

Authority: Item 2, Planning Committee
Report 16- 004 (PED16047)
CM: March 9, 2016

Bill No. 083

CITY OF HAMILTON

BY-LAW NO. 16-083

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located South of Bellagio Avenue and West of Swayze Road, described as Part of Lots 1, 2 and 3 – Block 4 – Concession 1, in the former Township of Glanbrook, 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 2 of Report 16-004 of the Planning Committee, at its meeting held on the 9th day of March, 2016, which recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Schedule “J” – Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:

- (a) Block 1 is rezoned from the Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone, to Residential Multiple RM4-289” Zone, Modified;
- (b) Block 2 is rezoned from the General Agricultural “A1” Zone to the Residential Multiple “RM4-289” Zone, Modified;
- (c) Block 3 is rezoned from the Open Space “OS2” Zone, Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone to the Residential Multiple “RM3-173(B)” Zone, Modified;
- (d) Block 4 is rezoned from the General Agricultural “A1” Zone to the Neighbourhood Commercial “C1-173” Zone, Modified;
- (e) Block 5 is rezoned from the Residential “R4-173(B)” Zone and the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified;
- (f) Block 6 is rezoned from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified;
- (g) Block 7 is rezoned from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified ;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. Notwithstanding Subsection 7.26 **ENCROACHMENTS INTO YARDS** of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, the following provisions shall apply to those lands zoned site-specific Residential Multiple “RM3-173(B)”:

- (a) Unenclosed porches, both covered and uncovered, may project into the required front yard a maximum 2.5 metres, into the required rear yard a maximum of 1.5 metres, and into the required exterior side yard a maximum 2.0 metres;
- (b) Stairs used to provide access to unenclosed porches from the ground may project into the required front yard and required exterior side yard a maximum 0.61 metres, measured from the limit of the porch closest to the lot line;
- (c) Decks may project into the required rear yard a maximum 4.5 metres, and into the required exterior side yard a maximum 2.0 metres;

- (d) Window projections, with or without foundations, and architectural elements without a foundation such as, but not limited to, fireplaces, chimneys, pilasters, and corbels, may project into any required yard, excluding a side yard that is less than 1.2 metres, a maximum of 0.61 metres;
 - (e) Balconies, canopies, awnings and fruit cellars may project into any front yard, rear yard or exterior side yard, a distance of not more than 2.0 metres. Where the exterior side yard is 1.0 metre, balconies, canopies, awnings, and fruit cellars may project into the exterior side yard a distance of not more than 1.0 metre; and,
 - (f) The projections permitted by above clauses (d) and (e), and by Subsection 7.26(a) ENCROACHMENTS INTO YARDS, shall be permitted within the required minimum setback of 5.8 metres between the second floor living space above a garage that faces a front or exterior side lot line and said lot line.
3. Notwithstanding Subsection 7.27 **AGRICULTURAL CODE OF PRACTICE** of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Clause (a) shall not apply to those lands zoned site-specific Residential Multiple “RM3-173(B).
4. That Section 44, “Exceptions to the Provisions of the By-law”, as amended, of Zoning By-law No. 464, By-law No. 02-331, and By-law No. 13-226 are hereby further amended by deleting Subsection 2 (b) (iii) of By-law No. 02-331 and modifying the “RM3-173(B)” Zone of By-law No. 13-226 provisions (a), (B) (v) and (xviii) as follows:

RM3-173(B)

(a) PERMITTED USES

- (i) Street Townhouse Dwellings in accordance with the provisions of RM2-173 within By-law No. 02-331, as well as those provisions in Section 4 (b) of this By-law;
- (ii) Block Townhouse Dwellings, Maisonette Dwellings, and Semi-detached dwellings, subject to the provisions of By-law No. 13-226, as amended, as well as those provisions in Section 4 (b) of this By-law;

