

Authority: Item 14, Economic Development
and Planning Committee
Report: 08-021 (PED08249)
CM: November 12, 2008

Bill No. 264

CITY OF HAMILTON

BY-LAW NO. 08-264

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located on Part of Lot 5 – Block 5 – Concession 1, Geographic Township of Binbrook and Block 136 – Registered Plan 62M-1033, in the former Township of Glanbrook

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 14 of Report 08-021 of the Planning and Economic Development Committee at its meeting held on the 12th day of November, 2008, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) upon approval of Official Plan Amendment No. 68;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to amend Section 44 of By-law No. 464 (Glanbrook), passed on the 16th day of March 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May 1993;

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

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1. That Schedule “J” – Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
 - (a) by changing from the General Agricultural “A1” Zone to the site-specific General Commercial “C3-249” Zone, the lands comprised of Block “1”;
 - (b) by changing from the General Agricultural “A1” Zone to the site-specific Residential Multiple “RM2-250” Zone, the lands comprised of Blocks “2” and “3”;
 - (c) by changing from the General Agricultural “A1” Zone to the site-specific Residential Multiple “RM4-251” Zone, the lands comprised of Block “4”;
 - (d) by changing from the General Agricultural “A1” Zone to the site-specific Residential “R4-252” Zone, the lands comprised of Block “5”;
 - (e) by changing from the General Agricultural “A1” Zone to the Public Open Space “OS2” Zone, the lands comprised of Block “6”;
 - (f) by changing from the General Agricultural “A1” Zone to the site-specific Residential Multiple “RM3-253” Zone, the lands comprised of Block “7”;

the extent and boundaries of which Blocks “1” to “7”, inclusive, are shown on the 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 new special exemptions “C3-249”, “RM2-250”, “RM4-251”, “R4-252” and “RM3-253”, as follows:

**RM2-250,
RM4-251,
R4-252,
RM3-253**

Notwithstanding Subsection 7.26 **ENCROACHMENT INTO YARDS** of **SECTION 7 : GENERAL PROVISIONS FOR ALL ZONES**, the following provisions shall apply to those lands zoned site-specific Residential “RM2-250”, “RM4-251”, “R4-252” and “RM3-253”:

- (a) Unenclosed porches, both covered and uncovered, may project into the required front yard a maximum 2.0 metres, into the required rear yard a maximum 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 0.6 metres, measured from the limit of the porch closest to the lot line;

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- (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 wide, a maximum of 0.6 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 metres, balconies, canopies, awnings, and fruit cellars may project into the exterior side yard a distance of not more than 1.0 metres; 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.

**C3-249,
RM2-250,
RM4-251,
R4-252,
RM3-253**

That Subsection 7.27 AGRICULTURAL CODE OF PRACTICE of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, shall not apply to those lands zoned site-specific “C3-249” “RM2-250”, “RM4-251”, “R4-252” and “RM3-253”.

C3-249

Notwithstanding Subsections 25.1 **PERMITTED USES**, and 25.2 **REGULATIONS FOR PERMITTED USES IN PARAGRAPH (a) OF SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL “C3” ZONE**, the following permitted uses and regulations shall apply to those lands zoned site-specific General Commercial “C3-249”:

- (a) **PERMITTED USES:**
 - (i) Banks and financial institutions, Brewers Retail stores, commercial schools, dry cleaning establishments, Liquor License Board of Ontario stores, medical centres, offices, personal service shops, post offices, printing establishments, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, veterinary service establishments; and uses, buildings and structures accessory to the above permitted uses.

