

**Authority:** Item 3, Planning Committee  
Report 15- 018 (PED15179)  
CM: November 25, 2015

**Bill No. 292**

**CITY OF HAMILTON**

**BY-LAW NO. 15-**

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Lands located at 120 Vineberg Drive (Hamilton)**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 3 of Report 15-018 of the Planning Committee at its meeting held on the 25th day of November 2015, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 40.;

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

1. That Sheet No. E27b of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

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- (a) By changing the zoning from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Dwellings) District, for lands comprised in **Block 1**;
- (b) By changing the zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, Etc.) District, for lands comprised in **Blocks 2 and 5**;
- (c) By changing the zoning from the “AA” (Agricultural) District to the “RT-30/S-1728” (Street-Townhouse) District, Modified, for lands comprised in **Block 3**; and,
- (d) By changing the zoning from the “AA” (Agricultural) District to the “R-4-‘H’/S-1728” (Small Lot Single Family Dwellings - Holding) District, Modified, for lands comprised in **Block 4**.

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

- 2. That the “RT-30” (Street-Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, pertaining to the land zoned “RT-30/S-1728” District, Modified shall include the following special provisions:
  - (a) That notwithstanding Subsection 10F(2) of Zoning By-law No. 6593, and subject to the provisions of Section 3, 18, 18A, and 19, as hereinafter set forth, 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 within the district, for other than the following:
    - 1. A Street Townhouse Dwelling or Street Townhouse Dwellings;
    - 2. A Street Townhouse Dwelling or Street Townhouse Dwellings fronting onto a condominium road; and,
    - 3. A Condominium Road with Parking and Landscaping.
  - (b) That notwithstanding Subsection 10F(4)(a) of Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained in the district, a front yard depth of not less than 4.5 metres, except 6.0 metres to an attached garage or carport.
  - (c) That notwithstanding Subsection 10F(4)(b) of Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained in the district, a rear yard depth of not less than 6.0 metres.

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- (d) That notwithstanding Subsection 10F(4)(c) and (d) of Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained in the district, an interior side yard depth of not less than 1.2 metres for lands not abutting a common element road, visitor parking area, landscaped area, or sidewalk.
- (e) That notwithstanding Subsection 10F(4)(c) and (d) of Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained in the district, a yard depth of not less than 3.0 metres abutting Vineberg Drive.
- (f) That in addition to Subsection 10F(4) of Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained in the district, a setback of not less than 2.5 metres from any common element road, parking area, and sidewalk.
- (g) That notwithstanding any provisions to the contrary in Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained a 6.0-metre setback between the parking area and Vineberg Drive.
- (h) That notwithstanding Subsection 10F(5)(a) to (c) of Zoning By-law No. 6593, in an “RT-30/S-1728” District, there shall be provided and maintained within the district where there is more than one building on a lot, a distance between buildings of not less than 3.0 metres.
- (i) That notwithstanding Subsection 18(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 3.0 metres (9.84 feet) from the front lot line. Clauses (i) to (iv) of Subsection 18(3)(vi)(d) shall still apply.
- (j) That notwithstanding Subsection 18A(7), in an “RT-30/S-1728” District, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
- (k) That notwithstanding any provisions or definitions to the contrary, for the purposes of this By-law, legal frontage for a street townhouse shall be permitted on a common element condominium road.
- (l) That notwithstanding any provisions or definitions to the contrary, for the purposes of this By-law, the definition of “Street” shall be amended to include a private condominium road.

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- (m) That notwithstanding any provisions or definitions to the contrary, for the purposes of this By-law, the lot line fronting onto a common element condominium road shall be considered the front lot line. In the case where two lot lines abut a common element condominium road, the shorter of the two shall be considered the front lot line.
3. That the “R-4” (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, pertaining to the land zoned “R-4-‘H’/S-1728”, District, Modified shall include the following special provisions:
- (a) That notwithstanding Subsection 2(b)(1)(i), a front yard having a depth of not less than 4.5 metres, except 6.0 metres to an attached garage or carport.
  - (b) That notwithstanding Subsection 2(b)(1)(ii), a minimum side yard depth as follows shall be provided and maintained:
    - i) 1.2 metres on the garage side and 0.8 metres on non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.8 metres into the side yard with a side yard setback less than 1.2 metres. A 0.8-metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.
    - ii) On a lot where an emergency / overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0 metre side yard separation between buildings shall be provided and maintained along one common lot line.
  - (c) That notwithstanding Subsection 18 (3) (vi) (d) of Zoning By-law No. 6593, a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 1.5 metres, and every such projecting porch shall be distant at least 1.5 metres from the front lot line. Clauses (i) to (iv) of Subsection 18(3)(vi)(d) shall still apply.
4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1728.
5. That Sheet No. E27b of the District Maps is amended by marking the lands referred to as Blocks 3 and 4 in Section 1 of this By-law as S-1728.

