

Authority: Item 11 , Economic Development and
Planning Committee
Report 10-001 (PED10007)
CM: January 27, 2010

Bill No. 025

CITY OF HAMILTON

BY-LAW NO. 10-025

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2490 Regional Road 56

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 11 of Report 10-001 of the Economic Development and Planning Committee, at its meeting held on the 27th day of January, 2010, 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 (the Official Plan of the former Township of Glanbrook) upon approval of Official Plan Amendment No. 77.

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

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1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended as follows:
 - (a) by changing from the Residential "R4-167" to the Residential "R4-228" Zone, the lands composed of Block 1;
 - (b) by changing from the Residential Multiple "RM3" Zone to the Residential "R4-228" Zone, the lands composed of Block 2;
 - (c) by changing from the Residential "R4-167" to the Residential Multiple "RM2-229" Zone, the lands composed of Block 3;
 - (d) by changing from the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-229" Zone, the lands composed of Block 4;
 - (e) by changing from the General Commercial "C3" Zone to the Holding - General Commercial "H-C3-230" Zone, the lands composed of Block 5;
 - (f) by changing from the General Commercial "C3" Zone to the General Commercial "C3-230" Zone, the lands composed of Block 6;
 - (g) by changing from the Residential "R4-167" Zone to the Residential Multiple "RM3-231" Zone, the lands composed of Block 7;
 - (h) by changing from the Public Open Space "OS2" Zone to the Residential Multiple "RM3-231" Zone, the lands composed of Block 8;
 - (i) by changing from the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone, the lands composed of Block 9; and,
 - (j) by changing from the Residential Multiple "RM3" Zone to the Holding - Residential "H-R4-228" Zone, the lands composed of Block 10,

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:

"R4-228 & H-R4-228

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 DWELLINGS)** of **SECTION 16: RESIDENTIAL "R4" ZONE**, for those lands zoned "R4-228", the following regulations shall apply:

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- (a) Minimum Lot Frontage.....12 metres (39 feet),
except on a corner
lot the minimum
frontage shall be
15.2 metres (50 feet)
- (b) Minimum Lot Area.....350 square metres
(3,767 square feet),
except on a corner
lot the minimum lot
area shall be 450 square
metres (4,844 square feet)
- (c) Maximum Lot Coverage.....50%
- (d) Minimum Front Yard.....6 metres (20 feet)
- (e) Minimum Side Yard
 - (ii) On a corner lot, the minimum side yard abutting the flanking street shall be 3.0 metres (10 feet), except that an attached garage or attached carport which fronts on the flankage street shall not be located within 6.0 metres (20 feet) of the flanking street line, and on a corner lot with a daylight triangle a minimum 2.0 metre setback for any building from the hypotenuse of the daylight triangle is required.

In addition to the provisions of Subsection 7.26 **ENCROACHMENT INTO YARDS**, for those lands zoned "R4-228", 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 yard a distance of not more than 0.9 metres.
- (iii) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or side yard a distance of not more than 0.6 metres.
- (iv) Stairs may project into any required front yard a distance of not more than 4.5 metres.
- (v) Covered porches may project into a required flankage yard a distance of not more than 1.8 metres.

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- (vi) On corner lots, the minimum setback from the hypotenuse of the daylight triangle for a porch shall be 0.5m, including foundation walls, and 0.0m for eaves or gutters.

The "H" Holding symbol may be removed by a further amendment to this By-law at such time as the following has been satisfied:

- (a) That no development shall be permitted until such time as comprehensive development and land assembly has occurred with the lands to the east, being 2544 Regional Road 56 and/or 2532 Regional Road 56.

RM2-229

Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), and (e)(i) of Subsection 18.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLINGS)** of **SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE**, and Notwithstanding the Definition of a Street in **SECTION 4: DEFINITIONS**, for those lands zoned "RM2-229", the following regulations shall apply:

- (a) Minimum Lot Frontage.....6 metres
(20 feet) per dwelling unit, except:
 - (i) For a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 8 metres (26 feet).
- (b) Minimum Lot Area.....190 square metres
(2,045 square feet) per dwelling unit, except:
 - (i) On an end lot which does not abut a flanking street, the minimum lot area shall be 250 square metres (2,691 square feet).
- (c) Maximum Lot Coverage.....N/A
- (d) Minimum Front Yard.....6 metres (20 feet)
- (e) Minimum Side Yard
 - (i) End dwelling unit not abutting a flanking street..... 1.5 metres
(5 feet)

In addition to the definitions of **SECTION 4: DEFINITIONS**, for those lands zoned Modified "RM2-229", the following definition shall apply:

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- (i) On the lands zoned "RM2-229", the definition of a "Street" shall include a private condominium road.