(b) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(i) OF THIS SUBSECTION:

- (i) Minimum Lot Frontage.....23 metres
- (ii) Minimum Lot Depth.....30 metres
- (iii) Minimum Lot Area.....700 square metres
- (iv) Maximum Gross Leaseable Floor Area of Any Individual Commercial Establishment 500 sq. metres
- (v) Maximum Gross Leaseable Floor Area of any group of Local Commercial Uses1,500 sq. metres
- (vi) Minimum Front Yard.....4.5 metres
- (vii) Minimum Interior Side Yard.....4.5 metres
- (viii) Minimum Exterior Side Yard4.5 metres
- (ix) Minimum Rear Yard4.5 metres
- (x) Maximum Height.....14.0 metres
- (xi) Minimum Parking Requirements:

Parking spaces shall be provided in accordance with the provisions of Subsection 25.2(j) of this By-law, with the exception of the following regulations:

- (a) a minimum of 4 parking spaces for each physician, dentist or other medical practitioner within a medical centre or pharmacy.

(xii) Minimum Loading Requirements:

Loading spaces shall be provided in accordance with the provisions of Subsection 25.2(k) of this By-law.

(xiii) Minimum Landscaping Requirements:

Landscaping shall be provided in accordance with the provision of Subsection 25.2(l) of this By-law, with the exception of the following regulations:

- (a) a landscape area and/or planting strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to a residential zone; and,
- (b) a landscape area and/or planting strip having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to a street.

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- (xiv) For the purpose of this By-law, the lot line that abuts Rymal Road East shall be deemed to be the front lot line.
- (xv) Notwithstanding Subsection 25.2 (m) the following regulations shall apply:
 - (a) Outside display associated and accessory to a standard restaurant, take-out restaurant and/or tavern, including plants accessory to the principal use shall be permitted in the front yard and/or any side yard abutting a private road.
 - (b) Outside display areas shall be permitted 0.0 metres from any street and/or boundary of any Residential Zone.
 - (c) Outside display areas associated and accessory to a standard restaurant, take-out restaurant and/or tavern, shall not be screened from view and/or enclosed.
- (xvi) Notwithstanding Subsection 25.2 (o) (ii) and (iii) the following regulations shall apply:
 - (a) An outdoor patio restaurant can be located in the front yard abutting Rymal Road East and the easterly side yard abutting land zoned Residential where the outdoor patio is adjacent to a private road. The minimum setback from the outdoor patio restaurant and Rymal Road East is 1.0m and 0.0m from the easterly side yard abutting land zoned Residential in the amending by-law or where the abutting land is used for residential purposes.
 - (b) Subsections 25.2 (o) (i) and (iv) shall continue to apply.

RM2-250 Notwithstanding Subsection 18.2 **REGULATIONS FOR PERMITTED USES IN PARAGRAPH (a) OF SUBSECTION 18.1** of **SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE**, the following regulations shall apply to those lands zoned site-specific Residential Multiple “RM2-250”:

- (a) That Subsection 18.2 (c), maximum lot coverage shall not apply.
- (b) Minimum Lot Frontage5.5 metres per dwelling unit, except:
 - (i) for a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 6.7 metres; and,
 - (ii) on a corner lot, the minimum lot frontage for an end dwelling unit adjacent to the flanking street shall be 9.0 metres.
- (c) Minimum Lot Area150 square metres per dwelling unit, except:

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- (i) on an end lot which does not abut a flanking street, the minimum lot area shall be one hundred and eighty-five (185) square metres; and,
 - (ii) on a corner lot, which abuts a flanking street, the minimum lot area shall be two hundred and thirty (230) square metres.
- (d) Minimum Front Yard4.5 metres, except a garage that faces a front lot line shall have a minimum setback of 5.8 metres.
- (e) Minimum Side Yard
- (i) End dwelling unit not abutting a flanking street1.2 metres
 - (ii) End dwelling unit on a corner lot abutting a flanking street3.5 metres
 - (iii) A garage that faces an exterior side lot line shall have a minimum setback of 5.8 metres from the exterior side lot line.
- (f) Minimum Rear Yard7.0 metres
- (g) Maximum Height12.6 metres
- (h) Maximum Driveway Width
- The maximum driveway width shall be the distance between the exterior walls of the garage.
- (i) Minimum Landscaped Area 27 percent of the lot area
- (j) Fencing
- Where the boundary of a site-specific Residential Multiple “RM2-250” Zone adjoins lands zoned Existing Residential “ER”, Residential “R1”, “R2”, “R3” or “R4”, or Residential Multiple “RM1”, a solid wood fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained.
- (k) Dwelling Unit Placement:
- (i) Not more than eight (8) dwelling units shall be attached in a continuous row; and,
 - (ii) Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1.0 metre or without varying the exterior design and materials of the front face or wall of the dwelling.
- (l) Garage Projections

