

Authority: Item 5, Planning Committee
Report 21-011 (PED21111)
CM: July 9, 2021
Ward: 11

Bill No. 120

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3140 and 3150 Binbrook Road (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of the City of Hamilton, in adopting Item 5 of Report 21-011 of the Planning Committee at its meeting held on the 9th day of July, 2021, 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.

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

1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
 - (a) By changing the zoning from Existing Residential “ER” Zone to Residential 4 – Holding “H-R4-320” Zone, Modified, for lands comprised in Block 1; and,
 - (b) By changing the zoning from Existing Residential “ER” Zone to Residential Multiple “RM3-321” Zone, Modified, for the lands comprised in Block 2.

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 the “R4” Zone provisions as follows:

H-R4-320

That the “H” symbol applicable to the lands zoned “H-R4-320” shall not be removed until such time that the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that sufficient land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with the “R4” Zone.

and

The Owner agrees to pay for any outstanding costs associated with Valiant Circle to the satisfaction of the Manager of Development Engineering approvals.

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 **SECTION 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS)**, provisions (a), (b), (d), (e), (f), (j), and (m):

RM3-321

- | | |
|--------------------------------|---|
| 19.2 (a) Minimum Lot Frontage: | 6.0 metres per dwelling unit |
| (b) Minimum Lot Area: | 160 square metres per dwelling unit, except: |
| | (a) On an end lot which does not abut a flanking street, the minimum lot area shall be 205 square metres; and |
| | (b) On a corner lot which abuts a flanking street, the minimum lot area shall be 350 square metres. |
| (d) Maximum Density: | 40 dwelling units per hectare |
| (e) Minimum Front Yard: | 7.0 metres |
| (f) Minimum Rear Yard and Side | 6.5 metres except 7.0 metres |

Yard: where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3" "R4" or "RM1".

The minimum side yard shall be:

- (a) 2 metres where an end dwelling unit is not abutting a flanking street; and,
- (b) 5 metres where an end dwelling unit is on a corner lot abutting a flanking street.

(j) Minimum Landscaped Area: 40 percent of lot area, which may include the required privacy area.

(m) Minimum Amenity Area: Shall not apply.

In addition to the regulations of **SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE, Sub-Section 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (A) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLING)**, the following shall apply:

- (o) For the purpose of the lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street.
- (p) Visitor Parking and Landscaping may be provided in a common element condominium.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-section 7.35 - MINIMUM PARKING REQUIREMENTS – Clause (a)(xii), the following provision shall apply:

(a) General Provisions

- (xii) A minimum 1.5 metre planting strip shall be provided where a parking area abuts a Residential Zone or where the adjoining land is used for residential or institutional purposes.

That regulation **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-section 7.23 - SPECIAL SETBACK REQUIREMENTS FROM STREETS shall not apply.

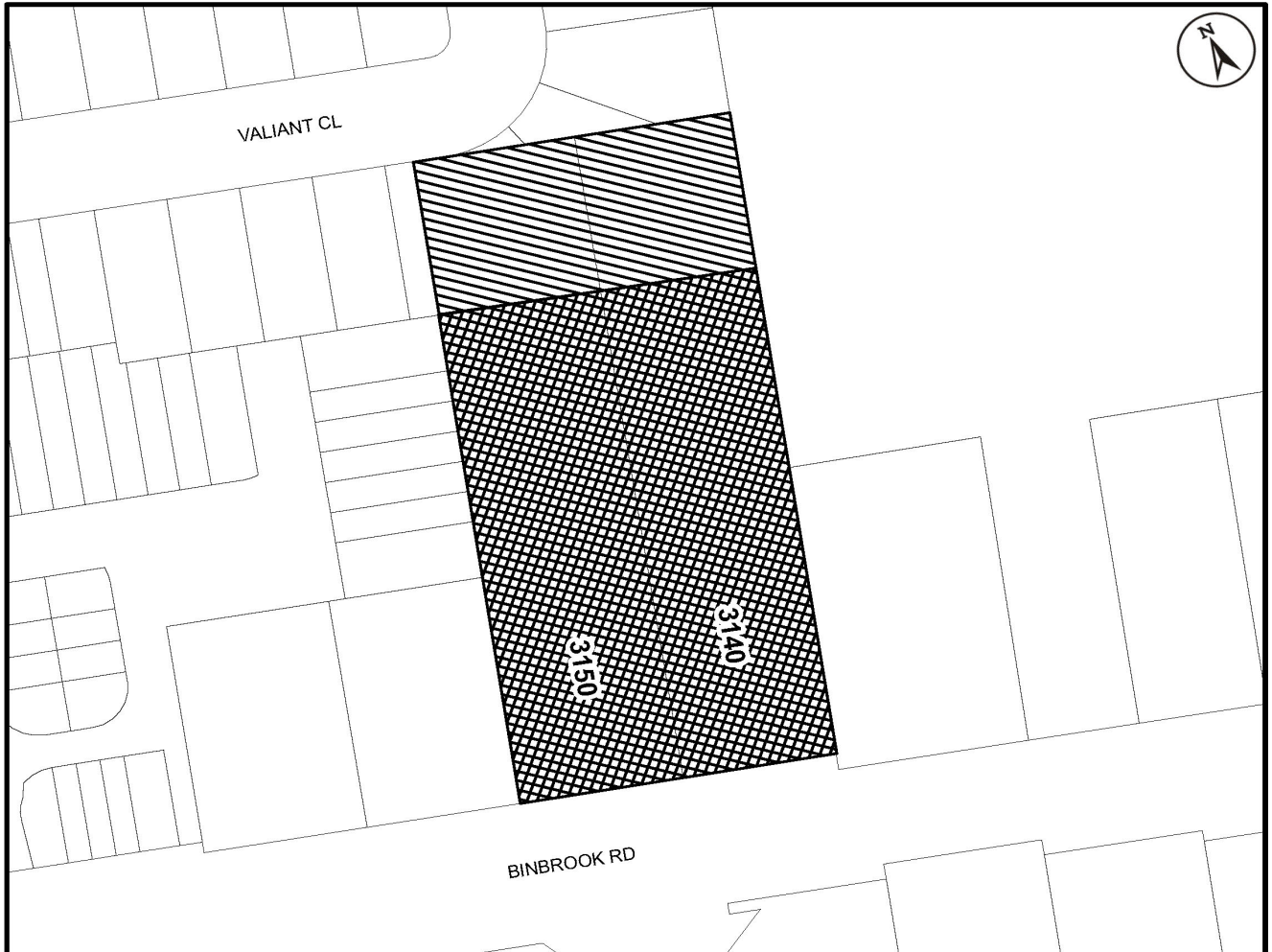
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential 4 “R4-320” Zone provisions and the Residential Multiple “RM3-321” Zone, subject to the special requirements as referred to in Sections 2 and 3 of this By-law.
5. 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 9th day of July, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-039
25CDM-202002





This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 464

Subject Property
 3140 and 3150 Binbrook Road, Glanbrook (Ward 11)

-  Block 1: Changing the zoning from Existing Residential "ER" zone to the Residential 4 – Holding "H-R4-320" Zone
-  Block 2: Changing the zoning from Existing Residential "ER" zone to the Residential Multiple "RM3-321" Zone

Scale:
 N.T.S

Date:
 May 21, 2021

File Name/Number:
 ZAC-19-039/25CDM-202002

Planner/Technician:
 AB/NB

