

Glanbrook Zoning By-Law No. 464

Modification to the RM2-313 Zone (Blocks 1 – 7 and 19)

Regulation	Required	Modification	Analysis
Minimum Lot Frontage	7.0 metres	6.0 metres	Staff are of the opinion that the proposed modification can be supported as it will still allow for an appropriate Lot Frontage and Dwelling Unit.
Minimum Lot Area	210 square metres	175 square metres	Staff are of the opinion that the proposed modification to the existing provision is minor in nature and can still maintain appropriate setbacks for any structures proposed a lot. Therefore, Staff are supportive of the proposed modification.
Maximum Lot Coverage	35%	60%	Staff are of the opinion that the proposed increased lot coverage is minor in nature, still provides an opportunity for rear yard amenity area and provides enough separation for privacy but maintains buildings closer to the street for the public realm. Therefore, Staff are of the opinion that the proposed modification can be supported.
Minimum Front Yard	7.5 metres	4.5 metres to dwelling unit, except 5.8 metres to the garage	Staff are of the opinion that the proposed modification for the minimum front yard setback meets the intent of the Official Plan by allowing for landscaping within the front yard of the subject lands

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			<p>providing a more positive environment for pedestrians within the residential subdivision and maintains an opportunity for parking on individual residential lots.</p>
<p>Minimum Side Yard</p>	<p>2 metres for an end dwelling unit not abutting a street and 6 metres for an end unit on a corner lot abutting a flanking street</p>	<p>1.2 metres on an end unit not abutting a flanking street and 1.9 metres for an end unit on a corner lot abutting a flanking street</p>	<p>Staff are of the opinion that the proposed modification can be supported because the proposed setback provides an opportunity for access to the rear of the properties for maintenance purposes. In addition, it provides an opportunity for some privacy and windows to be proposed on a residential structure and provides an opportunity for intensification and more efficient use of proposed municipal services. Therefore, Staff are of the opinion that the modification can be supported.</p>
<p>Minimum Floor Area Dwelling Unit</p>	<p>(i) 1 or 2 bedroom unit - 90 square metres (ii) 3 bedroom unit - 100 square metres (iii) Unit containing more than 3 bedrooms - 100 square metres plus 10 square metres for each</p>	<p>N/A</p>	<p>Staff are of the opinion that the removal of the existing provision relating to the minimum size of the dwellings units allows flexibility in the size of the units to address the housing needs in the area. In addition, the number of units proposed would not affect the privacy and impact on neighbouring areas. These would be controlled by setbacks and height minimums and maximums which have been reviewed as part of this application. In addition, proposed density of the</p>

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	bedroom in excess of 3		subject lands limits the amount of units that can be proposed to 60 units, approximately. If the applicant wanted to significantly increase the number of units, they would be required to go through an Official Plan Amendment and Zoning By-law Amendment.
Maximum Height	10.7 metres	11.5 metres (3 storeys)	Staff are of the opinion that the proposed modification can be supported because it complies with the maximum height of the Binbrook Village Secondary Plan but allows for appropriate development of the ground floor residential on the reduced lots. In addition, the proposed height increase still respects the heights of the surrounding area. Therefore, Staff are of the opinion that the proposed modification can be supported.
Minimum Landscaped Area	30%	25% of the Lot Area	Staff are of the opinion that the proposed modification can be supported because the requested reduction is minor and still requires that the applicant provide landscaping as part of their development and the reduction in the minimum amount of landscaping is minor in nature.
Dwelling Unit Placement	Not more than eight (8) dwelling units are permitted within a row and not more	Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering	Staff are of the opinion that the proposed modification to the Zoning By-law can be considered minor in nature because the

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	than four (4) dwelling units shall be erected in a row without staggering or front face or the wall of a dwelling a minimum of 1 metre or without varying the exterior design and materials of the front face or wall of the dwelling.	the front face or wall of the dwelling a minimum of 1 metre or without varying the exterior design.	intent of the regulation is to ensure that there is variation between the façade and not one long blank wall. There will be other mechanisms to review the design of the buildings which includes the requirement that a Control Architect review any dwellings not subject to site plan for conformity with those guidelines.
Minimum Size of Parking Spaces	3 metres by 6 metres	In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.	Staff are of the opinion that the proposed modification from 6 metres to 5.8 metres is minor in nature and therefore the modification can be supported.
Minimum Setback From TransCanada Pipeline	10 metres	7.5 metres	Staff are of the opinion that the proposed setback to the pipeline can be supported because the modification still maintains a setback requirement for the building from the right-of-way for any proposed structure while providing more flexibility when developing the subject lands.
Encroachments into Yards	No changes to the existing encroachment provisions	(i) Covered porches may project into any required front yard a distance of not more than 3.0m. (iii) Stairs may project into any required front yard a distance of not more than 3.0m.	Staff are of the opinion that the proposed addition to the existing Encroachment Provisions is appropriate because it limits the amount of encroachment of features into the front yard so that there is an area which can be used for landscaping / open space purposes.