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- (i) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided:
 - (A) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,
 - (B) the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.
 - (ii) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.
 - (iii) Notwithstanding subsection (I)(i), the front face of a garage may project a maximum of 6.0 metres beyond the front face of the main building provided that a covered and unenclosed porch extends a minimum 2.5 metres from the front face of the main building, and provided subsections (I)(i)(A) and (B) are applied.
- (m) 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)(vii) and Subsection 11.6(b), the following provisions shall apply:
- (i) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres; and,
 - (ii) The required minimum exterior side yard of a corner lot abutting a public street may be used for the parking or storage of a motor vehicle on a driveway located between a public street and the front face of a garage.

RM4-251 Notwithstanding Subsections 20.1 **PERMITTED USES**, and 20.2 **REGULATIONS FOR PERMITTED USES IN PARAGRAPH (a) OF SUBSECTION 20.1** of **SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE**, the following permitted uses and regulations shall apply to those lands zoned site-specific Residential Multiple “RM4-251”:

- (a) **PERMITTED USES:**
 - (i) Single detached dwellings in accordance with the provisions of the site-specific Residential “R4-252” Zone; or,
 - (ii) street townhouses and block townhouse dwellings;
 - (iii) Apartment building, retirement home and/or long term care facility;

- (iv) Retail, personal services, and offices on the ground floor of buildings permitted in paragraph (a)(ii) and (iii) of this subsection with a height of 3 storeys or more for units abutting Trinity Church Road or Dakota Boulevard.
- (v) The following uses only in conjunction with the uses in Paragraph (a)(ii) to (iv) of this Subsection: indoor and outdoor recreational areas, facilities and structures; and administrative sales offices; both of which are designed to primarily serve the needs of residents living in the “RM4-251” Zone; and,
- (vi) Uses, buildings and structures, including gatehouses, accessory to the use described in Paragraph (a)(i), (ii), (iii) and (iv).

(b) SPECIFIC DEFINITIONS

Specific definitions in this Exception shall be as follows:

- (i) “indoor and outdoor private recreational areas, facilities and structures” shall include: recreational uses, facilities and structures; private parks; private clubs; and indoor and outdoor athletic facilities; and, shall mean an area which is designed and used for active and recreational pursuits of persons during their leisure time, and is not owned, operated or maintained by a “Public Authority”, as defined in Section 4.0 of this By-law, and is not a “Privacy Area”, as defined in Section 4.0 of this By-law;
- (ii) “private road” shall mean a road which is not owned and maintained by The Corporation of the City of Hamilton or by the Crown in Right of Ontario, but functions as a “street” as defined in By-law No. 464;
- (iii) “limits of a private road” shall mean the paved surface of the roadway, including any associated curb or sidewalk;
- (iv) “Street” shall mean the same as the definition contained in **SECTION 4 DEFINITIONS**, with the exception that it shall also mean a “private road”; and,
- (v) Notwithstanding the definition of “Lot Line, Front”, in Section 4 of By-law 464, Rymal Road East shall be considered to be the front lot line for any lots abutting Rymal Road East.

