

Authority: Item 3
Planning Committee
Report 13-014 (PED13140)
CM: September 25, 2013

Bill No. 238

CITY OF HAMILTON

BY-LAW NO. 13- 238

**To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at 392, 488 & 530 Dundas Street East, Concession 3,
Part of Lots 2, 3, 4, & 5 (East Flamborough), in the former Town of Flamborough,
now in the City of Hamilton**

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 Town of Flamborough" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Ontario Municipal Board on August 16, 2013, in accordance with the provisions of the Planning Act.

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

1. That Schedule "A-31" and "A-32", attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended:
 - (a) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-62" Zone, for lands comprised in **Block "1"**;
 - (b) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-63" Zone, for lands comprised in **Block "2"**;
 - (c) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-64" Zone, for lands comprised in **Block "3"**;
 - (d) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential (Semi-Detached & Link) "R4-6" Zone, for lands comprised in **Block "4"**;
 - (e) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-30" Zone, for lands comprised in **Block "5"**;
 - (f) by changing from the Agriculture "A" Zone to the Medium Density Residential "R6-31" Holding Zone, for lands comprised in **Blocks "6"**;
 - (e) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-32" Zone, for lands comprised in **Blocks "7"**;
 - (f) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Commercial "UC-12(H)" Zone, for lands comprised in **Block "8"**;
 - (g) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Commercial "UC-13" Zone, for lands comprised in **Block "9"**;
 - (h) by changing from the Agriculture "A" Zone, Highway Commercial "HC" Zone, and the Conservation Management "CM" Zone to the Urban Commercial "UC-14(H)" Zone, for lands comprised in **Block "10"**;

- (i) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Development "UD" Zone, for the lands comprised in **Block "11"**;
- (j) to be removed from By-law 90-145-Z, for lands comprised in **Block "12"**.
- (k) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-30(H)" Holding Zone, for lands comprised in **Block "13"**;
- (l) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential (Semi-Detached and Link) "R4-6(H)" Holding Zone, for lands comprised in **Block "14"**;
- (m) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Medium Density Residential "R6-32(H)" Holding Zone, for lands comprised in **Blocks "15"**;
- (n) by changing from the Agriculture "A" Zone, Highway Commercial "HC" Zone and the Conservation Management "CM" Zone to the Urban Commercial "UC-14(H)" Holding Zone, for lands comprised in **Block "16"**;
- (o) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-64(H)" Holding Zone, for lands comprised in **Block "17"**;
- (p) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-62(H)" Holding Zone, for lands comprised in **Block "18"**; and,
- (q) by changing from the Agriculture "A" Zone and Conservation Management "CM" Zone to the Urban Residential "R1-63(H)" Holding Zone, for lands comprised in **Block "19"**;

the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

2. Section 6 - Urban Residential (R1) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3 EXCEPTION NUMBERS

- 6.3.62 "R1-62" (LD1 - **Block "1"** and **Block "18"** - **LOTS ADJOINING FLANDERS**)

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Storm Water Management Pond

Zone Provisions:

- (a) Lot Area (minimum): 350 sq. m.
- (b) Lot frontage (minimum): 13.0m, except 18.2m shall be provided where a lot abuts a linear Open Space Block (Block No. 884 of the Draft Plan).
- (c) Height (Maximum): 2½ storeys, except where a lot abuts a linear Open Space Block (Block No. 884 of the Draft Plan), a maximum height of 2½ storeys is permitted provided the floor area above the second floor is contained within the roof peak and that windows above the second floor are contained in dormers facing the front yard, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m.
- (h) Exterior Side Yard (minimum): 3.0m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.

(j) Density (maximum): 22 units per net residential ha (upnrh).

(k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters.	All	0.65m
Bay Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

(l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.

(m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

(n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

3. Section 6 - Urban Residential (R1) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3.63 "R1-63" (LD1 - BLOCK "2" (R1-63) and BLOCK "19" (R1-63-(H)) - Waterdown Woods Area)

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Storm Water Management Pond

General Provisions:

Where installation of a retaining wall, higher than 1.0m and of material other than armourstone, the owner of such lot shall not (i) excavate, drill, install, erect, or build; (ii) plant any tree, construct any pit, well, pavement, building, or structure; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the Senior Director, Growth Management Division.