C3-230 and H-C3-230

Notwithstanding the regulations of Paragraphs (a), (b) and (c) of Subsection 25.1 **PERMITTED USES** of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, for those lands zoned Modified "C3-230", the following regulations shall apply:

Permitted uses on these lands shall only include the following:

- (a) Banks and financial institutions, Brewers Retail stores, building supply sales in wholly enclosed buildings, commercial schools, custom workshops, dairies, day nurseries, department stores, dry cleaning establishments, farm equipment establishments, funeral homes, garden centres, hotels, laundries, Liquor Licence Board of Ontario stores, medical centres, motels, offices, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, private or commercial clubs, professional and business offices, public and private parking lots and structures, public transportation depots, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, and uses, buildings and structures accessory to the above permitted uses.
- (b) Residential uses ancillary to the uses permitted in Paragraph (a) of this Subsection.

The "H" Holding symbol may be removed by a further amendment to this By-law at such time as the following has been satisfied:

- (a) The lands shall be developed in conjunction with the lands to the east, being 2544 Regional Road 56 and/or 2532 Regional Road 56.

RM3-231

Notwithstanding the regulations of Paragraphs (c), (e), (f), (g), (j), (m), and (n)(ii) of Subsection 19.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS)** of **SECTION 19: RESIDENTIAL MULTIPLE 3 "RM3" ZONE**, for those lands zoned modified "RM3-231", the following regulations shall apply:

- (c) Maximum Lot Coverage.....45%
- (e) Minimum Front Yard.....3.5m to any building and 6.0m to any garage.

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- (f) Minimum Side and Rear Yards.....7.0m
- (g) Minimum Separation Distance Between Buildings:
 - (i) 3.0m between end walls, except 10.0m between end walls separated by a private road;
 - (ii) 12.0m between the front of dwellings separated by a private road;
 - (iii) 8.5m between rear walls;
 - (iv) 12.5m between front walls and side walls; and,
 - (v) 7.5m between end walls and rear walls.
- (j) Minimum Landscaped Area.....30 percent of the lot area, which may include the required privacy area.
- (m) Minimum Amenity Area.....N/A
- (n) Minimum Parking Requirements:
 - (ii) Permit a parking space or area to be located a minimum of 4.0m to the street line.

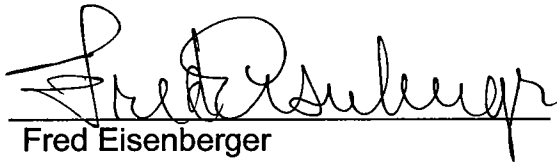
Notwithstanding the regulations of Subsections 7.25 and 7.35 (a)(vii) in **Section 7: GENERAL PROVISIONS FOR ALL ZONES** and Subsection 11.3 (d)(i) **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, for those lands zoned "RM3-231", the following regulations shall apply:

- 7.25 A minimum setback of 7.5m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.
- 7.35(a)(vii) The following shall apply:
 - (A) The minimum driveway width for each dwelling unit shall be the distance between the exterior walls of the garage;
 - (B) The minimum dimensions for visitor parking spaces shall be 2.6m in width and 5.5m in length;
 - (C) The minimum dimensions of disabled parking spaces shall be 4.4m in width and 5.5m in length.
- 11.3(d)(i) A patio deck shall provide a minimum setback of 3.5m from any municipal street line.

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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 Residential "R4", Residential Multiple "RM2" and "RM3", and Commercial "C3" Zone provisions, subject to the special requirements 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 10th day of February, 2010.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-06-62

By-law Respecting 2490 Regional Road 56, Binbrook



This is Schedule "A" to By-Law No. 10-025

Passed the ..10..... day of ..February....., 2010











[Handwritten Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 10- 025

to Amend By-law No.464

Subject Property

-  Block 1 - From the Residential "R4-167" Zone to the Residential "R4-228" Zone.
-  Block 2 - From the Residential Multiple "RM3" Zone to the Residential "R4-228" Zone.
-  Block 3 - From the Residential "R4-167" Zone to the Residential Multiple "RM2-229" Zone.
-  Block 4 - From the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-229" Zone.
-  Block 5 - From the General Commercial "C3" Zone to the Holding General Commercial "H-C3-230" Zone.
-  Block 6 - From the General Commercial "C3" Zone to the General Commercial "C3-230" Zone.
-  Block 7 - From Residential "R4-167" Zone to the Residential Multiple "RM3-231" Zone.
-  Block 8 - From the Public Open Space "OS2" Zone to the Residential Multiple "RM3-231" Zone.
-  Block 9 - From the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone.
-  Block 10 - From the Residential Multiple "RM3" Zone to the Holding Residential "H-R4-228" Zone.

Scale:
 N.T.S.

File Name/Number:
 ZAC-06-62/25T-200005(R)

Date:
 December 2, 2009

Planner/Technician:
 AC/KA



Hamilton