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		(iv) 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.	
Definition of a Retaining Wall	N / A	A retaining wall is defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.	The purpose of the definition is for the purposes of defining a setback for a retaining wall for proposed structures on the subject lands.
Setback for a Swimming Pool and Spa	N / A	No pools or Spas shall be located on a property with a retaining wall	The proposed modification for the setback for the retaining wall was identified through the review of the applications. Staff are of the opinion that the modification can be supported because the intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future.
Setback for Principal Building and Accessory Structures	N / A	A principal dwelling shall have a minimum setback of 6.0 metres from the Top of a Retaining Wall and all accessory structures shall have a minimum setback of 3.0 metres from the Top of a Retaining Wall.	The proposed modification for the setback for the retaining wall was identified through the review of the applications. The intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future. Staff are of the

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			opinion that the modification can be supported.

Further Modification to the RM2-313(a) Zone (Blocks 8, 9 and 18)

Regulation	Required	Modification	Analysis
Minimum Rear Yard	7.5 metres	10.4 metres	In addition to the modifications required for the RM2-313 Zone the applicant requires a site specific rear yard setback. The reason for the requested modification is to make sure that the proposed residential structures are setback to provide enough rear yard amenity area in addition to the required swale for the purposes of providing the required drainage for the property. Staff are in support of the proposed modification because it ensures that amenity area will be secured for the proposed residential units.

Modification to the RM4-314 Zone (Blocks 10 and 11)

Regulation	Required	Modification	Analysis
Maximum Lot Coverage	25%	40%	Staff are of the opinion that the proposed increase in Lot Coverage meets the intent of the current policies by supporting a range of housing types, maintaining a landscaped buffer around the parking area and locating the parking behind the building to animate the street. In addition, the increased lot coverage permits required off-street parking to be located on the same lot as the proposed use. Therefore, Staff are in support of the modification.
Maximum Density	60 units per hectare	85 units per hectare	Staff are of the opinion that the proposed increase in density meets the intent of the Official Plan by locating the density on an arterial road, maintains the design principles outlined in the Binbrook Village Guidelines by providing landscaping on Regional Road 56, having a building located closer to the street line to animate the street and maintains the 3 storey height that is envisioned within the current policies. Therefore, Staff are in support of the modification.
Minimum Front Yard	9 metres	1.5 metres	Staff are of the opinion that the proposed modification for the Front Yard Setback meets the intent of the current policy by moving the building closer to the main intersection of the subdivision to animate the corner while still providing opportunity to add landscaping to the front of the building. In addition, the proposed setback supports the parking located behind the building which maintains a more pleasing pedestrian experience along the arterial road. Therefore, Staff are of the opinion that the modification can be supported.

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Minimum Side Yard and Rear Yards	9 metres except where abutting a residential Zone, a minimum yard of 15 meters shall be provided.	2 metres for a side yard and 7.5 metres for a rear yard	Staff note that the proposed setback supports intensification along an arterial road and provides a more animated streetscape by moving the building closer to Regional Road 56 and providing an opportunity for landscaping in front of the building. In addition, the proposed setback provides appropriate buffering and respects the proposed low density residential dwellings in the form of townhouse dwellings abutting the proposed multiple dwelling. Therefore, Staff are in support of the proposed modification.
Minimum Floor Area	(i) Bachelor Unit - 45 square metres (ii) One Bedroom Unit - 60 square metres (iii) Two Bedroom Unit - 75 square metres (iv) Three or more Bedrooms - 85 square metres	N/A	Staff are of the opinion that the removal of the existing provision relating to the minimum size of the dwelling units allows flexibility in the size of the units to address the housing needs in the area. In addition, the number of units proposed would not affect the privacy and impact on neighbouring areas. These would be controlled by setbacks and height minimums and maximums which have been reviewed as part of this application. In addition, proposed density of the subject lands limits the amount of units that can be proposed to 60 units, approximately. If the applicant wanted to significantly increase the number of units, they would be required to go through an Official Plan Amendment and Zoning By-law Amendment.
Maximum Height	10.7 metres	13 metres (3 storeys)	The proposed increase in height does not change the proposed number of storeys, which is identified as a maximum of three within the current policy documents. Therefore, Staff are in support of the proposed modification.

