

Authority: Item 7
Planning Committee
Report 13- 013 (PED13115)
CM: September 11, 2013

Bill No. 226

CITY OF HAMILTON

BY-LAW NO. 13-

To Amend Zoning By-law No. 464 (Glanbrook), as Amended by By-law No. 02-331, Respecting Lands Located on the South Side of Rymal Road, East of Fletcher Road

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13-013 of the Planning Committee, at its meeting held on the 4th day of September, 2013, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. That Schedule "J", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from:
 - (a) the Residential Multiple - Holding "H-RM3-173(B)" Zone to the Residential Multiple "RM3-173(B)" Zone, Block 1;
 - (b) the Residential - Holding "H-R4-173(A)" Zone to the Residential Multiple "RM2-173" Zone, Block 2;
 - (c) the Residential "R4-173(B)" Zone to the Residential "R4-173(D)" Zone, Block 3; and,
 - (d) the Residential - Holding "H-R4-173(B)" Zone to the Residential "R4-173(D)" Zone, Block 4;

on 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 new Special Exception "R4-173(D)", as follows:

"R4-173(D)" South Side of Rymal Road, East of Fletcher Road

All of the uses and provisions of the "R4-173(A) Zone shall apply, except (iv) (A) shall be modified to include the following additional clause:

- (iv) Minimum Interior Side Yard:
 - (A) In addition, on a lot where an emergency spillway/overland flow route shall be located along side lot lines, a minimum 2.0m separation between buildings shall be provided and maintained.

3. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by removing the 'H' symbol and modifying the "H-RM3-173(B)" provisions (a) (i), and (b) (i), (ii), (v), (vi), (vii), (viii), (xiii), (xv), (xvi), and (xviii), as follows:

"RM3-173(B)" South Side of Rymal Road, East of Fletcher Road

- (a) PERMITTED USES
 - (i) Block townhouse dwellings, street townhouse dwellings, maisonette dwellings, and semi detached dwellings.

For the purposes of this By-law, a Maisonette is defined as a dwelling divided vertically into a minimum 6 and a maximum of 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 1 or more private entrances at grade.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUB-SECTION

- (i) Minimum Lot Frontage: 45.0m and 4.5m for an individual townhouse or maisonette unit.
- (ii) Minimum Lot Area: 0.3 hectares and 80 sq. m. for an individual townhouse or maisonette unit.
- (v) Minimum Side Yards: 1.2m for end units.
- (vi) Minimum Rear Yard: 7.0m (N/A for maisonette units).
- (vii) Minimum Distance Separation Between Buildings:
 - (C) 12.0m between rear walls (N/A for maisonettes);
 - (G) No separation distance is required between end wall and/or rear walls of maisonette units.
- (viii) Permitted Encroachments:
 - (A) Unenclosed porches, both covered and uncovered, may project a maximum 2.5m into the required front yard and/or 0.6m into the required side yard.
 - (B) Stairs used to provide access to porches, both covered and uncovered, may project a maximum of 0.6m beyond the limits of the porch into the required front yard and/or required side yard.
 - (D) Balconies, canopies, awnings, and fruit cellars may project a maximum 2.0m into the required front or rear yard and/or 0.6m into the required side yard.
- (xiii) Minimum Landscaped Area: 30 percent of the lot area for a townhouse unit, which may include the required privacy area (N/A for maisonette units).

(xv) Minimum Privacy Area: A minimum of 30 sq. m. per townhouse dwelling unit shall be provided adjacent to the unit (N/A for maisonette units).

(xvi) Minimum Amenity Area: A minimum area of 5 sq. m. per dwelling unit shall be provided and thereafter maintained, and may be provided in a common element condominium.

(xviii) Minimum Parking Requirements:

(D) No parking space or area, save and except a space or area contiguous to a dwelling unit, shall be located closer to a street line than 6.0m, and not be closer than 3.0m to any Residential Zone or where the adjoining land use is used for residential purposes, unless such parking is located within a below-grade communal parking structure.

(d) 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 regulations 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.

4. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by modifying the "C1-173" Zone by adding the following provisions after (xiv) Minimum Loading Requirements:

"C1-173" 1970 Rymal Road

Loading spaces shall be provided in accordance with the provisions of Sub-section 7.36 of this By-law.

(xv) Minimum Landscaping Requirements:

Landscaping shall be provided in accordance with the provisions of Sub-section 23.2(n) of this By-law.

(xvi) Accessory Buildings:

Accessory buildings shall be pursuant to the provisions of Sub-section 7.13 of this By-law.

5. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new Exception "I-173", as follows:

"I-173" 103 Fletcher Road and 110 Bellagio Avenue

Notwithstanding Sub-section 39.1 **PERMITTED USES** of **SECTION 39: INSTITUTIONAL "I" ZONE**, those lands zoned site-specific Institutional "I" Zone shall only be used for Public and Separate Elementary Schools, or single detached dwellings in accordance with the provisions of the site-specific Residential "R4-173(B) Zone.

6. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new Exception "OS2-173", as follows:

"OS2-173" South Side of Rymal Road, East and West of Fletcher Road

Notwithstanding Sub-sections 42.1 **PERMITTED USES** and 42.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a), (b) AND (c), INCLUSIVE, IN SUB-SECTION 42.1** of **SECTION 42: PUBLIC OPEN SPACE "OS2" ZONE**, those lands zoned site-specific Public Open Space "OS2-173" shall only be used for stormwater management facilities and passive recreational uses.

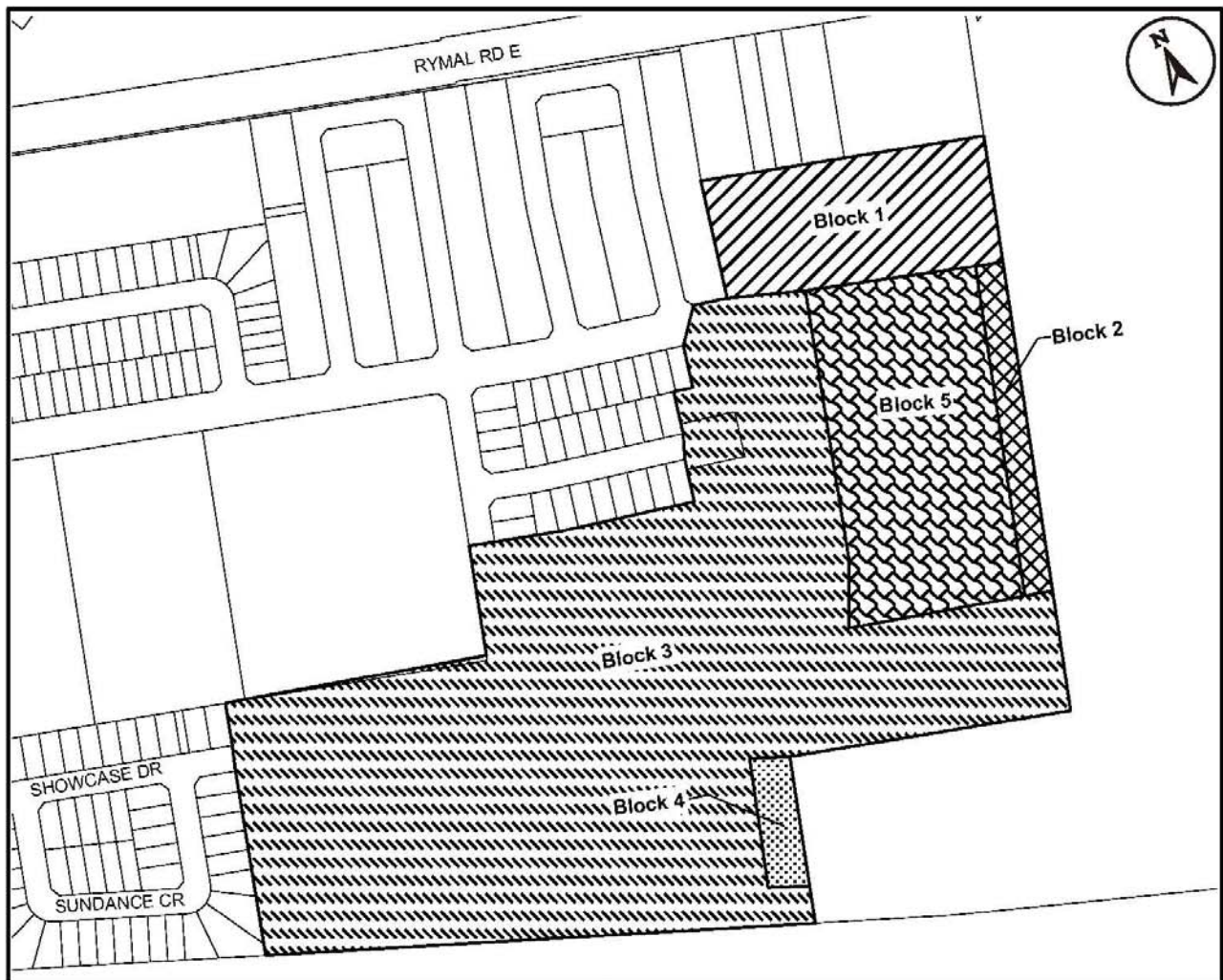
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 11th day of September, 2013.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-12-069



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

 Mayor






 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 13-_____

to Amend By-law No. 464

Subject Property
 1970 Rymal Road East, Glanbrook

-  **Block 1:** Lands to be rezoned from the Residential Multiple - Holding "H-RM3-173(B)" Zone to the Residential Multiple "RM3-173(B)" Zone
-  **Block 2:** Lands to be rezoned from the Residential - Holding "H-R4-173(A)" Zone to the Residential Multiple "RM2-173" Zone
-  **Block 3:** Lands to be rezoned from the Residential "R4-173(B)" Zone to the Residential "R4-173(D)" Zone
-  **Block 4:** Lands to be rezoned from the Residential - Holding "H-R4-173(B)" Zone to the Residential "R4-173(D)" Zone
-  **Block 5:** Lands to remain Residential Multiple "RM2-173" Zone

Scale: N.T.S.	File Name/Number: ZAC-12-069/25T-200208(R)
Date: July 23, 2013	Planner/Technician: PD/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