- (iii) Single-detached and Semi-detached dwellings, subject to the provisions outlined in the Residential “R4-173(D)” Zone within By-law No. 13-226, as amended, as well as those provisions in Section 4 (b) of this By-law;
 - (iv) Uses, buildings, and structures accessory to the uses described in Paragraph (a) (i), (ii) and (iii) of this Subsection, as well as those provisions in Section 4 (b) of this By-law.
- (b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i), (a)(ii), and (a)(iii) OF THIS SUBSECTION

(v) Minimum Side Yard

In addition to the provisions in By-law No 13-226, Section 3, Subsection (b) (v), the following shall apply:

- (a) 0.0 metres for any building or structure to a daylighting triangle for visibility triangle;
- (b) 0.6 metres to the non-garage side; and,
- (c) 5.8 metres for a garage that faces an exterior side lot line.

(xviii) Minimum Parking Requirements

In addition to the provisions as modified within By-law No.'s 02-331 and 13-226, the following provisions shall apply:

Each visitor parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.

RM4-289

Notwithstanding Subsections 20.1 **PERMITTED USES** and 20.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING)** of **SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE**, the following permitted uses and regulations shall apply to those lands zoned site-specific Residential Multiple “RM4-289”:

(a) PERMITTED USES

- (i) Apartment buildings, retirement homes, and long term care facilities;
- (ii) Block townhouse dwellings, Street townhouse dwellings, Maisonette dwellings, and Semi-detached dwellings in accordance with the provisions of the site-specific Residential Multiple “RM3-173(B)” Zone of this By-law;
- (iii) Uses permitted in subsection 25.1(a) of By-law No. 464, on the ground floor of buildings permitted in paragraph (a)(i) of this subsection with a height of 3 storeys or more for units abutting Bellagio Avenue or Swayze Road;
- (iv) Live-work units within street townhouses described in Paragraph (a) (ii) for units having frontage on Bellagio Avenue, Terryberry Road, or Swayze Road; and
- (v) Uses, buildings, and structures accessory to the uses described in Paragraph (a) (i), (ii), (iii), and (iv) of this Subsection pursuant to the provisions of Subsection 7.13 of By-law No. 464.

(b) DEFINITIONS

- (i) For the purposes of this By-law, a “Maisonette” is defined as per amending By-law 13-226.

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

(a) Minimum Lot Frontage:

- (i) 30.0 metres for apartment buildings, retirement homes, and long term care facilities

(b) Minimum Lot Area:

- (i) 0.2 hectares for apartment buildings, retirement homes, and long term care facilities

(c) Maximum Lot Area:

- (i) 4.0 hectares
- (d) Maximum Lot Coverage:
 - A. 50 percent
- (e) Density (averaged over this plan of subdivision):
 - (i) Minimum: 30 units per hectare
 - (ii) Maximum: 70 units per net residential hectare
- (f) Minimum Front Yard:
 - A. 4.5 metres
- (g) Minimum Side Yard:
 - (i) 4.5 metres
- (h) Minimum Rear Yard:
 - (i) 4.5 metres
- (i) Minimum Landscaped Area (including lands above underground parking structures):
 - (i) 27 percent
- (j) Minimum Amenity Area:
 - (i) 5 square metres per unit shall be provided and thereafter maintained, and may be provided interior to an apartment building, retirement home, and long term care facility.
- (k) Minimum Parking Requirements:

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

- A. Each parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres;
- B. A commercial use permitted in accordance with paragraph (a) (iii) and (iv) of this Subsection shall provide off-street parking in accordance with Paragraph (b) of Subsection 7.35 **MINIMUM PARKING SPACE REQUIREMENTS**;
- C. Parking spaces may be located 1.5 metres from side and rear lot lines, and shall be no closer than 4.5 metres of a front lot line;
- D. Maneuvering and access for parking spaces may be provided off-site on abutting properties; and
- E. No parking space or parking area shall be located closer than 3.0 metres from any abutting property zoned “RM3-173(B)”, as shown on attached Schedule “A,” unless such parking is located within a below-grade parking structure.
- F. A below grade parking structure can be set back a minimum of 1.0 m from a municipal street and any required shoring must be set back a minimum of 0.0 m from a municipal street.