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Amenity Area Requirement	Does not include private balconies	Includes balconies	The proposed modification for the definition of amenity area is to include balconies as part of the acceptable amenity area for the propose site specific zone. Staff are supportive of the proposed modification because it supports a range of dwelling units, supports a more compact built form and still provides some personal amenity space for each unit. In addition, the building is located within half a kilometre of a neighbourhood park and the property is located within the main street of the Binbrook Village. Therefore, Staff are in support of the proposed modification.
Minimum Landscape Area	40% of the lot area excluding the amenity area	10% of the lot area excluding the amenity area	The proposed modification to the reduction in the amount of landscape area can be supported as it will maintain any required buffering for parking areas and landscaping in front of the proposed multiple dwelling. Therefore, Staff are of the opinion that the modification can be supported.
Planting Strip / Fencing	Where the property abuts a residential zoned boundary, a planting strip with a minimum width of 3 metres and / or a solid fence with a height of 1.8 metres adjoining such boundary shall be provided.	A minimum width of 2.9 metres and / or a solid fence with a height of 1.8 metres shall be provided and permit a transformer within the planting strip.	Staff are of the opinion that the proposed modification for the decrease in planting strip requirements from 3 metres to 2.9 metres and to permit a transformer in the planting strip is minor in nature. Therefore, Staff are in support of the proposed modification.

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Minimum Setback when abutting a Street Line and Residential Zone Requirements	No parking space or area shall be located closer to a street line that 6 metres and not closer than 3 metres to any Residential Zone	No parking space or area shall be located closer to a street line that 3 metres and not closer than 2.9 metres to any Residential Zone.	Staff are of the opinion that the proposed modification from 3 metres to 2.9 metres is minor in nature. The proposed modification still allows for screening of the proposed parking area which is the intent of the regulation but also allows the applicant to include off-street parking for the property.
Minimum Number of Parking Spaces	2 spaces for each dwelling unit plus 0.5 visitor parking spaces for each dwelling unit	1.25 space for each dwelling unit plus 0.25 visitor parking spaces for each dwelling unit	Staff are of the opinion the modification can be supported because the applicant is providing more than one space per unit. The reduction in the amount of required spaces allows for flexibility for the types of units proposed within the building. Finally, the proposed number of parking spaces is more in line with the requirement for multiple dwellings identified within the Hamilton Zoning By-law No. 05-200. There are also other opportunities for visitor parking in close proximity to the proposed multiple dwelling. As part of the application, the applicants were required to provide an on-street parking plan within the proposed residential neighbourhood showing there are opportunities for on-street visitor parking.
Minimum Parking Space Size	3 metres in width and 6 metres in length	3 metres in width and 5.8 metres in length	Staff note that the only change to the existing provision is to modify the standard parking space size from 6 metres in length to 5.8 metres in length. Staff are of the opinion that the proposed modification to the existing provision is minor in nature. Therefore, Staff are supportive of the proposed modification.

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Landscape Area Abutting a Parking Area for a parking area providing more than 4 parking spaces	- a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres shall be provided and shall also include fencing to provide a solid and effective screen when abutting a residential zone or use and an institutional zone and use.	- 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 when abutting a residential zone or use and an institutional zone and use.	Staff note that the applicants are requesting to modify the minimum landscape setback from 3.0 metres to 2.9 metres for parking areas abutting a residential zone and / or use or institutional zone and / or use. Staff are of the opinion that the proposed modification to the existing provision is minor in nature. Therefore, Staff are supportive of the proposed modification.
Landscape Area for a Loading Space abutting a residential zone and / or use and institutional zone and / or use	- a planting strip with a minimum width of 3 metres shall be provided and shall also include fencing to provide a solid and effective screen.	- 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.	Staff are of the opinion that the proposed modification to the existing provision from 3 metres to 2.9 metres is minor in nature. Therefore, Staff are supportive of the proposed modification.

