

Authority: Item 7, Planning Committee
Report 14-016 (PED14146)
CM: December 17, 2014

Bill No. 335

CITY OF HAMILTON

BY-LAW NO. 14-

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 126 Kellogg Avenue**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 14-016 of the Planning Committee, at its meeting held on the 9th day of **December**, 2014, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing from the:
 - i. Existing Residential "ER" Zone to Residential "R4-263(a)" Zone, Modified, the lands identified as "Block 1";
 - ii. Residential-Holding "H-R4-263" Zone, Modified to Residential "R4-263(a)" Zone, Modified, the lands identified as "Block 2";
 - iii. Residential-Holding "H-R4-258" Zone, Modified to Residential "R4-263(a)" Zone, Modified, the lands identified as "Block 3"; and,
 - iv. Existing Residential "ER" Zone to Residential "R4-188" Zone, Modified, the lands identified as "Block 4",

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 provision, "R4-263(a)", as follows:

(i) **"R4-263(a)" – 126 Kellogg Avenue**

All of the uses and provisions of the "R4-263" Zone shall apply, except clauses (a), (b), and (e), the following provisions shall apply on the lands zoned "R4-263(a)":

- | | |
|--------------------------|---|
| (a) Minimum Lot Frontage | 11.87 metres for all lots. |
| (b) Minimum Lot Area | 345 square metres, except 355 square metres for a corner lot. |
| (e) Minimum Side Yard: | 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent to the yard with a side yard setback less than 1.2m, except: |

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

All other regulations of the Single Residential "R4-263" and Single 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 as referred to in Section 2 of this By-law.
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 17th day of December, 2014

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

ZAC-13-010



This is Schedule "A" to By-law No. 14-

Passed the day of, 2014

 Mayor

 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 14-_____

to Amend By-law No. 464

Subject Property

126 Kellogg Avenue



Block 1 - Change in Zoning from Existing Residential "ER" Zone to Residential "R4-263(a)" Zone, Modified



Block 2 - Change in Zoning from Residential-Holding "H-R4-263" Zone, Modified to Residential "R4-263(a)" Zone, Modified



Block 3 - Change in Zoning from Residential-Holding "H-R4-258" Zone, Modified to Residential "R4-263(a)" Zone, Modified



Block 4 - Change in Zoning from Existing Residential "ER" Zone to Residential "R4-188" Zone, Modified

Scale:
 N.T.S.

File Name/Number:
 ZAC-13-010

Date:
 Nov. 4, 2014

Planner/Technician:
 AC/VS



Hamilton