- (xi) Maximum Height - 6 storeys, excluding roof and any mechanical equipment

5. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by adding new Exceptions “C1-173”, modified, as follows:

C1-173

In addition to the permitted uses and regulations applicable to the “C1-173” Zone within By-law No. 02-331, and By-law No. 14-292, the following permitted uses and regulations shall apply to those lands zoned site-specific Neighbourhood Commercial “C1-173”, Modified:

- (a) **PERMITTED USES**

- (i) photographic studios, post offices, printing establishments, Liquor Licence Board of Ontario Stores, Brewers Retail Stores, medical centres, private and commercial clubs, places of entertainment or recreation, libraries, museums and art galleries.
 - (ii) Residential uses permitted under the “RM4-289” Zone, as described herein, located above the ground floor of the uses described in Paragraph (a)(i) of this Subsection, as ancillary uses.
 - (iii) Residential uses permitted within the “RM3-173(B)” Zone, as described herein, shall also be permitted.
 - (iv) Uses permitted under Paragraph (a) of Subsection 39.1 **PERMITTED USES** of Section 39 **INSTITUTIONAL “I” ZONE**.
 - (v) Uses, buildings, and structures accessory to the uses described in Paragraph (a) (i), (ii), (iii), and (iv) of this Subsection.
- (b) **ADDITIONAL REGULATIONS FOR USES PERMITTED IN C1-173 IN THIS BY-LAW**

- (i) Minimum Parking Requirements:

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

- A. A minimum of one (1) parking space shall be provided for each 20 square metres, or fraction thereof, of ground floor area devoted to commercial uses;
- B. Each parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres;
- C. Maneuvering and access for parking spaces may be provided off-site on abutting properties; and

D. No parking space or parking area shall be located closer than 3.0 metres from any Residential Multiple “RM3-173(B)” or “RM4-289” Zone.

(ii) Notwithstanding Section 2 (b) (v) and (vi) of the “C1-173” Zone, the maximum gross leasable floor area for any individual commercial establishment shall not be more than one half of the total gross leasable floor area provided on the site, and the maximum total gross leasable floor area shall be 2,500 square metres.

6. 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 30th day of March, 2016.

