

Authority: Item 12, Economic Development
and Planning Committee
Report: 07-013 (PED07199)
CM: July 11, 2007

Bill No. 217

CITY OF HAMILTON

BY-LAW NO. 07-217

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located within Part of Lots 2 and 3, Block 4, Concession 3,
Binbrook Road**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton in adopting Item 12 of Report 07-013 of the Economic Development and Planning Committee at its meeting held on the 11th day of July, 2007, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the Township of Glanbrook Official Plan), upon approval of Official Plan Amendment No.60.

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

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook) is hereby amended as follows:
 - (a) by changing from the Residential Multiple "RM2-161" Zone to the Residential "R4-222" Zone, the lands composed of Block 1;
 - (b) by changing from the Residential Multiple "RM3-161" Zone to the Residential "R4-222" Zone, the lands composed of Block 2;
 - (c) by changing from the Residential "R4-161" Zone to the Residential Multiple "RM3-223" Zone, the lands composed of Block 3;
 - (d) by changing from the Residential Multiple "RM4-161" Zone to the Residential "R4-222" Zone, the lands composed of Block 4;
 - (e) by changing from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM3-223" Zone, the lands composed of Block 5;
 - (f) by changing from the Residential Multiple "RM2-161" Zone to the Residential "R4-222" Zone, the lands composed of Block 6;
 - (g) by changing from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM2-224" Zone, the lands composed of Block 7;
 - (h) by changing from the Residential Multiple "RM2-161" Zone to the Residential Multiple "RM3-223" Zone, the lands composed of Block 8;
 - (i) by changing from the Residential "R4-161" Zone to the Residential "R4-222" Zone, the lands composed of Block 9;
 - (j) by changing from the Residential Multiple "RM2-161" Zone to the Residential Multiple "RM2-224" Zone, the lands composed of Block 10; and,
 - (k) by changing from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM3-223" Zone, the lands composed of Block 11;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following new special provisions:

"R4-222

Notwithstanding the regulations of Subsection 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED**

DWELLING) of **SECTION 16: RESIDENTIAL “R4” ZONE**, for those lands zoned “R4-222”, the following regulations shall apply:

- (a) Minimum Lot Frontage: 10 metres, except 11.8 metres for a corner lot
- (b) Minimum Lot Area: 280 square metres, except 330 square metres for a corner lot
- (c) Maximum Lot Coverage: N/A
- (d) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the attached garage
- (e) Minimum Side Yard: 1.2 metres on one side and 0.6 metres on the other side, except:
 - (i) On a corner lot the minimum side yard abutting the flankage street shall be 3.0 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.
- (f) Minimum Rear Yard: 7 metres
- (g) Maximum Height: 10.7 metres
- (h) Minimum Parking Requirements:

Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. In addition, the parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres. Stairs, to a maximum of 3 risers, and a door swing shall be permitted to encroach into the interior garage parking space.

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned “R4-222”, the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0 metres.

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

In addition to the definition of "Daylight Triangle" in **SECTION 4, DEFINITIONS**, the following shall apply:

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

"RM3-223

In addition to the Uses Permitted in Subsection 19.1 **PERMITTED USES** of **SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE**, for those lands zoned "RM3-223", Townhouses on a Common Elements Condominium Road shall be permitted.

Notwithstanding the regulations of paragraphs (c), (d), (e), (f), (g), (h), and (n) of Subsection 19.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS)** of **SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE**, for those lands zoned "RM3-223", the following regulations shall apply:

- (a) Maximum Lot Coverage: N/A
- (b) Maximum Density: N/A
- (c) Minimum Front Yard: 4.5 metres
- (d) Minimum Side Yard: 1.2 metres, except
 - (i) On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the

flankage street shall not be located within 6.0 metres of the flankage street line.

- (e) Minimum Rear Yard: 7.0 metres
- (f) Minimum Floor Area per Dwelling Unit: N/A
- (g) Minimum Separation Distance: N/A
- (h) Minimum Parking Requirements:

Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. In addition, the parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres. Stairs, to a maximum of 3 risers, and a door swing shall be permitted to encroach into the interior garage parking space.

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

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

“RM2-224

Notwithstanding the regulations of paragraphs (a), (b), (c), (d), (e), (f), and (l) of Subsection 18.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING) of SECTION 18: RESIDENTIAL “RM2” ZONE**, for those lands zoned “RM2-224”, the following regulations shall apply:

- (a) Minimum Lot Frontage: 6 metres, except 7.25 metres for a corner lot
- (b) Minimum Lot Area: 160 square metres, except 200 square metres for a corner lot
- (c) Maximum Lot Coverage: N/A
- (d) Minimum Front Yard: 6.0 metres
- (e) Minimum Side Yard: 1.2 metres, except:

- (i) On a corner lot the minimum side yard abutting the flankage street shall be 3.0 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

(f) Minimum Parking Requirements:

Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. In addition, the parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres. Stairs, to a maximum of 3 risers, and a door swing shall be permitted to encroach into the interior garage parking space.