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

- (i) Minimum Lot Frontage:

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- (A) for Block Townhouses.....45 metres
- (B) for Street Townhouses..... 5.5 metres per unit
- (ii) Minimum Lot Area:
 - (A) for Block Townhouses.....0.4 hectares
 - (B) for Street Townhouses125 square metres per unit
- (iii) Maximum Lot Area6.0 hectares
- (iv) Maximum Lot Coverage 50%
- (v) Maximum Density..... 70 units per net hectare
- (vi) Minimum Front Yard4.5 metres
- (vii) Minimum Side Yards
 - (A) 1.2 metres for end units of block townhouses and street townhouses that do not abut a flanking street
 - (B) 3.5 metres for end units of block townhouses and street townhouses abutting a flanking street, including a private road.
- (viii) Minimum Rear Yard 7.0 metres
- (ix) Minimum Separation Distance Between Buildings:
 - (A) 2.4 metres between end walls, except 10.0 metres between end walls separated by a private road;
 - (B) 15.0 metres between front walls;
 - (C) 12.0 metres between rear walls;
 - (D) 12.5 metres between front and side walls;
 - (E) 7.2 metres between rear and end walls, except 14.0 metres between rear and end walls separated by a private road; and,
 - (F) 3.0 metres between indoor and outdoor private recreational areas, facilities and structures and dwelling units.
- (x) Maximum Height 12.6 metres
- (xi) Maximum Driveway Width

The maximum driveway width shall be the distance between the exterior walls of the garage.

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- (xii) Garage Projections:
 - (A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided:
 - (1) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,
 - (2) the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.
 - (B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.
- (xiii) Minimum Garage Setback
5.8 metres from the limits of a street.
- (xiv) Minimum Landscaped Area
27% percent of the lot area, which may include the required privacy area.
- (xv) Fencing
Where the boundary of the site-specific Residential Multiple “RM4-251” Zone adjoins existing residential land uses, a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained.
- (xvi) Minimum Privacy Area
A minimum area of thirty (30) square metres per dwelling unit shall be provided and maintained adjacent to the unit and screened on two (2) sides by means of a privacy screen.
- (xvii) Minimum Amenity Area
In lieu of a minimum amenity area per unit, a centralized park of 0.35 ha. shall be provided and maintained.
- (xviii) Dwelling Unit Placement

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- (A) Not more than eight (8) dwelling units shall be attached in a continuous row; and,
- (B) Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1.0 metres or without varying the exterior design and materials of the front face or wall of the dwelling.

(xix) 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 Subsections 7.35(a)(vii) and (b), and Subsection 11.6(b), the following provisions shall apply:

- (A) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;
- (B) Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be located underground or in a parking structure;
- (C) Each dwelling unit shall have a minimum of two (2) parking spaces plus 0.25 visitor parking spaces for each dwelling unit. These parking spaces shall not include the required parking spaces for indoor private recreational facilities;
- (D) A commercial use permitted in accordance with paragraph (a)(iv) of this Subsection shall provide the parking required in Paragraph (b) Off street Parking Space Requirements of Subsection 7.35 MINIMUM PARKING REQUIREMENTS
- (E) Manoeuvring and access for parking spaces may be provided off-site on abutting properties. Parking spaces may be located with a setback of 0.0 metres from all lot lines.

(d) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(iii) OF THIS SUBSECTION

- (i) Minimum Lot Frontage45 metres
- (ii) Minimum Lot Area 0.4 hectares
- (iii) Maximum Lot Area6.0 hectares

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- (iv) Maximum Lot Coverage 50%
- (v) Minimum Landscape Area (including lands above underground parking structures).....27%
- (vi) Density Minimum of 60 units per net hectare
Maximum of 130 units per net hectare
- (vii) Minimum Front Yard4.5 metres
- (viii) Minimum Side Yard4.5 metres
- (ix) Minimum Rear Yard 7.0 metres
- (x) Minimum Separation Distance Between Buildings:
 - (A) 2.4 metres between end walls, except 10.0 metres between end walls separated by a private road;
 - (B) 15.0 metres between front walls;
 - (C) 12.0 metres between rear walls;
 - (D) 12.5 metres between front and side walls;
 - (E) 7.2 metres between rear and end walls, except 14.0 metres between rear and end walls separated by a private road; and,
 - (F) 3.0 metres between indoor and outdoor private recreational areas, facilities and structures and dwelling units.
- (xi) Maximum Height9 storeys
- (xii) Fencing
Where the boundary of the site-specific Residential Multiple “RM4-251” Zone adjoins existing residential land uses, a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained.
- (xiii) Minimum Amenity Area
In lieu of a minimum amenity area per unit, a centralized park of 0.35 ha. shall be provided and maintained.
- (xiv) Minimum Parking Requirements