Modification to the R4-315 Zone (Blocks 12 and 13)

Regulation	Required	Modification	Analysis
Minimum Lot Frontage	12 metres	10m, except 11.8m for a corner lot	Staff are of the opinion that the proposed modification is considered minor for the proposed application because the minimum lot frontage width allows for landscaping to be provided within the front yard of the property, allows for municipal service connections and promotes a denser residential development while still being sensitive to the existing residential dwellings abutting the subject lands.
Minimum Lot Area	400 square metres	300 square metres except on a corner lot the minimum Lot Area shall be 380 square metres	Staff are of the opinion that the reduction can be supported because appropriate setbacks, landscaping, privacy between residential lots, private amenity area, front yard setback and parking for the proposed dwellings will be provided.
Maximum Lot Coverage	35%	55%	Staff are of the opinion that the proposed increased lot coverage still provides an opportunity for rear yard amenity area, provides enough separation for privacy but maintains buildings closer to the street for the public realm. Therefore, staff are of the opinion that the proposed modification can be supported.
Minimum Front Yard	7.5 metres	4.5 metres to dwelling unit, except 5.8 metres to the garage	Staff are of the opinion that the proposed modification for the minimum front yard allows for landscaping within the front yard of the subject lands providing a more positive environment for pedestrians within the residential subdivision and maintains an opportunity for parking on individual residential lots.
Minimum Side Yard	1.2 metres, except:	1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement	Staff are of the opinion that the overland flow route is required as per Engineering Approval comments to address the drainage for the proposed residential development.

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	<p>(i) On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 4.2 metres; and,</p> <p>(ii) On a corner lot, the minimum side yard abutting the flanking street shall be 4.5 metres, except that an attached garage or attached carport which fronts on the flankage street shall not be located within 6 metres of the flanking street line.</p>	<p>for any minimum side yard that is less than 1.2m, with easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except: On a corner lot, the minimum side yard abutting the flankage street shall be 3.0m, 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; and, On a lot where an emergency</p>	

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		<p>spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.</p>	
<p>Minimum Dwelling Unit Floor Area</p>	<p>(i) Bachelor Unit - 45 square metres (ii) One Bedroom Unit - 60 square metres (iii) Two Bedroom Unit - 75 square metres (iv) Three or more Bedrooms - 85 square metres</p>	<p>N/A</p>	<p>Staff are of the opinion that the removal of the existing provision relating to the minimum size of the dwellings units allows flexibility in the size of the units being proposed to address the housing needs in the area. In addition, the number of units proposed would not affect the privacy and impact on neighbouring areas. These would be controlled by setbacks and height minimums and maximums which have been reviewed as part of this application. In addition, the proposed density limits the amount of units that can be proposed to 60 units, approximately. If the applicant wanted to significantly increase the number of units, they would be required to go through an Official Plan Amendment and Zoning By-law Amendment.</p>
<p>Definition of a Retaining Wall</p>	<p>N / A</p>	<p>A retaining wall is defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.</p>	<p>The purpose of the definition is for the purposes of defining a setback for a retaining wall for proposed structures on the subject lands.</p>

Regulation	Required	Modification	Analysis
Setback for a Swimming Pool and Spa	N / A	No pools or Spas shall be located on the subject lands with a retaining wall.	The proposed modification for the setback for the retaining wall was identified through review of the applications. Staff are of the opinion that the modification can be supported because the intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future.
Setback for Principal Building and Accessory Structures	N / A	A principal dwelling shall have a minimum setback of 6.0 metres from the Top of a Retaining Wall and all accessory structures shall have a minimum setback of 3.0 metres from the Top of a Retaining Wall.	The proposed modification for the setback for the retaining wall was identified through the review of the applications. The intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future. Staff are of the opinion that the modification can be supported.
Setback From Trans- Canada Pipeline	A minimum setback of 10m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.	A minimum setback of 7.5m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.	Staff are of the opinion that the proposed setback to the pipeline can be supported because the modification still maintains a setback requirement for the building from the right-of-way for any proposed structure while providing more flexibility when developing the subject lands.