Zone Provisions:

- (a) Lot Area (minimum): 410 sq. m.
- (b) Lot frontage (minimum): 15.24m.
- (c) Height: (Maximum) 10.5m, height shall be defined as the vertical distance measured from the average finished grade level adjacent to the front elevation of the building to the midway point between the eaves and the roof peak.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m.
- (h) Exterior Side Yard (minimum): 3.0m, except that an attached garage or carport which fronts on the exterior lot line shall not be

located within 5.8m of the exterior lot line.

- (i) Landscape Open Space: N/A.
- (j) Density (maximum): 22 upnrh.
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Rear Lot Line shall be fenced with a 1.2m (minimum) high black chain link fence.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) General Provisions - Other than contained herein, the provisions of

Section 5 shall apply.

4. Section 6 - Urban Residential (R1) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3.64 "R1-64" (LD2 - BLOCK "3" and BLOCK "17" (R1-64-(H)))

Permitted Uses:

- (a) Single Detached Dwellings
- (b) Semi-detached Dwellings
- (c) Street Townhouses
- (d) Storm Water Management Pond

General Provisions:

Where installation of a retaining wall, higher than 1.0m and of material other than armourstone, owner of such lot shall not (i) excavate, drill, install, erect, or build; (ii) plant any tree, construct any pit, well, pavement, building, or structure; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the Senior Director, Growth Management Division.

Zone Provisions for (a) - Single Detached Dwellings:

- | | | |
|-----|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Lot Area (minimum): | 310 sq. m. |
| (b) | Lot frontage (minimum): | 11.5m. |
| (c) | Height (maximum): | 2½ storeys, height shall be measured at the front façade, a ½ storey shall have a floor area of 50% or less of the floor area below. |
| (d) | Lot Coverage (maximum): | N/A. |
| (e) | Front Yard (minimum): | 3.0m, except 5.8m to an attached garage or attached carport. |
| (f) | Rear Yard (minimum): | 7.0m. |

- (g) Interior Side Yard (minimum): 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except:

On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

- (h) Exterior Side Yard (minimum): On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 5.8m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required.

- (i) Landscape Open Space: N/A.
- (j) Overall Density: 22 - 40 upnrh for the lands zoned as "R1-64".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into

		Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) Lots backing onto Mountain Brow Road shall have decorative fencing along the rear lot line. Solid, board-on-board or chain link fencing is not permitted.
- (o) Notwithstanding Section 5 - General Provisions, accessory buildings within the rear yards of those Lots backing onto Mountain Brow Road shall have a maximum height of 2.5m and a maximum floor area of 6.0 sq. m.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (b) - Semi-Detached Dwellings:

- (a) Lot Area (minimum): 200 sq. m.

- (b) Lot frontage (minimum): 7.5m.
- (c) Height (maximum): 2½ storeys, height shall be measured at the front façade, a ½ storey shall have a floor area of 50% or less of the floor area below.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 0.0m on the common side and 1.2m on other side.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 22 - 40 upnrh for the lands zoned as "R1-64".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (c) - Street Townhouses:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 2½ storeys, height shall be measured at the front façade, a ½ storey shall have a floor area of 50% or less of the floor area below.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0 m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard

related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.

- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 22 - 40 upnrh for the lands zoned as "R1-64".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.

(m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

(n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

5. Section 9 - Urban Residential (Semi-Detached and Link) (R4) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

9.3.6 "R4-6" (LD3 - BLOCK "4" (R4-6) and BLOCK "14" (R4-6-(H)))

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Semi-detached Dwelling
- (c) Street Townhouse
- (d) Storm Water Management Pond

Zone Provisions for (a) - Single Detached Dwelling:

- (a) Lot Area (minimum): 310 sq. m.
- (b) Lot frontage (minimum): 11.5m.
- (c) Height (maximum): 3 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement

permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except:

On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

- (h) Exterior Side Yard (minimum): On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 5.8m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required;
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 30 - 60 upnrh for the lands Zoned as "R4-6".
- (k) Maximum Number of Singles: Single detached dwellings shall comprise no more than 60% of the housing units for the lands zoned as "R4-6".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses,	All	0.65m

cornices, fireplaces, chimney breasts, pilasters eaves, or gutters		
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (b) - Semi-Detached Dwelling:

- (a) Lot Area (minimum): 200 sq. m.
- (b) Lot frontage (minimum): 7.5m.
- (c) Height (maximum): 3 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.

- (g) Interior Side Yard (minimum): 0.0m on the common side and 1.2m on other side.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 30 - 60 upnrh for the lands zoned as "R4-6".

- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all	Required front and	0.30m minimum

structures from the site triangles	required exterior side yard	setback from a site triangle
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- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (c) - Street Townhouse:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 3 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 30 - 60 upnrh for the lands zoned as "R4-6".

- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (n) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

6. Section 6 - Medium Density Residential (R6) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3.30 "R6-30" (MD - BLOCK "5" (R6-30) and Block "13") (R6-30-(H)))

Permitted Uses:

- (a) Single Detached Dwelling
- (b) Semi-Detached Dwelling
- (c) Street Townhouse
- (d) Townhouse
- (e) Stacked Townhouse
- (f) Maisonette
- (g) Low Rise Apartment Building
- (h) Storm Water Management Pond

Zone Provisions for (a) - Single Detached Dwellings:

- (a) Lot Area (minimum): 310 sq. m.
- (b) Lot frontage (minimum): 11.5m.
- (c) Height (maximum): 3 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except:

On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

- (h) Exterior Side Yard (minimum): On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 5.8m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands Zoned as "R6-30".
- (k) Maximum Number of Singles: Single detached dwellings shall comprise no more than 25% of the housing units for the lands zoned as "R6-30".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (b) - Semi-Detached Dwellings:

- (a) Lot Area (minimum): 200 sq. m.
- (b) Lot frontage (minimum): 7.5m.
- (c) Height (maximum): 3 storeys
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 0.0m on the common side and 1.2m on other side.

- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands zoned as "R6-30".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (m) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

- (n) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (o) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (c) - Street Townhouse:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 60 - 75 upnrh for the lands zoned as "R6-30".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses,	All	0.65m

cornices, fireplaces, chimney breasts, pilasters eaves, or gutters		
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (d) - Townhouse:

- (a) Lot Area (minimum): 150 sq. m. per dwelling unit.
- (b) Lot frontage (minimum): 30m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.

- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 60 - 75 upnrh for the lands zoned as "R6-30".

- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed	Required front,	Porches - 2.0m

and unenclosed porches	required rear, and required exterior side yard	Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Townhouse dwelling unit.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within a front yard shall be 2.6m x 5.8m, visitor parking spaces shall have dimensions of 2.6m x 5.5.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (e) - Stacked Townhouse:

For the purpose of this Zone, a Stacked Townhouse shall be defined as a residential apartment building containing a minimum of 4, and a maximum of 40 units, each of which has an independent entrance, provided that:

- i. Stacked townhouse buildings shall have a maximum length of 60m.
 - ii. Not more than half of all dwelling units shall be on or below the ground floor.
 - iii. Dwelling units shall be fully attached to adjoining units, and are attached vertically or horizontally.
 - iv. Access to all second level units shall be from an interior stairway within the stacked townhouse building.
- (a) Lot Area (minimum): 120 sq. m. per dwelling unit.

- (b) Lot frontage (minimum): 30m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands zoned as "R6-30".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a	Required front, required rear, and required exterior side	1.00m plus a further 0.3m for eaves

foundation	yard	
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Stacked Townhouse dwelling unit.
- (m) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within a front yard shall be 2.6m x 5.8, visitor parking spaces shall have dimensions of 2.6m x 5.5m.
- (n) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (o) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (f) - Townhouse-Maisonette:

For the purpose of this Zone, a Townhouse Maisonette shall mean a building not more than one single family dwelling unit in height, designed to contain not less than six single family dwelling units, fully attached to each other, side-by-side, in two rows arranged back-to-back and in substantial harmony with each other, each of which dwelling units;

- i. Has a separate front entrance;
- ii. Is joined on one or both sides by a party wall to another dwelling unit in the same row;
- iii. Is joined by a common vertical back wall extending the length of the building.

- (a) Lot Area (minimum): 120 sq. m. per dwelling unit.
- (b) Lot frontage (minimum): 30m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 60 - 75 upnrh for the lands zoned as "R6-30".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m

Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Townhouse - Maisonette dwelling unit.
- (m) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within the front yard shall be 2.6m x 5.8, visitor parking spaces shall have dimensions of 2.6m x 5.5m.
- (n) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (o) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (g) - Low Rise Apartment Building:

- (a) Lot Area (minimum): 2000 sq. m.
- (b) Lot frontage (minimum): 30m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.

- (e) Front Yard (minimum): 3.0m.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 3.0m.
- (h) Exterior Side Yard (minimum): 4.5m.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: 5%.
- (k) Overall Density: 60 - 75 upnrh for the lands zoned as "R6-30".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including

visitor parking, shall be required per Apartment dwelling unit.

- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space shall be 2.6m x 5.5m.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space -General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

7. Section 11 - Medium Density Residential (R6) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

6.3 EXCEPTION NUMBERS

6.3.31 "R6-31" (Neighbourhood Node - Block "6")

Permitted Uses:

- (a) Retail Establishment
- (b) Personal Service Establishment
- (c) Service Shop
- (d) Dry Cleaning Distribution Station
- (e) Office
- (f) Street Townhouse Dwelling
- (g) Townhouse Dwelling
- (h) Stacked Townhouse Dwelling
- (i) Apartment Building with or without uses (a) - (e) at grade
- (j) Live-Work unit - (Street Townhouse (freehold) with residential and uses (a) - (e) at grade)
- (k) Stormwater Management Pond

Prohibited Uses:

- (a) Drive-thru
- (b) Motor Vehicle Service Stations
- (c) Open Storage of Goods and Materials

General Zone Provisions:

- (a) The uses permitted in Paragraphs (a) to (d), inclusive, above, shall only be permitted on the ground floor.
- (b) Maximum Gross Floor Area for the uses permitted in Paragraphs (a) to (d) on a single lot shall be 300 sq. m. Maximum Gross Floor Area for use permitted in Paragraph (e) on a single lot shall be 500 sq. m.
- (c) Any permitted commercial use at grade within a building containing residential uses, including a Live-Work unit, shall be exempt from the applicable parking requirement.
- (d) Parking for multiple dwellings, excluding street townhouses, shall not be permitted between the front lot line and the building.

Zone Provisions for (a) - (e) - Commercial Uses:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line, for the Block located at Skinner Road and Street "A" - Street "A", the East lot line, shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys (commercial uses only permitted on ground floor, as per Sub-section (a) of General Zone Provision.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m.
- (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard

related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.

- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as "R6-31".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

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- (m) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.5.
- (n) Parking shall not be located between the front lot line and the building.
- (o) Landscaped Open Space - General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (f) - Street Townhouse:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street "A" - Street "A" shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.

- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as "R6-31".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces within the front yard shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.

- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (g) - Townhouse:

- (a) Lot Area (minimum): 150 sq. m. per dwelling unit.
- (b) Lot frontage (minimum): 30m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street "A" - Street "A" shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m except for the side yard related to the common wall of the townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.

(k) Overall Density: 50 - 75 upnrh for the lands zoned as "R6-31".

(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Townhouse dwelling unit.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space within the front yard shall be 2.6m x 5.8m, visitor parking spaces shall have dimensions of 2.6m x 5.5m.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.

- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (h) - Stacked Townhouse:

For the purpose of this Zone, a Stacked Townhouse shall be defined as a residential apartment building containing a minimum of 4, and a maximum of 32 units, each of which has an independent entrance, provided that:

- i. Stacked townhouse buildings shall have a maximum length of 60m.
 - ii. Not more than half of all dwelling units shall be on or below the ground floor.
 - iii. Dwelling units shall be fully attached to adjoining units, and are attached vertically or horizontally.
 - iv. Access to all second level units shall be from an interior stairway within the stacked townhouse building.
-
- (a) Lot Area (minimum): 120 sq. m. per dwelling unit.
 - (b) Lot frontage (minimum): 30m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street "A" - Street "A" shall be deemed the front lot line.
 - (c) Height (maximum): 4 storeys.
 - (d) Lot Coverage (maximum): N/A.
 - (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
 - (f) Rear Yard (minimum): 7.0m, except 3.0m where abutting lands zoned for Open Space purposes.
 - (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the townhouse, in which case a

minimum side yard of 0.0m shall be provided.

- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Landscape Open Space: N/A.
- (j) Overall Density: 50 - 75 upnrh for the lands zoned as "R6-31".
- (k) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (l) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Stacked Townhouse dwelling unit.
- (m) Notwithstanding Section 5.21.4, the dimensions for a surface

parking space within a front yard shall be 2.6m x 5.5m, visitor parking spaces shall have dimensions of 2.6m x 5.5m.

- (n) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (o) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (p) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (q) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (i) - Apartment Building:

- (a) Lot Area (minimum): 2,000 sq. m.
- (b) Lot frontage (minimum): 30m, for the Block located at Burke Street and Skinner Road - Burke Street shall be deemed the front lot line; for the Block located at Skinner Road and Street "A" - Street "A" shall be deemed the front lot line.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m.
- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 3.0m.
- (h) Exterior Side Yard (minimum): 4.5m.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: 5%.
- (k) Overall Density: 50 - 75 upnrh for the lands zoned as "R6-31".

(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Notwithstanding Section 5.21.1, 1.25 parking spaces, including visitor parking, shall be required per Apartment dwelling unit, no parking is required for uses (a) - (e) where located within an Apartment Building.
- (n) Notwithstanding Section 5.21.4, the dimensions for a surface parking space shall be 2.6m x 5.5m.
- (o) Notwithstanding Section 5.21.6 (b), the minimum width for a two-way driveway shall be 6.0m.
- (p) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (q) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (r) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for (j) - Live-Work Unit:

For the purpose of this Zone, a Live-Work Unit shall be defined as a street townhouse or a townhouse dwelling that may contain residential and any of the uses described in Paragraphs (a) to (e), inclusive, on the ground floor.

Regulations for Street Townhouse are as provided in Section (f) above.

Regulations for Townhouse are as provided in Section (g) above.

Any permitted commercial use at grade within a Live-Work unit shall be exempt from the applicable parking requirement.

8. Section 11 - Medium Density Residential (R6) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

11.3 EXCEPTION NUMBERS

11.3.32 **"R6-32" (Mixed-Use Medium - Street Townhouses Block "7" (R6-32) and Block "15" (R6-32-(H)))**

Permitted Uses:

- (a) Street Townhouses
- (b) Storm Water Management Pond

Zone Provisions for Street Townhouse:

- (a) Lot Area (minimum): 1,506 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 4 storeys, height shall be measured at the front façade.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m, except 5.8m to an attached garage or attached carport.

- (f) Rear Yard (minimum): 7.0m.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of the street townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 30 - 60 upnrh for the lands zoned as "R6-32".
- (l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the	Required front and required exterior side	0.30m minimum setback from a site

site triangles	yard	triangle
----------------	------	----------

- (m) Dimensions of Parking Spaces - all required surface parking spaces within the front yard shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

9. Section 17 - Urban Commercial (UC) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

17.3 EXCEPTION NUMBERS

17.3.12 "UC-12(H)" (MIXED-USE MEDIUM - OUTSIDE OF RETAIL MAIN STREET - BLOCK "8")

Permitted Uses:

- (a) In addition to the uses permitted by Section 17.1, the following additional uses shall also be permitted:
 - (i) Apartment Building
 - (ii) Gas Bar
 - (iii) Car Wash accessory to Item (ii)
 - (iv) Public Uses

Prohibited Uses:

- (a) Vehicle dealerships
- (b) Garden Centres as a primary use
- (c) Open storage of goods and materials
- (d) Funeral Homes
- (e) Dry Cleaning Establishments
- (f) Automobile Sales and Service Establishment

General Provisions:

- (a) For each lot or block, a minimum of 40% of the ground floor facade width shall be located within a maximum of 25m from the north lot line (Dundas Street).

Zone Provisions:

- (a) Lot Area (minimum): 275 sq. m.
- (b) Lot frontage (minimum): 9.0m.
- (c) Height (maximum): 8 storeys (following removal of the Holding provision, the maximum height will be increased to 12 storeys).
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 3.0m.
- (f) Rear Yard (minimum): 3.0m.
- (g) Interior Side Yard (minimum): 3.0m.
- (h) Exterior Side Yard (minimum): 4.5m.
- (i) Planting Strip (minimum): A planting strip having a minimum width of 3.0m shall be provided between the street line and parking spaces.
- (j) Landscaped Open Space (minimum): 5%.
- (k) Density: 60 to 200 units per net residential ha for exclusive residential developments of up to 8 storeys in height.
200-300 units per net residential ha shall be permitted, subject to the removal of the Holding provision.
- (l) Floor Space Index (FSI): Maximum of 2.5 times the lot area.

- (m) Gross Leasable Floor Area: Maximum GLFA for retail and service commercial uses shall not exceed a total of 25,000 sq. m. when combined with the GLFA of the UC-13 Zone (Mixed-Use Medium - Retail Main Street) and the UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (n) Notwithstanding Section 5.21, 1.25 parking spaces, including visitor parking, shall be required per apartment dwelling unit.
- (o) Loading doors shall not be permitted in a yard abutting a street or a yard abutting a Residential Zone or Institutional Zone, except where screened from view by a Visual Barrier which may include overhead doors.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.
- (q) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.5m.