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

- (A) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;
- (B) A commercial use permitted in accordance with paragraph (a)(iv) of this Subsection shall provide the parking required in Paragraph (b) Off Street Parking Space Requirements of Subsection 7.35 MINIMUM PARKING SPACE REQUIREMENTS
- (C) Parking space may be located with a setback of 0.0 metres from all lot lines, except front lot lines which shall be no closer than 4.5 metres.
- (D) Manoeuvring and access for parking spaces may be provided off-site on abutting properties.

R4-252 Notwithstanding Subsection 16.2 REGULATIONS FOR PERMITTED USES IN PARAGRAPH (a) OF SUBSECTION 16.1 of SECTION 16: RESIDENTIAL “R4” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Residential Multiple “R4-252”:

- (a) PERMITTED USES
 - (i) One (1) single detached dwelling per lot and one (1) semi-detached dwelling per lot;
 - (ii) One (1) group home within a single detached dwelling; and,
 - (iii) Uses, buildings and structures accessory to the uses described in Paragraph (a)(i) and (ii) of this section.
- (b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) AND (ii) OF THIS SUBSECTION
 - (i) Minimum Lot Frontage
 - (A) 10.0 metres for a single detached dwelling, except on a corner lot, the minimum lot frontage shall be 11.5 metres.
 - (B) 15.0 metres for an undivided semi-detached lot, except on a corner lot the minimum frontage shall be 19.0 metres.

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- (C) 7.5 metres for each dwelling unit on a divided semi-detached lot, except on a corner lot the minimum lot frontage for the corner dwelling unit shall be 9.5 metres.
- (ii) Minimum Lot Area
 - (A) Two hundred and eighty (280) square metres for a single detached dwelling, except on a corner lot the minimum lot area shall be three hundred (300) square metres.
 - (B) Four hundred and forty (440) square metres for an undivided semi-detached lot, except on a corner lot the minimum lot area shall be five hundred and thirty (530) square metres for each dwelling.
 - (C) Two hundred and twenty (220) square metres for each dwelling unit on a divided semi-detached lot, except on a corner lot the minimum lot area for the corner dwelling unit shall be two hundred and sixty-five (265) square metres.
- (iii) Minimum Front Yard4.5 metres, except a garage that faces a front lot line shall have a minimum front yard setback of 5.8 metres.
- (iv) Minimum Interior Side Yard
 - (A) 1.2 metres for a single detached dwelling, except that the minimum interior side yard may be reduced to 0.61 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.
 - (B) 1.2 metres for a semi-detached dwelling.
- (v) Minimum Exterior Side Yard2.0 metres, except:
 - (A) the minimum exterior side yard may be reduced to 1.0 metres where there is no sidewalk along the exterior side yard of the lot;
 - (B) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres; and,
 - (C) a garage that faces an exterior side lot line shall have a minimum setback of 5.8 metres from the exterior side lot line.
- (vi) Minimum Rear Yard7.0 metres
- (vii) Maximum Height12.6 metres

(viii) Maximum Driveway Width

- (A) For single detached dwellings, the maximum driveway width shall be 4.8 metres, or the distance between the exterior walls of the attached garage, whichever is greater.
- (B) For semi-detached dwellings, the maximum driveway width shall be the distance between the exterior walls of the garage.