Regulation	Required	Modification	Analysis
Minimum Number of Parking Spaces	Every Single Detached dwelling is required to provide and maintain two parking spaces	Every Single Detached dwelling unit shall provide and maintain 2 parking spaces within the driveway and 1 parking space within the garage.	Staff are of the opinion that the proposed modification can be supported because the applicant is proposing to provide more parking than identified within the Glanbrook Zoning By-law while still maintaining required landscaping within the front yard.
Minimum Parking Space Size	3 metres in width and 6 metres in length	In addition, a parking space shall have a minimum width of 3.0 metres and a minimum length of 5.8 metres.	Staff are of the opinion that the proposed modification to the existing provision from 6 metres to 5.8 metres is minor in nature. Therefore, Staff are supportive of the proposed modification.
Encroachments into Yards	No changes to the existing encroachment provisions	<p>(i) Covered porches may project into any required front yard a distance of not more than 3.0m and not more than 1.8m into a required Flankage Yard.</p> <p>(iii) Stairs may project into any required front yard a distance of not more than 3.0m.</p> <p>(iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear or</p>	Staff are of the opinion that the proposed addition to the existing Encroachment Provisions is appropriate because it limits the amount of encroachment of features into the front yard so that there is an area which can be used for landscaping / open space purposes.

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		garage side yard a distance of not more than 0.6m.	

Modifications to the RM2-316 Zone (Blocks 14 and 15)

Regulation	Required	Modification	Analysis
Permitted Uses	One Street Townhouse Dwelling per lot	A Maisonette and Block Townhouse shall be permitted uses.	Staff are of the opinion that the proposed additional uses requested are appropriate and can be supported as they are compatible with the existing and proposed uses in the area, and increase the range of residential uses in the area.
Regulations for Permitted Uses	N/A	A block townhouse dwelling would be subject to the regulations identified as part of the RM2-313 Zone.	Staff are of the opinion that applying the proposed setbacks for the block townhouse dwellings is appropriate for similar reasons as were previously identified in the table and include but are not limited to requiring parking to be located on-site, providing an opportunity for landscaped area in the front and limiting the amount of encroachment into the front yard.
Definition for a Maisonette	N/A	A Maisonette shall be defined as a dwelling divided vertically into a minimum of 6 spaces 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.	The addition of a definition for a Maisonette dwelling can be supported since it is currently not a defined use in the By-law. By defining the use it restricts the built form to what has been proposed as part of the submitted applications.

Regulation	Required	Modification	Analysis
Minimum Lot Area for Maisonettes	N/A	90 square metres	Staff are of the opinion that the proposed modification for the application is acceptable given that the minimum size of the lots is reduced since the proposed building would have no rear yard and shares a wall with neighbouring units.
Minimum Rear Yard for Maisonettes	N/A	N/A	Staff are of the opinion that the proposed modification can be supported as it implements the Maisonette built form.
Minimum Landscape Area for Maisonette	N/A	15%	Staff are of the opinion that the additional regulation requiring a minimum amount of landscaping for the Maisonettes is appropriate because it provides an opportunity for plantings between the street and the front yards and improves the pedestrian realm both along the public right-of-way and internal to the site along the proposed condominium road.
Minimum Side Yard Setback for Maisonettes	N / A	1.2 metres from the side lot line	Staff are of the opinion that the proposed 1.2 metres for the side yard of an end unit is appropriate because it allows for access to the proposed residential units for the purposes of maintenance, helps to break up the look of a possible continuous façade, brings the building close to the street enhancing the public realm and may provide opportunities for end units to have windows on the side façade.
Setbacks and Landscaping on a Condominium Road	N / A	Private Condominium Roads are deemed to be streets for the purposes of this by-law, and parking and landscaping are permitted within the streets and common elements	Staff note that the modification is technical in nature and is required to implement the proposal in order to permit landscaping and parking spaces within the proposed internal road network.

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Minimum Size of Parking Spaces	3 metres by 6 metres	In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.	Staff are of the opinion that the proposed modification from 6 metres to 5.8 metres is minor in nature and can be supported.
Minimum number of Visitor Parking Spaces	0.5 per unit	0.25 per unit	Staff are of the opinion that the proposed modification is minor in nature and that there are other opportunities to provide visitor parking in close proximity to the proposed residential units. As part of the application, the applicants were required to provide an on-street parking plan within the proposed residential neighbourhood. Overall, staff are of the opinion that the proposed modification can be supported.

Hamilton Zoning By-law No. 05-200

Modification to the C6-728 Zone

Regulation	Required	Modification	Analysis
Maximum Height	11.0 metres	11.0 metres	Staff note that the following modification already exists on a portion of the subject lands currently zoned District Commercial (C6) Zone with a site specific and the purpose of the modification is to expand the existing site specific to the balance of the proposed commercial lands.
Setback to Pipeline	10 metres	7.5 metres	Staff are of the opinion that the proposed setback to the pipeline can be supported because the modification still maintains a setback requirement for the building from the right-of-way for any proposed structure while providing more flexibility when developing the subject lands.