

Authority: Item 5, Planning Committee
Report 19-007 (PED19046)
CM: May 22, 2019
Ward: 11

Bill No. 117

CITY OF HAMILTON

BY-LAW NO. 19-117

To Amend Zoning By-law No. 464 (Glanbrook)

Respecting Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook)

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 municipality known as the “The Corporation of the City of Hamilton” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 19-007 of the Planning Committee at its meeting held on the 8th day of May, 2019, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided; and

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 122;

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

1. That Schedule “F” – Mount Hope Urban Settlement Area Land Use Plan, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:

- (a) by changing the zoning from Deferred Development “DD” Zone to Residential “R4-312”, Modified, for lands comprised in “Block 1”;
- (b) by removing the Deferred Development “DD” Zone, Modified, for the lands comprised in “Block 2” and “Block 3”;
- (c) by changing the zoning from Residential “H-R3-122” Zone with a Holding to Residential “R4-312a” Zone, Modified, for the lands comprised in “Block 4”;
- (d) by changing the zoning from the Deferred Development “DD” Zone to Residential “R4-312a” Zone, Modified for lands comprised in “Block 5”;
- (e) by changing the zoning from Residential “H-R3-122” Zone with a Holding to Residential “R4-312” Zone, Modified for the lands comprised in “Block 6”;
- (f) by changing the zoning from the Existing Residential “ER” Zone to Residential “R4-312” Zone, Modified for the lands comprised in “Block 7”;
- (g) by changing the zoning from the Public “P” Zone to Residential “R4-312” Zone, Modified for the lands comprised in “Block 8”;

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”, as amended, of Zoning By-law No. 464, is hereby further amended by modifying the “R4” Zone provisions (a), (b), (c), (d), (e), (f) and (h) as follows:

R4-312

- 16.2 (a) Minimum Lot Frontage 10 metres, except on a corner lot the minimum frontage shall be 11.6 metres

- (b) Minimum Lot Area 270 square metres, except on a corner lot the minimum lot area shall be 315 square metres
- (c) Maximum Lot Coverage 50 percent
- (d) Minimum Front Yard 4.5 metres to a building, and 6.0 metres to an attached garage
- (e) Minimum Side Yard
 - (i) On an interior lot, the minimum side yard shall be 1.2 metres on one side and 0.6 metres on the other side
 - (ii) On a corner lot, the minimum side yard abutting the flanking street shall be 3.0 metres
- (f) Minimum Rear Yard 7.0 metres
- (h) Maximum Height 11.0 metres

Notwithstanding the provisions pursuant to Subsections 7.26a) and 7.26b):
Encroachments into Yards, the following provisions shall apply:

- (a) Window projections, with or without foundations, porches and architectural elements without a foundation such as, but not limited to, fireplaces, chimneys, pilasters, corbels and bay windows, may project into any required yard a distance of not more than 0.6 metres; and
- (b) Balconies, canopies, and fruit cellars may project into any required front or rear yard a distance of not more than 1.5 metres, or into any minimum side yard a distance not more than 0.6 metres and unenclosed porches may project into any required front, flanking side yard or rear yard a distance of not more than 1.5 metres.

Notwithstanding the provisions stated in this subsection, no encroachment into registered easements shall be permitted.

Notwithstanding the provisions pursuant to Subsection 7.35a) (vii):
Minimum Parking Requirements, the following provisions shall apply:

(a) Minimum Parking Requirements

(vii) Each parking space within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres. Stairs, to a maximum of 1 riser step, shall be permitted to encroach to a maximum of 0.25 metres into the interior garage parking space.

3. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying the "R4-312" Zone provisions as follows:

R4-312a

In addition to the provisions of the Residential "R4-312" Zone, Modified, a minimum of 2.0 metres separation between dwelling units shall be provided and maintained.

All other regulations of the Residential "R4-312" Zone, Modified shall apply.

4. 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 "R4" Zone provisions, subject to the special requirements as referred to in Section 2 and 3 of this By-law.
5. 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 22nd day of May, 2019.

F. Eisenberger
Mayor
ZAC-18-003

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 19- Passed the day of, 2019	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 464</p>		<p>Subject Property 78 & 80 Marion Street & 3302 & 3306 Homestead Drive</p> <ul style="list-style-type: none"> Block 1 - Change in zoning from "DD" to "R4-312" Zone Block 2 - Refer to By-law No. 05-200 Block 3 - Refer to By-law No. 05-200 Block 4 - Change in zoning from "H-R3-122" to "R4-312a" Zone Block 5 - Change in zoning from "DD" to "R4-312a" Zone Block 6 - Change in zoning from "H-R3-122" to "R4-312" Zone Block 7 - Change in zoning from "ER" to "R4-312" Zone Block 8 - Change in zoning from "P" to "R4-312" Zone
Scale: N.T.S.	File Name/Number: ZAC-18-003	<p style="margin: 0;">Hamilton</p>
Date: March 6, 2019	Planner/Technician: JR/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		