

**Authority:** Item 7  
Planning Committee  
Report: 14-006 (PED12182(c))  
CM: April 23, 2014

**Bill No. 115**

## **CITY OF HAMILTON**

### **BY-LAW NO. 14-115**

**To Amend Zoning By-law No. 464 (Glanbrook) Respecting the Property Located at  
139 Fall Fair Way, Binbrook**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 14-006 of the Planning Committee, at its meeting held on the 23rd day of April, 2014, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of OPA No. 19;

**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 amended by changing the zoning from the:
  - (a) Restricted Agricultural "A2" Zone to the Residential "R4-276" Zone, Modified, on the lands comprised of Block 1;
  - (b) Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-277" Zone, Modified, on the lands comprised of Block 2;
  - (c) Restricted Agricultural "A2" Zone to the Residential "R4-222" Zone, Modified, on the lands comprised of Block 3;
  - (d) Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-161" Zone, Modified, on the lands comprised of Block 4; and,
  - (e) Residential "R4-222" Zone, Modified, to the Residential Multiple "RM2-277" Zone, Modified, on the lands comprised of Block 5;

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 the By-law", be amended by adding new Special Exceptions, "R4-276" and "RM2-277", as follows:

**"R4-276"**

Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), (e), and (i) of Sub-section 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL "R4" ZONE**, for those lands zoned "R4-276", the following regulations shall apply:

- (a) Minimum Lot Frontage: 10m, except 11.8m for a corner lot.
- (b) Minimum Lot Area: 320 sq. m.
- (c) Maximum Lot Coverage: N/A.
- (d) Minimum Front Yard: 4.5m to the dwelling, except 6.0m to the garage.

(e) Minimum Side Yard:

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 corner lot, the minimum side yard abutting the flankage street shall be 3.0m, except that an attached garage which fronts on the flankage street shall not be located within 6.0m 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; and,

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.

(i) Minimum Parking Requirements:

Pursuant to the provisions of Sub-sections 7.35, 11.5, and 11.6. Every single detached dwelling unit shall provide and maintain 2 parking spaces within the garage and 2 parking spaces within the driveway.

Notwithstanding the regulations of Sub-sections 7.25 and 7.35 (a)(vii) in **Section 7: GENERAL PROVISIONS FOR ALL ZONES**, and Sub-section 11. (d)(i) **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, for those lands zoned "R4-276", 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.

In addition to the provisions of Paragraphs (a) and (b) of Sub-section 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned "R4-276", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0m.
- (ii) Bay windows, either with or without foundations, may project into any required front, rear or flankage yards a distance of not more than 0.9m.
- (iii) Stairs may project into any required front yard a distance of not more than 4.5m.
- (iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6m.
- (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8m.

**“RM2-277”**


Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), (e), and (i) of Sub-section 18.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 18.1 (STREET TOWNHOUSE DWELLING) of SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE**, for those lands zoned “RM2-277”, the following regulations shall apply:

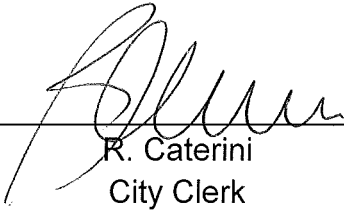
- (a) Minimum Lot Frontage: 6.0m per dwelling unit, except 8.0m for a dwelling end unit which does not abut a flanking street, and 10.0m on a corner lot for a dwelling end unit adjacent to a flanking street.
- (b) Minimum Lot Area: 180 sq. m per dwelling unit, except 240 sq. m for a dwelling end unit which does not abut a flanking street, and 300 sq. m on a corner lot for a dwelling end unit abutting a flanking street.
- (c) Maximum Lot Coverage: N/A.
- (d) Minimum Front Yard: 6.0m.
- (e) Minimum Side Yard: 1.2m on an end unit not abutting a flanking street, and 3.0m for an end unit on a corner lot abutting a flanking street.
- (i) Minimum Landscaped Area: 25 percent of the lot area.

