of Block 4;
- (e) by changing from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM3-219" Zone, the lands comprised of Block 5;
- (f) by changing from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-217" Zone, the lands comprised of Block 6; and,
- (g) by changing from the Restricted Agricultural "A2" Zone to the Residential "R4-218" Zone, the lands comprised of Block 7;

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:

"RM4-217

In addition to the regulations of Subsection 20.1 **PERMITTED USES** of **SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE**, the following uses shall be permitted only on the ground floor of a mixed use building for those lands zoned "RM4-217":

- Banks and Financial Institutions;
- Day Nurseries;
- Professional and Business Offices;
- Personal Service Shops;
- Retail Stores;
- Restaurants; and,

Residential units on the ground floor having 50% of the floor area combined with a permitted commercial use having 50% of the floor area.

Notwithstanding the regulations of paragraphs (a), (b), (c), (d), (e), (f), (g), (h) (i) and (k) of Subsection 20.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 20.1 (APARTMENT BUILDING)** of **SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE**, for those lands zoned “RM4-217”, the following regulations shall apply:

- | | | |
|-----|---|--|
| (a) | Minimum Lot Frontage | 30 metres |
| (b) | Minimum Lot Area | 700 square metres |
| (c) | Maximum Lot Area | N/A |
| (d) | Maximum Lot Coverage | N/A |
| (e) | Maximum Density | N/A |
| (f) | Minimum Front Yard | 3.0 metres |
| (g) | Minimum Side Yard | 3.0 metres, except: |
| | (i) 7.5 metres abutting a side lot line which is the boundary of any Residential or Institutional Zone, or where a ground floor residential use or an institutional use is located on the adjoining lands; and, | |
| (h) | Minimum Rear Yard | 3.0 metres |
| (i) | Maximum Height | 6 storeys |
| (k) | Minimum Landscaped Area | 25% of the Lot Area excluding the Amenity Area |

In addition to the regulations of paragraph (l) of Subsection 20.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 20.1 (APARTMENT BUILDING)** of **SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE**, for those lands zoned “RM4-217”, the following regulations shall apply:

- (i) A landscaped strip having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the driveway(s).

Outside Storage and Display and Accessory Outdoor Patio Restaurants shall be permitted in accordance the provisions of paragraphs (m) and (o) of Section 25, General Commercial "C3" Zone for those lands zoned "RM4-217".

Notwithstanding the regulations of paragraph (m) of Subsection 20.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 20.1 (APARTMENT BUILDING) of SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE**, for those lands zoned "RM4-217", the following regulations shall apply:

- (i) The parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres;
- (ii) Parking spaces shall be provided at a rate of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses;
- (iii) 1 loading space shall be required and shared for the residential and commercial uses;
- (iv) Visitor parking shall be shared with the commercial parking spaces;
- (v) Parking spaces in driveways shall be permitted within 6.0 metres of a street line: and,
- (vi) All other requirements shall be pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law".

"R4-218

Notwithstanding the regulations 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 "R4-218", the following regulations shall apply:

By-law Respecting Lands Located within Lot 3, Concession 4, Binbrook Road
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- | | | |
|-----|------------------------------|--|
| (a) | Minimum Lot Frontage | 9 metres, except
11 metres for a corner lot |
| (b) | Minimum Lot Area | 235 square metres, except
290 square metres for a corner lot |
| (c) | Maximum Lot Coverage | N/A |
| (d) | Minimum Front Yard | 4.5 metres to the dwelling, except 6.0
metres to the attached garage |
| (e) | Minimum Side Yard | 1.2 metres on one side
and 0.6 metres on the
other side, except: |
| | (i) | On a corner lot the minimum side yard abutting the flankage street shall
be 2.4 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. |
| (f) | Minimum Rear Yard | 7 metres |
| (g) | Maximum Height | 10.7 metres |
| (h) | Minimum Parking Requirements | Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-
law. In addition, the parking space size located within a garage shall have a
minimum width of 2.6 metres and have a minimum length of 5.5 metres.
Stairs, to a maximum of 3 risers, shall be permitted to encroach into this
parking space. |

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned "R4-218", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0 metres.
- (ii) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres.
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 metres.
- (iv) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 metres.

In addition to the definition of “Daylight Triangle” in Section 4 DEFINITIONS, the following shall apply:

For the purposes of determining FRONT LOT LINE, and EXTERIOR SIDE LOT LINE abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained”.

“RM3-219

In addition to the Uses Permitted in Subsection 19.1 **PERMITTED USES** of **SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE**, for those lands zoned “RM3-219”, Townhouses on a Common Elements Condominium Road shall be permitted in accordance with Section 19, Residential Multiple “RM3” Zone.

Notwithstanding the regulations of paragraphs (c), (d), (e), (f), (g), (h), 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 “RM3-219”, the following regulations shall apply:

- | | | |
|-----|----------------------|--------------------|
| (a) | Maximum Lot Coverage | N/A |
| (b) | Maximum Density | N/A |
| (c) | Minimum Side Yard | 1.2 metres, except |

- (i) On a corner lot the minimum side yard abutting the flankage street shall be 2.4 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.

- (d) Minimum Rear Yard 7.0 metres
- (e) Minimum Floor Area per Dwelling Unit N/A
- (f) Minimum Parking Space Size 2.6 metres by 5.5 metres

Parking spaces in driveways shall be permitted within 6.0 metres of a street line: and

All other requirements shall be pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law.

- (g) Minimum Separation Distance N/A

Notwithstanding the definition of STREET in Section 4, DEFINITIONS, a common elements condominium road shall be deemed to be a public street for the purposes of creating freehold lots”.

