

Authority: Item 7, Planning Committee
Report 11-011 (PED11064)
CM: June 15, 2011

Bill No. 171

CITY OF HAMILTON

BY-LAW NO. 11-171

To Amend Zoning By-law No. 464 (Glanbrook), Respecting the Property Located at 310 Fall Fair Way

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 7 of Report 11-011 of the Planning Committee, at its meeting held on the 15th day of June, 2011, 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 finalization of Official Plan Amendment No. 83;

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;

- (a) by changing from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM2-260" Zone, Modified, the lands identified as "Block 1";
- (b) by changing from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM3-268" Zone, Modified, the lands identified as "Blocks 2 and 3";
- (c) by modifying the Residential Multiple "RM4-161" Zone, for the lands identified as "Block 4"; and,
- (d) by changing from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM3-268" Zone, Modified, the lands identified as "Block 5";

the lands, 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" of Zoning By-law No. 464, be amended by adding a new Special Exemption "RM2-260", as follows:

1. Notwithstanding the regulations of SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE, Subsection 18.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 18.1 (STREET TOWNHOUSE DWELLING), Clauses (a), (b), (c), (d), (e), and (f), the following regulations shall apply to the lands zoned "RM2-260":

- (a) Minimum Lot Frontage: 6 metres, except 7.5 metres for an end dwelling unit.
- (b) Minimum Lot Area: 160 square metres, except 205 square metres for an end dwelling unit.
- (c) Maximum Lot Coverage: Not applicable.
- (d) Minimum Front Yard: 5.75m to a garage and 4.2 metres to a dwelling unit.
- (e) Minimum Side Yard: 1.5 metres, except 3 metres for an exterior side yard and 3 metres where the abutting lands are zoned Residential "R4".
- (f) Minimum Rear Yard: 5.5 metres.

2. Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-section 7.35, MINIMUM PARKING REQUIREMENTS, Clause (a)(vii), exterior ninety (90) degree perpendicular surface parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres. Parking spaces within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres.
3. That Section 44, "Exceptions to the Provisions of the By-law" of Zoning By-law No. 464, be amended by adding a new Special Exemption "RM3-268", as follows:
 1. Notwithstanding the regulations of SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE, Sub-section 19.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS), Clauses (a), (b), (c), (d), (e), (f), (g), (j), (l), and (n)(ii), the following regulations shall apply to the lands zoned "RM3-268":
 - (a) Minimum lot frontage shall be 6 metres.
 - (b) Minimum lot area shall be 130 square metres.
 - (c) Maximum lot coverage shall not apply.
 - (d) A maximum of 25 dwelling units shall be permitted.
 - (e) Minimum front yard shall be 5.75 metres to a garage and 4.5 metres to a dwelling unit.
 - (f) Minimum side yard of an end unit shall be 1.5 metres, except 5 metres for a yard abutting Fall Fair Way, and 4.5 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4", or Residential Multiple "RM1".

Minimum rear yard of a unit shall be 5.5 metres, except 7 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4", or Residential Multiple "RM1".
 - (g) Minimum separation distance shall not apply.
 - (j) Minimum landscaped area shall not apply.

- (l) Minimum Privacy Area: A minimum area of 33m² per dwelling unit shall be provided adjacent to the unit and screened on two (2) sides by means of a privacy screen.
 - (n)(ii) No parking space or area shall be located closer to a street line than 6 metres, and not closer than 3 metres to any Existing Residential "ER" or Residential "R4" Zone.
2. In addition to the regulations of SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE, Sub-section 19.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS), the following regulation shall apply:
- a) For the purposes of the lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street.
 - b) Visitor parking may be provided in a common element condominium.
3. Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-section 7.35, MINIMUM PARKING REQUIREMENTS, Clauses (a)(vii), (a)(xii) and (b):
- (a)(vii) Exterior ninety (90) degree perpendicular surface parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres. Parking spaces within a garage shall maintain a minimum width of 3 metres and a minimum length of 6 metres.
 - (a)(xii) Shall not apply for parking areas abutting a Residential Multiple "RM2-260" Zone or a Residential Multiple "RM4-161" Zone.
 - (b) Visitor parking for Block Townhouses shall be provided at a ratio of 0.64 spaces per unit.
4. That the Residential Multiple "RM4-161" Zone regulations, as contained in Section 20 and Section 44 of Zoning By-law No. 464, applicable to the lands comprised of "Block 6", be modified to include the following additional special provisions:
- 1. Notwithstanding the regulations of SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE, Sub-section 20.1, PERMITTED USES, Block Townhouses and Maisonettes, and uses, buildings and structures accessory thereto, shall also be permitted.