In addition to the provisions of Paragraphs (a) and (b) of Sub-section 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned “RM2-277”, the following regulations shall apply:

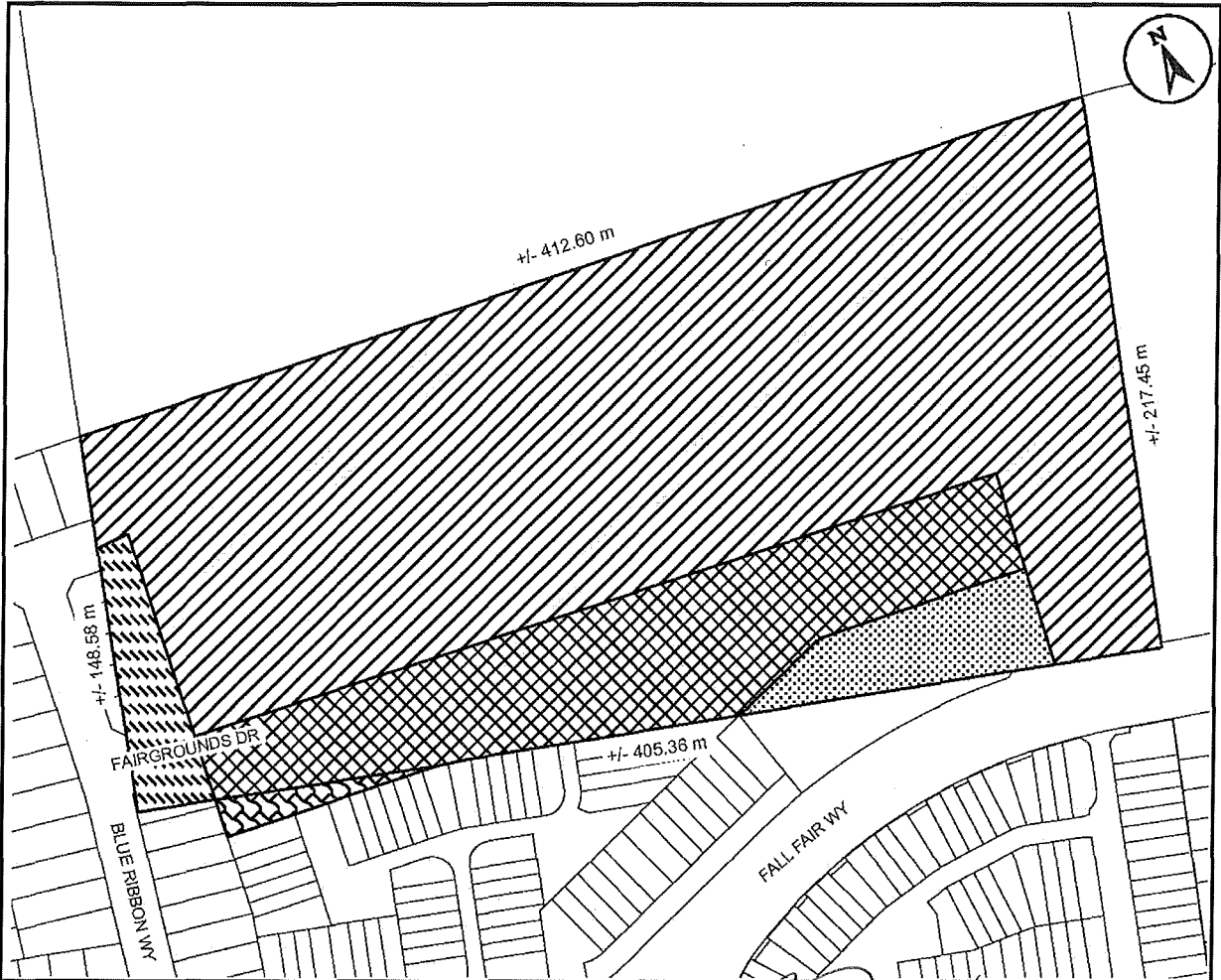
- (i) Covered porches may project into any required front yard a distance of not more than 3.0m.
  - (ii) Bay windows, either with or without foundations, may project into any required front, rear or flankage yards a distance of not more than 0.9m.
  - (iii) Stairs may project into any required front yard a distance of not more than 4.5m.
  - (iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear (all units) or side yard (end unit and/or corner unit) a distance of not more than 0.6m.
  - (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8m.
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 "R4" and "RM2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
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 14th day of May, 2014.

  
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R. Bratina  
Mayor

  
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R. Caterini  
City Clerk

ZAC-11-065  
OPA-11-016  
25T-201109








This is Schedule "A" to By-law No. 14- 115  
 Passed the 14th day of May, 2014

*R. Boating*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 14-115  
 to Amend By-law No. 464

**Subject Property**  
 139 Fall Fair Way

-  **Block 1** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-276" Zone, Modified
-  **Block 2** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-277" Zone, Modified
-  **Block 3** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-222" Zone, Modified
-  **Block 4** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-161" Zone, Modified
-  **Block 5** - Change in Zoning from the Residential "R4-222" Zone, Modified to the Residential Multiple "RM2-277" Zone, Modified.

Scale: N.T.S.	File Name/Number: ZAC-11-065 / OPA-11-016
Date: February 24, 2014	Planner/Technician: JM/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

