

Authority: Item 8, Planning Committee
Report: 14-002 (PED14003)
CM: February 12, 2014

Bill No. 026

CITY OF HAMILTON

BY-LAW NO. 14-026

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 3450 Binbrook Road, Fairgrounds West**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8 of Report 14-002 of the Planning Committee, at its meeting held on the 12th day of February, 2014, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of Amendment No. 13;

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 by changing from the Restricted Agricultural "A2" Zone to the:
 - (i) Residential "R4-279" Zone, Modified, the lands identified as "Block 1";
 - (ii) Residential Multiple "RM2-274" Zone, Modified, the lands identified as "Block 2";
 - (iii) Residential Multiple "RM3-223" Zone, Modified, the lands identified as "Block 3"; and,
 - (iv) Residential "R4-222" Zone, Modified, the lands identified as "Blocks 4 and 5".

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 (Glanbrook), be amended by adding Special Exception, "R4-279", as follows:
 - (i) **"R4-279" - 3250 Binbrook Road, Schedule "H"**

Notwithstanding the provisions of Section 16.1, "PERMITTED USES"; of Section 16, Residential "R4" Zone, of Zoning By-law No. 464, the following additional use shall apply on those lands zoned "R4-279" by this By-law:

- (c) A storm water management pond/facility.

Notwithstanding the provisions of Paragraph (e), of Section 16.2, "REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)", of Section 16, Residential "R4" Zone, of Zoning By-law No. 464, the regulations of the Residential "R4-273" Zone, as established under By-law No. 12-047, shall apply on those lands zoned "R4-279" by this By-law, save and except for Regulation (e), the following shall apply:

- (e) Minimum Side Yard: A minimum 1.2 m. on the garage side and 0.6 m. on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 m., with said maintenance easement

permitting encroachment for maintenance purposes only for no more than 0.6 m. into the side yard of the lot adjacent the yard with a side yard setback less than 1.2 m., except:

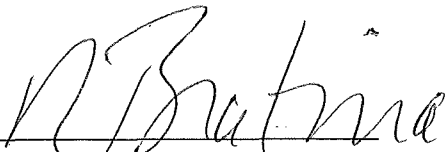
On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 m., except that an attached garage which fronts on the flankage street shall not be located within 6.0 m. of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0 m. setback for any building from the hypotenuse of the daylight triangle is required; and,

On a lot where an emergency spillway / overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0 m. side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

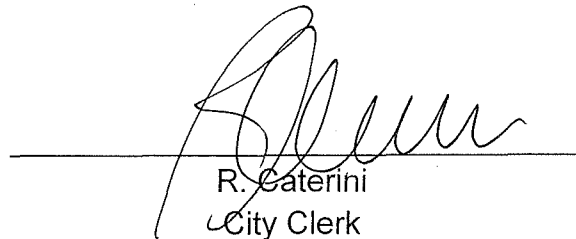
All other regulations of the Residential "R4" Zone shall apply.

3. 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 referred to in Section 2.
4. 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.