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned "RM2-224", the following regulations shall apply:

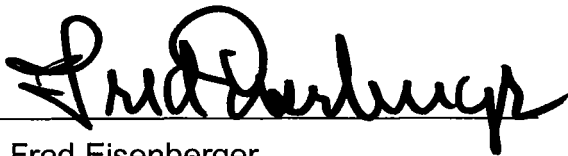
- (i) Covered porches may project into any required front yard a distance of not more than 3.0 metres.
- (ii) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres.
- (iii) Stairs may project into any required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

In addition to the definition of "Daylight Triangle" in **SECTION 4, DEFINITIONS**, the following shall apply:

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

3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 11th day of July, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-06-20

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	Date: May 9, 2007
Planner/Technician: PM / MB	Scale: N.T.S.
File Name/Number: ZAC-06-75	



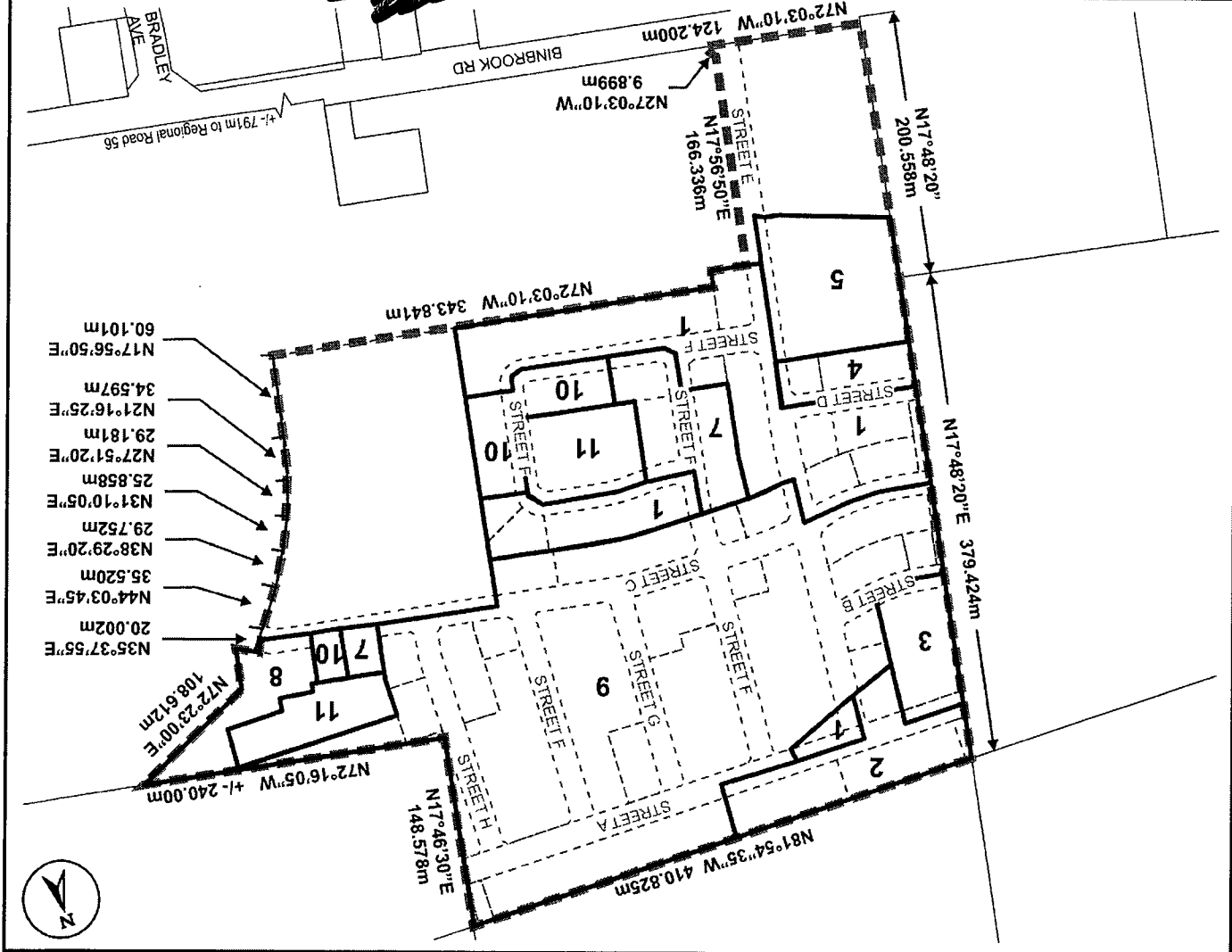
Schedule "A"

Map Forming Part of By-Law No. 07-217 to Amend By-law No. 464

This is Schedule "A" to By-Law No. 07-217
Passed the 11th day of July, 2007

- Subject Lands Losani Homes Fairgrounds East
- 1 Change from the Residential Multiple "RM2-161" Zone to the Residential "R4-222" Zone
 - 2 Change from the Residential Multiple "RM3-161" Zone to the Residential "R4-222" Zone
 - 3 Change from the Residential "R4-161" Zone to the Residential Multiple "RM3-223" Zone
 - 4 Change from the Residential Multiple "RM4-161" Zone to the Residential "R4-222" Zone
 - 5 Change from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM3-223" Zone
 - 6 Change from the Residential Multiple "RM2-161" Zone to the Residential "R4-222" Zone
 - 7 Change from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM2-224" Zone
 - 8 Change from the Residential Multiple "RM2-161" Zone to the Residential Multiple "RM3-223" Zone
 - 9 Change from the Residential "R4-161" Zone to the Residential Multiple "RM2-224" Zone
 - 10 Change from the Residential Multiple "RM2-161" Zone to the Residential Multiple "RM2-224" Zone
 - 11 Change from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM3-223" Zone

Clerk
[Signature]
Mayor



By-law Respecting Part of Lots 2 and 3, Block 4, Concession 3, Binbrook Road
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