(ix) Garage Projections

- (A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided:
 - (1) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,
 - (2) the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.
- (B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.
- (C) Notwithstanding subsection (ix)(A), the front face of a garage may project a maximum of 6.0 metres beyond the front face of the main building provided that a covered and unenclosed porch extends a minimum 2.5 metres from the front face of the main building, and provided subsections (ix)(A)(1) and (2) are applied.

(x) Repetition of Front Elevations

Not more than two (2) buildings with the same front elevations shall be built upon adjoining lots that front on the same street.

(xi) 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)(vii) and Subsection 11.6(b), the following provisions shall apply:

- (A) each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres; and,

(B) the required minimum exterior side yard of a corner lot abutting a public street may be used for the parking or storage of a motor vehicle on a driveway located between a public street and the front face of a garage.

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

A group home within a single detached dwelling shall be permitted pursuant to Subsections 17.3(h), (j), (k), (l), (m), and (n) of this By-law.

(d) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(iii) OF THIS SUBSECTION

Accessory uses, buildings and structures shall be pursuant to the provisions of Subsection 7.13 of this By-law.

RM3-253 Notwithstanding Subsections 19.1 PERMITTED USES and 19.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS) OF SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Residential Multiple “RM3-253”:

(a) PERMITTED USES:

- (i) Single detached dwellings in accordance with the provisions of the site-specific Residential “R4-252” Zone; or,
- (ii) Street townhouse dwellings and block townhouse dwellings;
- (iii) The following uses only in conjunction with the uses in Paragraph (a)(ii) of this Subsection: indoor and outdoor recreational areas, facilities and structures; and administrative sales offices; both of which are designed to primarily serve the needs of residents living in the “RM3-253” Zone; and,
- (iv) Uses, buildings and structures, including gatehouses, accessory to the use described in Paragraph (a)(i), (ii) and (iii).

(b) SPECIFIC DEFINITIONS

Specific definitions in this Exception shall be as follows:

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- (i) "indoor and outdoor private recreational areas, facilities and structures" shall include: recreational uses, facilities and structures; private parks; private clubs; and indoor and outdoor athletic facilities; and, shall mean an area which is designed and used for active and recreational pursuits of persons during their leisure time, and is not owned, operated or maintained by a "Public Authority", as defined in Section 4.0 of this By-law, and is not a "Privacy Area", as defined in Section 4.0 of this By-law;
- (ii) "private road" shall mean a road which is not owned and maintained by The Corporation of the City of Hamilton or by the Crown in Right of Ontario, but shall be considered a "street" for the purpose of lot frontage as defined in Section 4.0 of By-law 464; and,
- (iii) "limits of a private road" shall mean the paved surface of the roadway, including any associated curb or sidewalk.

(c) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(ii) AND (iii) OF THIS SUBSECTION

- (i) Minimum Lot Frontage:
 - (A) for Block Townhouses.....45 metres
 - (B) for Street Townhouses5.5 metres per unit
- (ii) Minimum Lot Area:
 - (A) for Block Townhouse0.4 hectares
 - (B) for Street Townhouses 125 square metres per unit
- (iii) Maximum Number of Dwelling Units 26 units
- (iv) Minimum Front Yard4.5 metres
- (v) Minimum Side and Rear Yards
 - (A) 1.2 metres abutting an Open Space Zone;
 - (B) 1.2 metres abutting the Hydro One hydro corridor;
 - (C) 0.0 metres abutting the RM3-173(A)" Zone; and,
 - (D) 7.0 metres abutting all other Residential or Residential Multiple Zones.
- (vi) Minimum Separation Distance Between Buildings:
 - (A) 2.4 metres between end walls, except 10.0 metres between end walls separated by a private road;
 - (B) 15.0 metres between front walls;