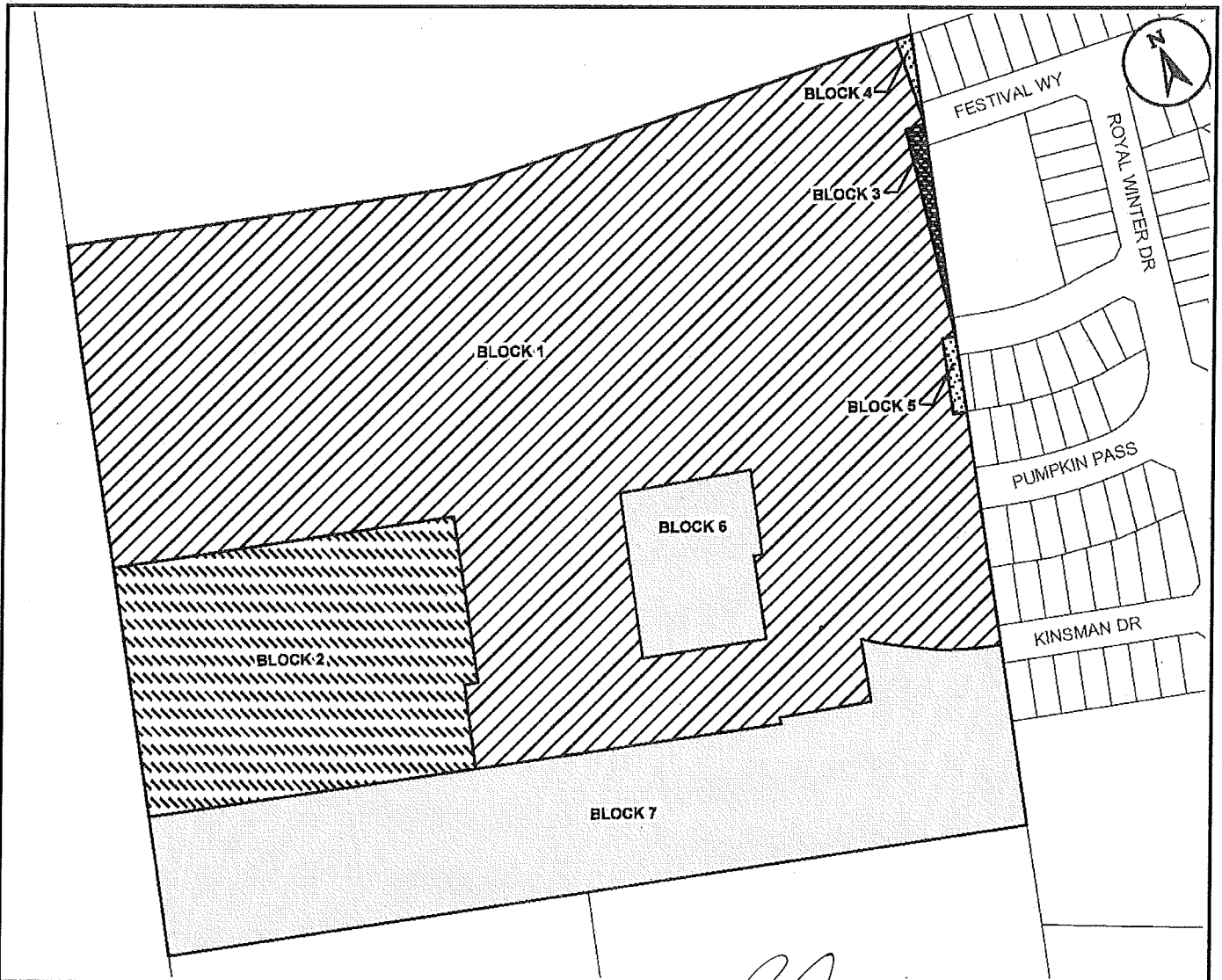
PASSED this 12th day of February, 2014.



R. Bratina
Mayor

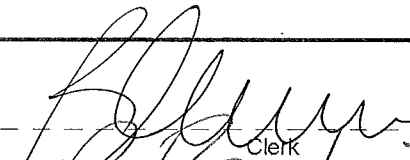



R. Caterini
City Clerk



This is Schedule "A" to By-Law No. 14-026

Passed the ..12th.. day of .February....., 2014







 Clerk

 Mayor

Schedule "A"

Map Forming Part of
By-Law No. 14-026

to Amend By-law No. 464

Subject Property

-  Block 1 - Change in zoning from Restricted Agricultural "A2" Zone to Residential "R4-279" Zone, Modified
-  Block 2 - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-274" Zone, Modified
-  Block 3 - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM3-223" Zone, Modified
-  Block 4 & 5 - Change in zoning from Restricted Agricultural "A2" Zone to Residential "R4-222" Zone, Modified
-  Block 6 & 7 - Lands subject to Zoning By-law No. 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-06-074

Date:
Nov. 28, 2013

Planner/Technician:
AC/JAL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT