

**Authority:** Item 6, Planning Committee  
Report 15-004 (PED15028)  
CM: March 11, 2015

**Bill No. 070**

## **CITY OF HAMILTON**

### **BY-LAW NO. 15-**

#### **To Amend Zoning By-law No. 464 (Glanbrook) Respecting Modifications and Updates**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 15-004 of the Planning Committee, at its meeting held on the 11<sup>th</sup> day of March, 2015, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

**AND WHEREAS** the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

**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 Rural Hamilton Official Plan and Urban Hamilton Official Plan;

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

1. That **SECTION 4: DEFINITIONS** is amended:

(a) by deleting the definition of accessory mechanical equipment.

(b) by deleting and replacing the definition of height:

“Height” shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

(c) by deleting and replacing the definition of lot coverage:

“Lot Coverage” shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and patio decks.

(d) by deleting and replacing the definition of patio deck:

“Patio Deck” shall mean a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade.

2. That **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES** is amended:

(a) by deleting and replacing Subsection 7.15 **ACCESSORY MECHANICAL EQUIPMENT** to read as follows:

7.15 **MECHANICAL AND UNITARY EQUIPMENT**

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

- i) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,
  - ii) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.
- (b) by revising Subsection (a) General Provisions of Subsection 7.35 **MINIMUM PARKING REQUIREMENTS** by adding “, and home occupations and home professions” to the end of clause (iv).
- (c) by revising Subsection 7.37 **SIGNS** to read as follows:

7.37 **SIGNS**

Notwithstanding any other provision of this By-law, signs shall solely be permitted in accordance with the provisions of the City of Hamilton Sign By-law No. 10-197.

- (d) by renumbering 7.42 Outdoor Commercial Patios as 7.43 and revising the introduction and clause b) of the Subsection to read as follows:

7.43 **OUTDOOR COMMERCIAL PATIOS**

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

- b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

3. **SECTION 8: GENERAL AGRICULTURAL "A1" ZONE** is amended by adding “, and tandem parking is permitted” to the end of clause (h) of Subsection 8.8: **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (g) OF SUBSECTION 8.1 (HOME OCCUPATIONS AND HOME PROFESSIONS).**

4. That **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** is amended:

- (a) by adding “, and tandem parking is permitted” to the end of clause (i) of Subsection 11.9 **HOME OCCUPATIONS AND HOME PROFESSIONS**.
- (b) by renumbering Subsection 11.9 **URBAN FARM** as 11.10 and replacing all references in the By-law to 11.9 with 11.10.
- (c) by renumbering Subsection 11.10 **COMMUNITY GARDENS** as 11.11 and replacing all references in the By-law to 11.10 with 11.11.
- (d) by adding a new Subsection 11.12 as follows:

11.12 **COMMON ELEMENTS CONDOMINIUMS**

Notwithstanding the regulations of the “RM3” Zone, townhouse dwelling units may be developed in accordance with the applicable regulations of the “RM2”. For the purposes of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s) and parking and landscaping are permitted within the street(s).

5. That **SECTION 45: ADMINISTRATION** is amended by modifying Subsection 45.1 **ADMINISTRATION** to read as follows:

This By-law shall be administered by the City’s Director, Building Division, Chief Building Official.

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 11<sup>th</sup> day of March, 2015.

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Fred Eisenberger  
Mayor

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Rose Caterini  
City Clerk

CI-14-H