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- (C) 12.0 metres between rear walls;
 - (D) 12.5 metres between front and side walls;
 - (E) 7.2 metres between rear and end walls, except 14.0 metres between rear and end walls separated by a private road; and,
 - (F) 3.0 metres between indoor and outdoor private recreational areas, facilities and structures and dwelling units.
- (vii) Maximum Height12.6 metres
- (viii) Maximum Driveway Width
The maximum driveway width shall be the distance between the exterior walls of the garage.
- (ix) Garage Projections:
- (A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided:
 - (1) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,
 - (2) the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.
 - (B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.
- (x) Minimum Garage Setback
5.8 metres from the limits of a private road or street.
- (xi) Minimum Landscaped Area
25 percent of the lot area, which may include the required privacy area.
A minimum landscaping strip of 1.0 metres shall be provided along the street line abutting a residential building.

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(xii) Fencing

Where the boundary of the site-specific Residential Multiple “RM3-253” Zone adjoins lands zoned Existing Residential “ER”, Residential “R1”, “R2”, “R3”, “R4”, or Residential Multiple “RM1”, a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained.

(xiii) Minimum Privacy Area

A minimum area of thirty (30) square metres per dwelling unit shall be provided and maintained adjacent to the unit and screened on two (2) sides by means of a privacy screen.

(xiv) Dwelling Unit Placement

- (A) Not more than eight (8) dwelling units shall be attached in a continuous row; and,
- (B) Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1.0 metres or without varying the exterior design and materials of the front face or wall of the dwelling.

(xv) 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 Subsections 7.35(a)(vii) and (b), and Subsection 11.6(b), the following provisions shall apply:

- (A) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;
- (B) Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be located underground or in a parking structure;
- (C) A minimum of two (2) parking spaces per dwelling unit shall be provided plus 0.25 visitor parking spaces for each dwelling unit. These parking spaces shall not include the required parking spaces for indoor private recreational facilities;

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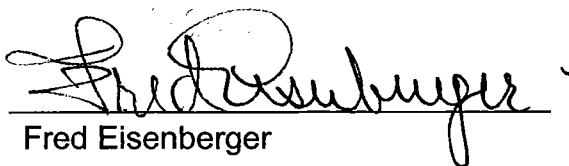
- (D) A minimum of one (1) parking space for each fifteen (15) square metres, or fraction thereof, of the total floor area of any indoor private recreational facility shall be provided adjacent to such facility and thereafter maintained; and,
- (E) Parking spaces and areas shall be located a minimum of 1.0 metre from the street line (Street 'A'), 0.0m from the private road and 0.0m from the easterly property boundary line. A minimum 3.0m setback for any parking spaces and areas shall be provided and maintained on the northerly, southerly and westerly property boundaries.

(d) REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(iv) OF THIS SUBSECTION

Accessory uses, buildings and structures shall be pursuant to the provisions of Subsection 7.13 of this By-law.

- 3. 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 Zones and special requirements referred to in Section 2.
- 4. 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 12th day of November, 2008.



Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

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This is Schedule "A" to By-Law No. 08-264
 Passed the 12th day of November, 2008

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

 Map Forming Part of
 By-Law No. 08-264

 to Amend By-law No. 464

Subject Property

- Block 1 - Change in Zoning from General Agricultural "A1" Zone to General Commercial "C3-249" Zone.
- Blocks 2 & 3 - Change in Zoning from General Agricultural "A1" Zone to Residential Multiple "RM2-250" Zone.
- Block 4 - Change in Zoning from General Agricultural "A1" Zone to Residential Multiple "RM4-251" Zone.
- Block 5 - Change in Zoning from General Agricultural "A1" Zone to Residential "R4-252" Zone.
- Block 6 - Change in Zoning from General Agricultural "A1" Zone to Public Open Space "OS2" Zone.
- Block 7 - Change in Zoning from General Agricultural "A1" Zone to Residential Multiple "RM3-253" Zone.

Scale: N.T.S.	File Name/Number: ZAC-07-087
Date: September 23, 2008	Planner/Technician: CB/AL