10. Section 17 - Urban Commercial (UC) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

17.3 EXCEPTION NUMBERS

17.3.13 "UC-13" (MIXED-USE MEDIUM - RETAIL MAIN STREET - BLOCK "9")

Permitted Uses:

- (a) In addition to the uses permitted by Section 17.1, the following additional uses shall also be permitted:

Live-Work Unit: For the purpose of this Zone, a Live-Work Unit shall be defined as a street townhouse or a townhouse dwelling that may contain residential uses and the following commercial uses on the ground floor: retail establishment, personal services, service shop, office, or dry

cleaning distribution station. Any permitted commercial use at grade within a Live-Work Unit shall be exempt from the applicable parking requirement

Prohibited Uses:

- (a) Car Washes
- (b) Automobile Service Stations
- (c) Gas Bars
- (d) Vehicle Dealerships
- (e) Garden Centres as primary use
- (f) Drive through facilities
- (g) Funeral Homes
- (h) Automobile Sales and Service Establishment
- (i) Dry Cleaning Establishment
- (j) Open storage of goods and materials

Zone Provisions (i.e. Freehold):

- | | | |
|-----|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Lot Area (minimum): | 150 sq. m. |
| (b) | Lot frontage (minimum): | 6.0m. |
| (c) | Height Maximum: | 8 storeys. |
| (d) | Lot Coverage (maximum): | N/A. |
| (e) | Front Yard (maximum): | 1.0m. |
| (f) | Rear Yard (minimum): | 5.8m. |
| (g) | Interior Side Yard (maximum): | 1.5m, except for the side yard related to the common wall of a Live-Work Unit, in which case a minimum side yard of 0.0m shall be provided. |
| (h) | Exterior Side Yard (maximum): | 1.0m. |
| (i) | Planting Strip (minimum): | A planting strip having a minimum width of 3.0m shall be provided between the street line and parking spaces. |
| (j) | Landscaped Open Space | N/A. |

(minimum):

- (l) Gross Leasable Floor Area: Minimum of 3,600 sq. m. of retail and service commercial floor space is to be provided within the lands Zoned UC-13 (retail main street zone).
- (m) Gross Leasable Floor Area: Maximum GLFA for retail and service commercial uses shall not exceed a total of 25,000 sq. m. when combined with the GLFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (n) Floor Space Index (FSI): Maximum of 2.5 times the lot area.
- (o) Principal building entrances for Commercial uses shall face the Street.
- (p) Dimensions of Parking Spaces - all required surface parking spaces shall have minimum dimensions of 2.6m x 5.5.
- (q) Notwithstanding Section 5.12, any commercial use at grade shall be exempt from the applicable parking requirement.
- (r) Loading doors shall not be permitted in a yard abutting a street, or a yard abutting a Residential Zone or Institutional Zone, except where screened from view by a Visual Barrier, which may include overhead doors.
- (s) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

11. Section 17 - Urban Commercial (UC) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-section:

17.3 EXCEPTION NUMBERS

17.3.14 "UC-14 (H) (DISTRICT COMMERCIAL - BLOCK "10" and BLOCK "16")

Permitted Uses:

- (a) In addition to the uses permitted by Section 17.1 the following additional uses shall also be permitted:
- (i) Automobile Service Station
 - (ii) Gas Bar
 - (iii) Car Wash accessory to item (i) and (ii)
 - (iv) Live-Work Unit

For the purpose of this Zone, a Live-Work Unit shall be defined as a street townhouse or a townhouse dwelling that may contain residential uses and the following commercial uses on the ground floor: retail establishment, personal services, service shop, office, or dry cleaning distribution station. Any permitted commercial use at grade within a Live-Work Unit shall be exempt from the applicable parking requirement

Prohibited Uses:

- (i) Funeral Home
- (ii) Automobile Sales and Service Establishment
- (iii) Dry Cleaning Establishment
- (iv) Open storage of goods and materials
- (v) Hotels, Motels, Places of Entertainment, and Private Clubs are permitted, provided the total floor area of such uses does not exceed 6,000 sq. m.

Zone Provisions for Uses other than a Live-Work Unit:

- (a) Lot Area (minimum): 275 sq. m.
- (b) Lot frontage (minimum): 9.0m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard:
 - (i) (Minimum): 0.0m.

