

Authority: ,
Report
CM:

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250
Tanglewood Drive (Glanbrook)

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 of Report PED19121 of the Planning Committee at its meeting held on the 13th day of August 2019, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. ;

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

1. That Schedule "H" – Binbrook Settlement Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
 - (a) by changing the zoning from Residential "R2" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 1);
 - (b) by changing the zoning from Public Open Space "OS2" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 2);

- (c) by changing the zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified (Block 3);
- (d) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 4);
- (e) by changing the zoning from Private Open Space "OS1-166" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified (Block 5);
- (f) by changing the zoning from Deferred Development "DD" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 6);
- (g) by changing the zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 7);
- (h) by changing the zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313(a)" Zone, Modified (Block 8);
- (i) by changing the zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313(a)" Zone, Modified (Block 9);
- (j) by changing the zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM4-314" Zone, Modified (Block 10);
- (k) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-314" Zone, Modified (Block 11);
- (l) by changing the zoning from Residential "R2" Zone to Residential "R4-315" Zone, Modified (Block 12);
- (m) by changing the zoning from Private Open Space "OS-1-166" Zone, Modified to Residential "R4-315" Zone, Modified (Block 13);
- (n) by changing the zoning from Restricted Agriculture "A2-176" Zone, Modified to Residential Multiple "RM2-316" Zone, Modified (Block 14);
- (o) by changing the zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-316" Zone, Modified (Block 15);
- (p) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313(a)" Zone, Modified (Block 18); and,
- (q) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 19).

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", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)**, provisions (a), (b), (c), (d), (e), (g), (h), (i), (k):

RM2-313 (Blocks 1 – 7 and 19)

- 18.2 (a) Minimum Lot Frontage: 6.0 metres
- (b) Minimum Lot Area: 175.0 square metres
- (c) Maximum Lot Coverage: 60%
- (d) Minimum Front Yard: 4.5 metres to the dwelling, except 5.8 metres to the garage
- (e) Minimum Side Yard: 1.2 metres on an end unit which does not abut a flanking street and 1.9 metres for an end unit on a corner lot which abuts a flanking street
- (g) Minimum Floor Area Dwelling Unit: N/A
- (h) Maximum Height: 11.5 metres (3 storeys)
- (i) Minimum Landscaped Area: 25% of the lot area
- (k) Dwelling Unit Placement: Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1 metre or without varying the exterior design of the dwelling.

In addition to the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply:

- (a) A "*Retaining Wall*" shall be defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.

Notwithstanding the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply to a Dwelling, Street Townhouse:

- (a) Means a townhouse dwelling:
- i) in which all dwelling units front on a public thoroughfare; and,

- ii) which does not share any yards, driveways, common open space and parking and manoeuvring space.

In addition to the regulations of **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)** and **Section 7: General Provisions for All Zones, Sub-section 7.13 - ACCESSORY BUILDINGS and Sub-Section 7.16 – OUTDOOR SWIMMING POOLS AND HOT TUBS**, the following provision shall apply:

- (a) A Principal Building shall have a minimum setback of 6.0 metres from the Top of the "*Retaining Wall*";
- (b) Accessory Structures, including a deck, shall be permitted in a rear yard with a minimum 3 metre setback from the top of the "*Retaining Wall*"; and,
- (c) No pools, spas or hot tubs shall be permitted on the property on a property with a "*Retaining Wall*".

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-Section 7.25 - SPECIAL SETBACK REQUIREMENTS FROM TRANSMISSION PIPELINE RIGHTS-OF-WAY**, the following provisions shall apply to those lands zoned site-specific residential "RM2-313":

- (a) All principal buildings and / or structures shall be setback a minimum distance of 7.5 metres from the boundary of a transmission pipeline right-of-way.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS - Clauses (a) (vii)**, the following provisions shall apply:

- (a) In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.

In addition to the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-section 7.26 - ENCROACHMENT INTO YARDS**, the following regulations shall apply:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0m.
- (b) Stairs may project into any required front yard a distance of not more than 3.0m.
- (c) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear (all units) or side yard (end unit and/or corner unit) a distance of not more than 0.6m.

3. That **SECTION 44, "EXCEPTIONS TO THE PROVISIONS OF THE BY-LAW"**, as amended, of Zoning By-law No. 464, is hereby further amended by modifying the "RM2-313" Zone provisions as follows:

RM2-313(a) (Blocks 8, 9 and 18)

In addition to the provisions of the Residential "RM2-313" Zone, Modified, and notwithstanding Section 18.2 (f), the minimum rear yard setback shall be 10.4 metres.

4. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 20.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING)**, provisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)(ii) as follows:

RM4-314 (Blocks 10 and 11)

20.2	(a) Maximum Lot Coverage	40 percent
	(b) Maximum Density	85 dwelling units per hectare
	(c) Minimum Front Yard	1.5 metres
	(d) Minimum Side and Rear Yards:	2 metres, except where the boundary of a Residential Multiple "RM4" Zone abuts a boundary of any residential or institutional zone or any zone where the adjoining land is used for residential or institutional purposes the minimum side yard shall be 7.5 metres.
	(e) Minimum Floor Area per Dwelling:	N/A
	(f) Maximum Height:	13 metres (3 storeys)
	(g) Minimum Amenity Area:	A minimum area of 5 square metres per dwelling unit shall be provided. Notwithstanding the definition of amenity area, private balconies shall be included in the Amenity Area.
	(h) Minimum Landscape Area:	10 percent of the lot area excluding the Amenity Area.
	(i) Planting Strip / Fencing:	A 2.9 metre wide planting strip and / or a 1.8 high visual barrier shall be

provided along any lot line that abuts a residential or institutional zone, or any lands being uses for residential or institutional purposes. A transformer shall be permitted within any planting strip.

(j) Minimum Parking Requirement: The following requirement is in addition to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law:

(i) No parking space or area shall be located closer to a street line than 3 metres and not closer than 2.9 metres to any Residential Zone, unless such parking space is located within a below-grade communal parking structure.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS -** Clauses (a), (i), (vii), (xii) and clause (b) and **Sub-Section 7.36 – Minimum Loading Requirements** Clause(a)(ix) the following provisions shall apply to those lands zoned site-specific residential "RM4-314":

- (a) An Apartment Building shall provide and maintain 1.25 parking spaces per unit and 0.25 visitor Parking Spaces per unit. In the case of any other use, the minimum parking space requirements of 7.35(a)(i) shall apply.
- (b) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 5.8 metres, exclusive of any land required for access or driveway, except where a minimum of 20 parking spaces are required to be provided on the subject lot, a maximum of thirty-five percent (35%) of the parking spaces may have a minimum width of 2.6 metres and a minimum length of 5.8 metres, provided these parking spaces are clearly marked for small cars only. Each parking space for parallel parking shall have a minimum width of 2.5 metres and a minimum length of 6.5 metres, exclusive of any land required for access or driveway. Notwithstanding the above regulations, the size of the required parking spaces for the physically handicapped shall be subject to Clause 7.35(a) (xv) of this By-law.
- (c) Subject to the establishment of more specific and / or substantial regulations in the Regulations for the various Zones, where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is

used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 2.9 metres shall be provided and shall also include fencing to provide a solid and effective screen.

- (d) Where a loading area abuts any Residential or Institutional Zone or a residential or institutional use, a permanently maintained landscaped area consisting of a planting strip with a minimum width of 2.9 metres shall be provided and shall also include fencing to provide a solid and effective screen.

5. That Section 44, "Exceptions to the Provisions of this By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 16.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)**, provisions (a), (b), (c), (d), (e), and (g):

R4-315 (Blocks 12 and 13)

- 16.2 (a) Minimum Lot Frontage: 10 metres, except on a corner lot the minimum frontage shall be 11.8 metres
- (b) Minimum Lot Area: 300 square metres except on a corner lot the minimum lot area shall be 380 square metres
- (c) Maximum Lot Coverage: 55 %
- (d) Minimum Front Yard: 4.5 metres to the dwelling, except 5.8 metres to the garage
- (e) Minimum Side Yard: 1.2 metres on the garage side and 0.6 metres on the 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 0.6 metres into the side yard of the lot adjacent to the yard with a side yard setback less than 1.2 metres.

A 0.6 metres side yard setback shall not be permitted adjacent to any side lot line less than 1.2metres, except:

- (i) On a corner lot, the minimum side yard abutting the flankage street shall be 3.0 metres, except

that an attached garage which fronts on the flankage street shall not be located within 5.8 metres of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0 metres setback for any building from the hypotenuse of the daylight triangle is required; and,

- (ii) On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0 metres side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

(g) Minimum Floor Area Per Dwelling: N/A

In addition to the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply:

- (a) A "*Retaining Wall*" shall be defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.

In addition to the regulations of **SECTION 16.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)** and **Section 7: General Provisions for All Zones**, Sub-section 7.13 - ACCESSORY BUILDINGS and Sub-Section 7.16 – OUTDOOR SWIMMING POOLS AND HOT TUBS, the following provision shall apply:

- (a) A Principal Building shall have a minimum setback of 6.0 metres from the Top of the "*Retaining Wall*".
- (b) Accessory Structures, including a deck, shall be permitted in a rear yard with a minimum 3 metre setback from the top of the "*Retaining Wall*".
- (a) No pools, spas or hot tubs shall be permitted on the property where a "*Retaining Wall*" exists.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-Section 7.25 – SPECIAL SETBACK REQUIREMENTS FROM TRANSMISSION PIPELINE RIGHTS-OF-WAY and Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS - Clauses (a), (i), (vii), and clause (b), the following provisions shall apply:

- (a) All principal buildings and / or structures shall be setback a minimum distance of 7.5 metres from the boundary of a transmission pipeline right-of-way.
- (b) Every single-detached dwelling shall provide and maintain 2 parking spaces within the driveway and 1 parking space within the garage.
- (c) In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.

In addition to the provisions of Paragraphs (a) through (g) of **Sub-section 7.26 ENCROACHMENT INTO YARDS**, the following provisions shall apply:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and into a required flankage yard a distance of not more than 1.8 metres.
- (b) Stairs may project into any required front yard a distance of not more than 3.0 metres.
- (c) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6 metres.

6. That Section 44, "Exceptions to the Provisions of this By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 18.1 – USES PERMITTED** and **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)**, provisions (a), (b), (c), (d), (e), and (g):

RM2-316 (Block 14 and 15)

In addition to the regulations of **SECTION 18.1 – USES PERMITTED**, the following provision shall apply:

- (a) A Back-to-back townhouses (Maisonettes) and Block Townhouses shall be permitted uses.

In addition to the regulations of **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)**, the following provision shall apply for Block Townhouse and maisonette dwellings:

- (a) A block townhouse dwelling and Back-to-back townhouses (Maisonettes) would be subject to all regulations identified within the RM2-313 Zone.

In addition to the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply:

- (a) On the lands zoned "RM2-316", the definition of a "*Street*" shall include a private condominium road. For the purposes of a private condominium road, the parking and landscaping are permitted within the "*Street*" and common elements.
- (b) "*Back-to-back townhouses (Maisonettes)*" shall be defined as a dwelling divided vertically into a minimum of 6 dwelling units and a maximum of 16 dwelling units, with each unit separated by common or parting walls, both at the rear and at the side or sides of the unit, and having one or more private entrances at grade.

Notwithstanding the regulations of **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)** provision (f) **and SECTION 44, "Exceptions to the Provisions of this By-law"** RM2-313 (b), (i) and (e), the following provision shall apply for Back-to-back townhouses (Maisonettes) dwellings:

- (a) Back-to-back townhouses (Maisonettes) shall have a minimum lot area of 90 square metres.
- (b) Back-to-back townhouses (Maisonettes) shall have no minimum rear yard requirement.
- (c) Back-to-back townhouses (Maisonettes) shall a minimum landscape area of 15% within the Front Yard.
- (d) Back-to-back townhouses (Maisonettes) shall a minimum Side Yard Setback of 1.2 metres for an end unit.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS - Clauses (a), (i), (vii), and clause (b), the following provisions shall apply for Back-to-back townhouses (Maisonettes) and block townhouse dwellings:

- (a) Every Block Townhouse Dwelling and Maisonette Dwelling unit shall provide and maintain 2 parking spaces within the driveway and 0.25 visitor Parking Spaces per unit. In the case of any other use, the minimum parking space requirements of 7.35(a)(i) shall apply.
- (b) In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.

PASSED this August XX, 2019.

F. Eisenberger
Mayor

Andrea Holland
City Clerk



This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 464

Subject Property

2341, 2365 - 2431 Regional Road 56 & 250 Tanglewood Drive

-  **Block 1** - Change in zoning from Residential "R2" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 2** - Change in zoning from Public Open Space "OS2" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 3** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
-  **Block 4** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 5** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
-  **Block 6** - Change in zoning from Deferred Development "DD" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 7** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 8** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313(a)" Zone, Modified
-  **Block 9** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313(a)" Zone, Modified
-  **Block 10** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM4-314" Zone, Modified

Scale:

N.T.S.

File Name/Number:

ZAC-17-027/UHOPA-17-012/25T-201706

Date:

July 17, 2019

Planner/Technician:

AB/NB



Hamilton



This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 464

Subject Property

2341, 2365 - 2431 Regional Road 56 & 250 Tanglewood Drive

-  **Block 11** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-314" Zone, Modified
-  **Block 12** - Change in zoning from Residential "R2" Zone to Residential "R4-315" Zone, Modified
-  **Block 13** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential "R4-315" Zone, Modified
-  **Block 14** - Change in zoning from Restricted Agriculture "A2-176" Zone, Modified to Residential Multiple "RM2-316" Zone, Modified
-  **Block 15** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-316" Zone, Modified
-  **Block 16** - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728, H113) Zone
-  **Block 17** - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728) Zone
-  **Block 18** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313(a)" Zone, Modified
-  **Block 19** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
-  Refer to By-law No. 05-200
-  Other lands owned by applicant

Scale:
N.T.S.

File Name/Number:
ZAC-17-027/UHOPA-17-012/25T-201706

Date:
July 17, 2019

Planner/Technician:
AB/NB



Hamilton