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6. 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 "R-4" (Small Lot Single Family Dwellings) District, "C" (Urban Protected Residential, etc.) District, "RT-30/S-1728" (Street-Townhouse) District, Modified, and the "R-4-'H'/S-1728" (Small Lot Single Family Dwelling - Holding) District, Modified, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
7. That the 'H' symbol, applicable to the lands zoned "R-4-'H'/S-1728" (Small Lot Single Family Dwellings - Holding) District, will prohibit the use of the subject until such a time as:
  - (a) The owner demonstrates that a suitable storm and sanitary outlet is available to service the subject lands, to the satisfaction of the Senior Director, Growth Management .

City Council may remove the 'H' symbol by enactment of an amending By-law once the above condition has been fulfilled.
8. 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 9<sup>th</sup> day of December, 2015.

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F. Eisenberger  
Mayor

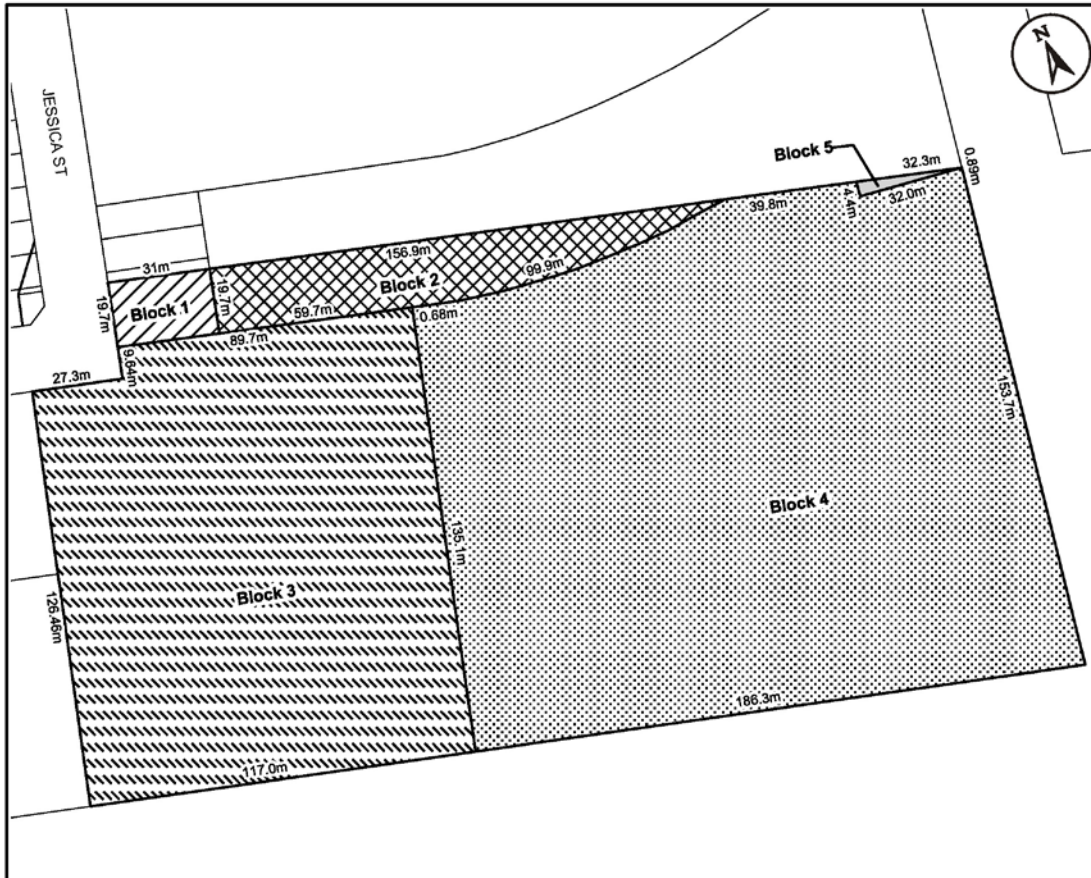
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J. Pilon  
Acting City Clerk

ZAC-14-022

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Schedule "A"



This is Schedule "A" to By-law No. 15-  Passed the ..... day of ....., 2015	----- 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. 15-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 6593</p>	<p><b>Subject Property</b> 120 Vineberg Drive</p> <ul style="list-style-type: none"> <li> <b>Block 1</b> - R-4 (Small Lot Single Family Dwellings) District</li> <li> <b>Block 2</b> - C (Urban Protected Residential, etc.) District</li> <li> <b>Block 3</b> - RT-30/S-1728 (Street-Townhouse) District, Modified</li> <li> <b>Block 4</b> - R-4-'H'-1728 (Small Lot Single Family Dwellings, Holding) District, Modified</li> <li> <b>Block 5</b> - C (Urban Protected Residential) District</li> </ul>
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Scale: N.T.S.	File Name/Number: ZAC-14-022, 251-201404, UHOPA-15-023		Date: Oct. 23, 2015
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			Planner/Technician: MG/VS