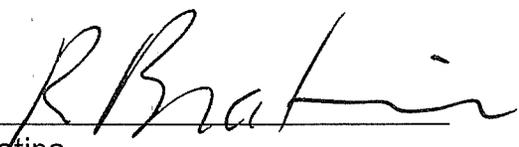
For the purposes of this By-law, a Maisonette is defined as a dwelling divided vertically into a minimum of six (6) and a maximum of sixteen (16) dwelling units, with each unit separated by common or party walls both at the rear and at the side or sides of the unit, and having one (1) or more private entrances at grade.

2. Notwithstanding the regulations of SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE, Sub-section 20.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 20.1 (APARTMENT BUILDING), Clauses (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), and (m)(i), and the regulations of SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, Exception "RM4-161", the following additional regulations shall apply to the lands zoned "RM4-161":
 - (a) For townhouse and maisonette uses, the minimum lot frontage for each townhouse unit shall be 4.6 metres, and the minimum lot frontage for each maisonette unit shall be 6.4 metres.
 - (b) For townhouse and maisonette uses, the minimum lot area per unit shall be 75 square metres.
 - (c) Maximum Lot Area shall not apply.
 - (d) Maximum Lot Coverage shall not apply.
 - (e) Maximum Density shall not apply.
 - (f) Minimum front yard shall be 5.75 metres to a garage and 3.4 metres to a dwelling unit.
 - (g) Minimum side yard shall be 1.2 metres for the side of an end townhouse unit and 1.8 metres for the side of a maisonette unit. Notwithstanding Section 7.20, "General Provisions for all Zones, Through Lots", the minimum yard abutting Binbrook Road or Fall Fair Way shall be 2 metres. Notwithstanding the minimum side and rear yard requirements, a minimum yard of 6.75 metres shall be provided for all buildings where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4", or Residential Multiple "RM1".
 - (i) Maximum height shall be 12.6 metres, and a maximum of 3 storeys.
 - (j) Minimum amenity area shall be provided on the same lot and may be located in an "RM3-268" Zone.

- (k) Minimum landscaped area shall not apply.
 - (m)(i) No parking space or area shall be located closer to a street line than 6 metres and not closer than 3 metres to any Existing Residential "ER" Zone.
3. In addition to the regulations of SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE, Sub-section 20.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 20.1 (APARTMENT BUILDING), the following regulations shall apply:
- (a) For the purposes of the lot frontage, lot area, front, side, and rear yard setback requirements only, a condominium road shall be deemed to be a public street. Yards containing driveway accesses shall be deemed to be front yards.
 - (b) A maximum of 51 dwelling units shall be permitted within the "RM4-161" Zone, of which a minimum of 28 units shall be maisonettes.
 - (c) All dwelling units with a façade facing or abutting Binbrook Road or Fall Fair Way shall have a principal entrance facing the street.
 - (d) Acoustical barrier walls shall not be permitted abutting Binbrook Road or Fall Fair Way.
 - (e) Visitor parking may be provided in a common element condominium.
 - (f) In addition to the amenity area requirements, each dwelling unit shall be provided with an outdoor balcony with a minimum gross floor area of 3 square metres.
4. Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-section 7.35, MINIMUM PARKING REQUIREMENTS, Clauses (a)(iv), (a)(vii), (a)(xii) and (b):
- (a)(iv) Tandem parking shall also be permitted for maisonette dwellings.
 - (a)(vii) Exterior ninety (90) degree perpendicular surface parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres. Parking spaces within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres.

- (a)(xii) Shall not apply for parking areas abutting a Residential Multiple "RM2-260" Zone or a Residential Multiple "RM3-268" Zone. For the purposes of this provision, a planting strip required abutting an Existing Residential "ER" Zone may contain a pedestrian walkway.
- (b) Minimum parking for Block Townhouse and Maisonette Dwellings shall be 2 spaces for each dwelling unit plus 0.68 visitor spaces per unit.
5. 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 Residential Multiple "RM2", the Residential Multiple "RM3", and the Residential Multiple "RM4" Zone provisions, subject to the special requirements referred to in Sections 2, 3, and 4.
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 29th day of June, 2011.



R. Bratina
Mayor



M. Gallagher
Acting City Clerk

ZAC-10-008



This is Schedule "A" to By-Law No. 11-171
 Passed the 29TH day of JUNE, 2011

Mary Gallagher
 Clerk
R. Butler
 Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. 11-171
 to Amend By-law No. 464

Subject Property
 310 Fall Fair Way (Block 74, 62M-1078)

-  **Block 1:** Change in Zoning from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM2-260" Zone, Modified
-  **Blocks 2 and 3:** Change in Zoning from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM3-268" Zone, Modified
-  **Block 4:** Modification to the Residential Multiple "RM4-161" Zone
-  **Block 5:** Change in Zoning from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM3-268" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-10-008/OPA-10-002/25CDM-201001
Date: May 4, 2011	Planner/Technician: MP/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