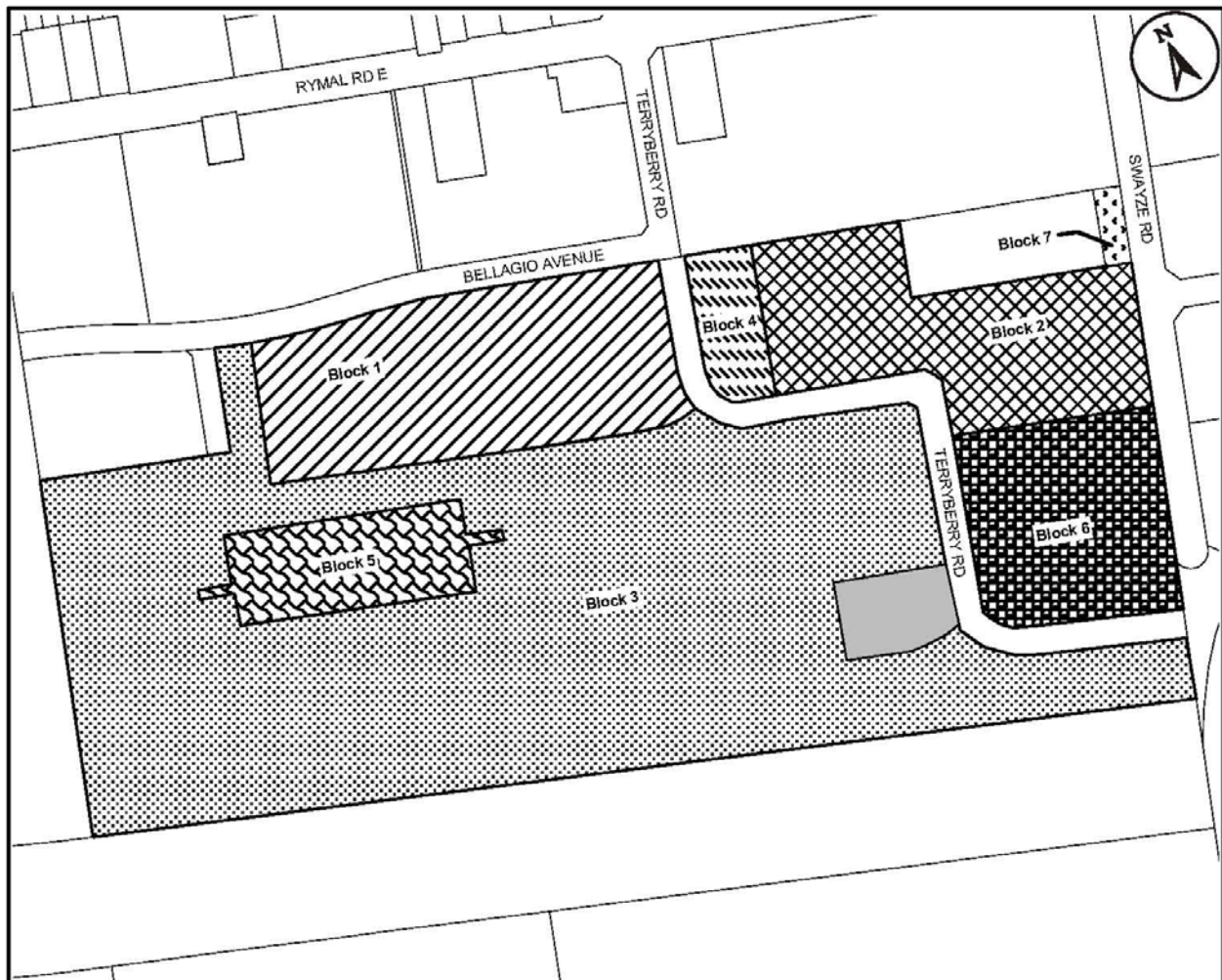
F. Eisenberger
Mayor

R. Caterini
Clerk

ZAC-13-059

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located South of Bellagio Avenue and West of Swayze Road, described as Part of Lots 1, 2 and 3 – Block 4 – Concession 1, in the former Township of Glanbrook, now in the City of Hamilton

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This is Schedule "A" to By-law No. 16-

Passed the day of, 2016

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 16-_____

to Amend By-law No. 464

Scale:
N.T.S.

File Name/Number:
ZAC-13-059/OPA-13-021/25T-201309

Date:
February 18, 2016

Planner/Technician:
RC/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property



Block 1 - Lands to be rezoned from the Institutional "I-175" Zone, Residential "R4-173(B)" Zone, and General Agricultural "A1" Zone, to Residential Multiple "RM4-289" Zone, Modified



Block 2 - Lands to be rezoned from General Agricultural "A1" Zone, to Residential Multiple "RM4-289" Zone, Modified



Block 3 - Lands to be rezoned from Open Space "OS2" Zone, Institutional "I-175" Zone, Residential "R4-173(B)" Zone, and General Agricultural "A1" Zone, to Residential Multiple "RM3-173(B)" Zone, Modified



Block 4 - Lands to be rezoned from General Agricultural "A1" Zone to Neighbourhood Commercial "C1-173" Zone, Modified



Block 5 - Lands to be rezoned from Residential "R4-173(B)" Zone and General Agricultural "A1" Zone to Public Open Space "OS2-173" Zone



Block 6 - Lands to be rezoned from General Agricultural "A1" Zone to Public Open Space "OS2-173" Zone



Block 7 - Lands to be rezoned from General Agricultural "A1" Zone to Public Open Space "OS2-173" Zone



Refer to By-law No. 05-200