- (ii) (Maximum): 3.0m. (Skinner Road).
- (f) Rear Yard (minimum): 7.5m.
- (g) Interior Side Yard (minimum): 3.0m.
- (h) Exterior Side Yard (minimum): 3.0m.
- (i) Planting Strip (minimum): A planting strip having a minimum width of 3.0m shall be provided between the street line and parking spaces.
- (j) Landscaped Open Space (minimum): N/A.
- (k) Gross Leasable Floor Area (maximum) - 9,300 sq. m of retail and service commercial floor space comprised of a supermarket of not more than 7,500 sq. m., and other permitted retail and service commercial floor space to a maximum of 1,800 sq. m. The maximum GLFA is exclusive of office and service commercial uses located above the ground floor.

Upon the removal of the Holding Provision, the Gross Leasable Floor Area for retail and service commercial floor space may increase to a maximum of 16,000 sq. m. with no restrictions on the size of a supermarket or the amount of retail and service commercial floor space. The maximum GLFA is exclusive of office and service commercial uses located above the ground floor.

Maximum GLFA for retail and service commercial uses shall not exceed a total of 25,000 sq. m. when combined with the GLFA of the UC-12 Zone (Mixed-Use Medium) and UC-13 Zone (Mixed-Use Medium - Retail Main Street), exclusive of office and service commercial uses above the ground floor.

- (l) GLA for single user (maximum): A single user over 10,000 sq. m. shall not be permitted.
- (m) GLA for Office Uses: Office uses on the same lot shall not exceed 2,000 sq. m.
- (n) Dimensions of Parking Spaces - all required parking spaces shall have minimum dimensions of 2.6m x 5.5.

- (o) Loading doors shall not be permitted in a yard abutting a street or a yard abutting a Residential Zone or Institutional Zone, except where screened from view by a Visual Barrier, which may include overhead doors.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

Zone Provisions for Live Work Unit:

- (a) Lot Area (minimum): 150 sq. m.
- (b) Lot frontage (minimum): 5.5m.
- (c) Height (maximum): 4 storeys.
- (d) Lot Coverage (maximum): N/A.
- (e) Front Yard (minimum): 0.0m, except 5.8m to an attached garage or attached carport.
- (f) Rear Yard (minimum): 7.0m, except 3.0ms where abutting lands zoned for Open Space purposes.
- (g) Interior Side Yard (minimum): 1.2m, except for the side yard related to the common wall of a townhouse, in which case a minimum side yard of 0.0m shall be provided.
- (h) Exterior Side Yard (minimum): 2.4m, except that an attached garage or carport which fronts on the exterior lot line shall not be located within 5.8m of the exterior lot line.
- (i) Planting Strip: N/A.
- (j) Landscape Open Space: N/A.
- (k) Overall Density: 75 upnrh maximum for the lands zoned "UC-14".

(l) Yard Encroachments in accordance with the following:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters eaves, or gutters	All	0.65m
Bay, Bow or Box Windows with or without a foundation	Required front, required rear, and required exterior side yard	1.00m plus a further 0.3m for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches - 2.0m Steps - 0.60m from the streetline
Setback of all structures from the site triangles	Required front and required exterior side yard	0.30m minimum setback from a site triangle

- (m) Dimensions of Parking Spaces - all required surface parking spaces within the front yard shall have minimum dimensions of 2.6m x 5.8m.
- (n) Landscaped Open Space General Provision 5.12.1 (d) shall not apply.
- (o) Planting Strip - General Provision 5.12.2 (d) shall not apply.
- (p) General Provisions - Other than contained herein, the provisions of Section 5 shall apply.

12. (H) Holding Symbol:

Where an (H) symbol is prefixed to a Zone identified in Schedule "A", the following conditions must be fulfilled, to the satisfaction of the City, prior to the lifting of the (H) Holding provision on any portion of the lands as noted below:

- i) For Blocks 13, 14, 15, 17, 18, and 19 - all Lots abutting a SWM Facility are

subject to a "H" provision, which shall not be removed until the size and shape of the abutting SWM Facility is designed adequately, as per South Waterdown Subwatershed Study recommendations, to the satisfaction of the Senior Director of Growth Management and Conservation Halton.

- ii) Blocks 10 and 16 are subject to a Holding Provision. Pursuant to Paragraph (k) of the Zone Provisions, the maximum Gross Leasable Floor Area for the lands shall be 9,300 sq. m. of retail and service commercial floor space while the Holding Provision remains in effect.