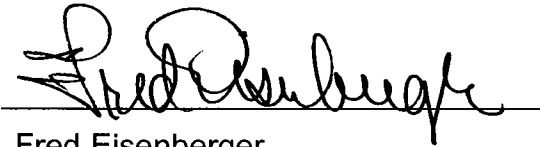
“R4-220

Notwithstanding the regulations 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 “R4-220”, the following regulations shall apply:

- (a) Minimum Lot Frontage 11 metres, except
13 metres for a corner lot
- (b) Minimum Lot Area 280 square metres, except
335 square metres for a corner lot
- (c) All other regulations of the Residential “R4 -218” Zone shall be applicable to those lands zoned Residential “R4-220”.

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 30th day of May, 2007.

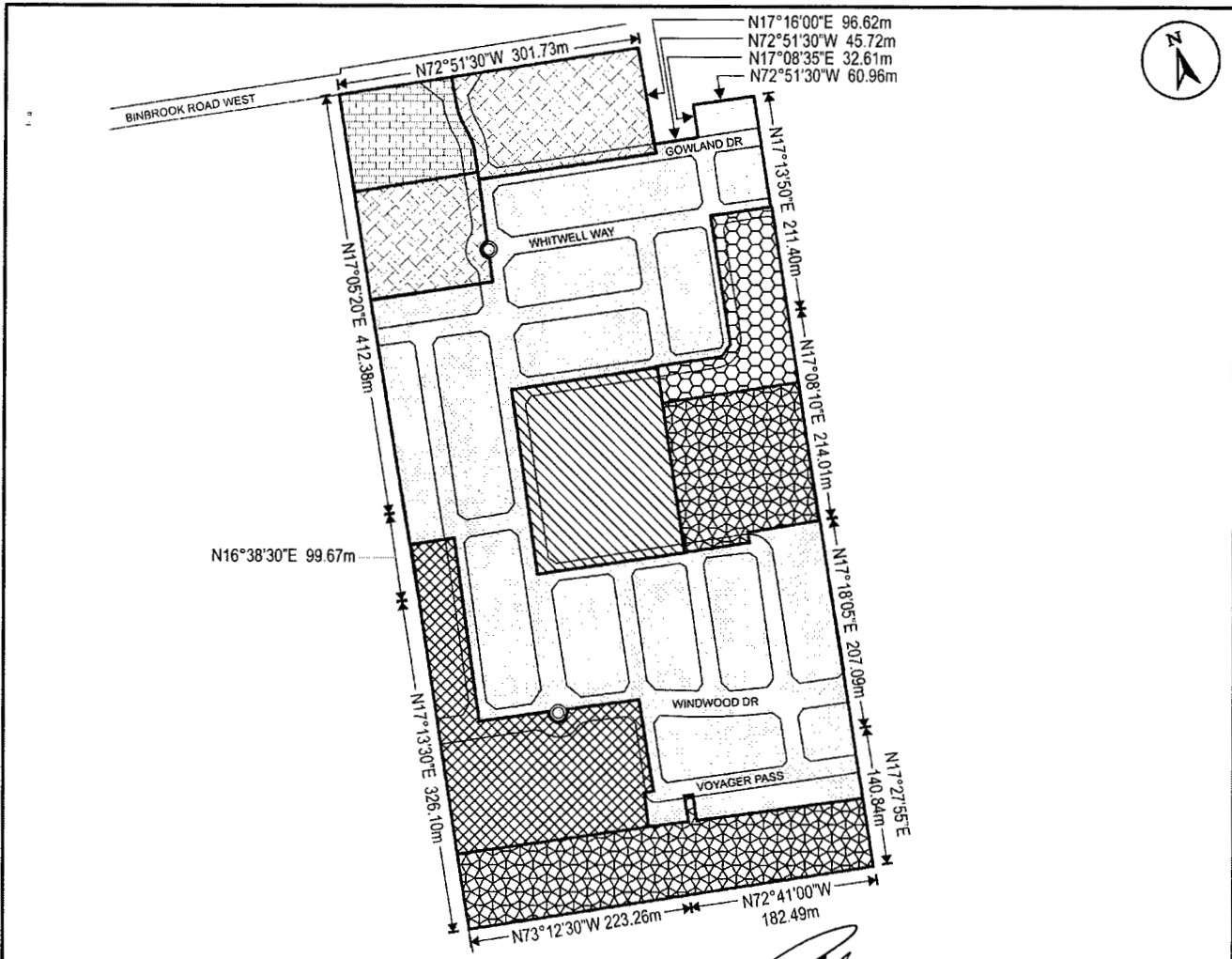


Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

ZAC-06-20










This is Schedule "A" to By-Law No. 07-169
Passed the ..30.th. day of May....., 2007


[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 07-169

to Amend By-law No.464

- Subject Property**
Summerlea West
-  **Block 1** - Change from the Restricted Agricultural "A2" Zone to the Institutional "I" Zone.
 -  **Block 2** - Change from the Restricted Agricultural "A2" Zone to the Public Open Space "OS2" Zone.
 -  **Block 3** - Change from the Restricted Agricultural "A2" Zone to the Open Space - Conservation "OS3" Zone..
 -  **Block 4** - Change from the Restricted Agricultural "A2" Zone to the Residential "R4-220" Zone.
 -  **Block 5** - Change from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM3-219" Zone.
 -  **Block 6** - Change from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-217" Zone.
 -  **Block 7** - Change from the Restricted Agricultural "A2" Zone to the Residential "R4-218" Zone.

Scale: N.T.S.	File Name/Number: ZAC-06-20
Date: April 18th 2007	Planner/Technician: PM/MF
 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	