The Holding Provision shall be removed upon the build out of a minimum of 3,600 sq. m. of retail and service commercial floor space within the lands zoned as UC-13 (Block 9), to the satisfaction of the Director of Planning.

Upon the removal of the Holding Provision, the Gross Leasable Floor Area for retail and service commercial floor space may increase to a maximum of 16,000 sq. m. with no restrictions on the size of a supermarket or the amount of retail and service commercial floor space. The maximum GLFA is exclusive of office and service commercial uses located above the ground floor.

Block 16 is also subject to a Holding Provision encompassing the existing alignment of GS1 - Tributary 3, Karst Area G regulated Area plus setback, the Waterdown South Secondary Plan 30m, GS1 - Tributary 3 realigned creek corridor, and the existing commercial plaza. The Holding provision shall apply for any future land uses until a final determination is made with respect to the realignment of GS1 - Tributary 3, and an easement in favour of the City of Hamilton, is granted over the final creek block(s) to ensure public control, to the satisfaction of the Senior Director of Growth Management and Conservation Halton.


- iii) Block 8 is subject to a Holding Provision. Pursuant to Paragraphs (c) and (k) of the Zone Provisions, the maximum building height shall be 8 storeys, with a density of 60 - 200 upnrh, while the Holding Provision remains in effect.

The Holding Provision may be removed subject to the completion of a Visual Impact Assessment, to the satisfaction of the City, the Niagara Escarpment Commission, and the Director of Planning.

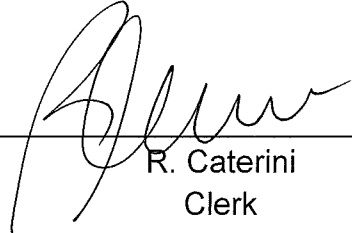
Upon the removal of the Holding Provision, building height may be increased to a maximum of 12 storeys, and density increased to 200 - 300 upnrh.

13. 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 25th day of September, 2013.



R. Bratina
Mayor



R. Caterini
Clerk

ZAC-05-066, ZAC-12-013, and 25T200513

Not Final and Binding



This is Schedule "A" to By-law No. 13- 238

Passed the 25th day of September, 2013

R. Bratina
Mayor
[Signature]
Clerk













Schedule "A"

Map 1 of 2
Map Forming Part of
By-law No. 13- 238

to Amend By-law No. 90-145-Z

Subject Property - Waterdown Bay

Change in Zoning from the Agricultural "A", Conservation Management "CM", and the Highway Commercial "HC" Zone to the:

-  Block 1 - Urban Residential "R1-62" Zone
-  Block 2 - Urban Residential "R1-63" Zone
-  Block 3 - Urban Residential "R1-64" Zone
-  Block 4 - Urban Residential "R4-6" Zone
-  Block 5 - Medium Density Residential "R6-30" Zone
-  Block 6 - Medium Density Residential "R6-31" Zone
-  Block 7 - Medium Density Residential "R6-32" Zone
-  Block 8 - Urban Commercial "UC-12- (H)" Zone
-  Block 9 - Urban Commercial "UC-13" Zone
-  Block 10 - Urban Commercial "UC-14-(H)" Zone
-  Block 11 - Urban Development "UD" Zone
-  Block 12 - Refer to By-law No. 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-12-013

Date:
August 15, 2013

Planner/Technician:
EJ/DB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 13-238
 Passed the 25th day of September, 2013








R. Pratina
 Mayor
[Signature]
 Clerk

Schedule "A"
 Map 2 of 2
 Map Forming Part of
 By-law No. 13-238

to Amend By-law No. 90-145-Z

Subject Property - Waterdown Bay

Change in Zoning from the Agricultural "A", Conservation Management "CM", and the Highway Commercial "HC" Zone to the:

-  Block 13 - Medium Density Residential "R6-30-(H)" Zone
-  Block 14 - Urban Residential "R4-6-(H)" Zone
-  Block 15 - Medium Density Residential "R6-32-(H)" Zone
-  Block 16 - Urban Commercial "UC-14-(H)" Zone
-  Block 17 - Urban Residential "R1-64-(H)" Zone
-  Block 18 - Urban Residential "R1-62-(H)" Zone
-  Block 19 - Urban Residential "R1-63-(H)" Zone

Scale: N.T.S.	File Name/Number: ZAC-12-013
Date: August 15, 2013	Planner/Technician: EJ/DB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT