

Authority: Item ,
Report PED22XXX
CM:
Wards: Ward 15

Bill No. XXX

BY-LAW NO. 22-

**To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Modifications to the Urban Residential (Single Detached) “R1” and
Core Area Residential “R5” Zones with the Waterdown Node Secondary Plan Area**

WHEREAS the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December 1992;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment X;

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

1. That Map A31 of Schedule “A” – Zoning Maps of Zoning By-law No. 90-145-Z be amended and boundaries of which are shown on a plan hereto annexed as Schedules “A1”, “A2”, “A3”, “A4”, “A5”, “A6”, “A7”, “A8”, “A9”, “A10”, “A11”, “A12”, “A13” and “A14” to this By-law, as follows:
 - 1.1 Change in zoning from the Urban Residential (Single Detached) “R1” Zone to the Core Area Residential “R5” Zone for the lands municipally known as 54, 60, 68, 70, 74, 80 and 84 Flamboro Street, 44, 50, 56, 57, 65, 71, 77, 85, 89, 103, 115, 125, 129, 133 and 143 Main Street North, 1 Cedar Street, 94, 108, 116, 122 and 130 Mill Street North, 47, 49 and 51 Church Street, 6, 14, 16, 18, 21, 22, 25, 27, 37, 44 and 50 Victoria Street and illustrated on Schedule “A1”;

- 1.2 Change in zoning from the Core Area Residential “R5” Zone to the Urban Residential (Single Detached) “R1-74” Zone for the lands municipally known as 215, 221, 225, 231, 234, 235, 238 and 243 Main Street North, and illustrated on Schedule “A2”;
- 1.3 By establishing a new special exception Urban Residential (Single detached) “R1-74” Zone for the lands municipally known as 155, 165, 173, 185, 189, 195, 201 and 207 Main Street North, 7 Queen Street, 57, 65, 73, 90, 94, 100, 101, 105, 111, 115, 145, 153, 157, 179, 185, 190 and 191 Victoria Street, 1, 2, 5, 12, 15, 18, 21, 22, 23, 25, 28, 31 and 36 Raglan Street, 21 Albert Street, 7, 10, 14, 15, 20, 21, 22, 25, 28, 31, 33, 35, 42, 54, 57, 60, 61, 64, 69, 71 and 73 Nelson Street, 3, 10, 15, 19, 30, 34, 38, 44, 48, 52, 82, 84, 88, 100, 110, 114, 120 and 124 Elgin Street, 23, 27, 38, 42 and 52 Wellington Street, 134, 136, 174, 184, and 188 Mill Street South, 154, 160, 168, 174, 182, 188, 198, 200, 228, 234, 240, 246, 250, 262, 270, 276 and 286 Mill Street North and 322, 324 and 328 Parkside Drive, and illustrated on Schedule “A3” and Schedule “A14”;
- 1.4 Change in zoning from the Urban Residential (Single Detached) “R1-1” Zone to the Urban Residential (Single detached) “R1-74a” Zone (16, 20, 24, 28 Albert Street, Schedule “A4”);
- 1.5 Change in zoning from the Urban Residential (Single Detached) “R1-2” Zone to the Urban Residential (Single detached) “R1-74b” Zone (21, 25, 29, 30, 36, 37, 40, 43, 44, 48, 49, 52 and 55 Kelly Street, 252, 258, 266, 312, 314, 316 and 320 Main Street North, 2, 4, 6, 8, 10, 12, 14 and 16 Buchan Court, 217, 221, 227, 233, 239, 245, 249, 255, 261, 267, 273, 275, 281 and 289 Mill Street North, 292, 294, 296, 298, 300 302, 304, 310, 312 and 316 Parkside Drive, Schedule “A5”);
- 1.6 Change in zoning from the Urban Residential (Single Detached) “R1-3” Zone to the Urban Residential (Single detached) “R1-74c” Zone (89 and 103 Elgin Street, 6, 7, 9, 10, 22, 25 and 26 Churchill Avenue, 87 Wellington Street and 348 and 352 Parkside Drive, Schedules “A6” and “A7”);
- 1.7 Change in zoning from the Urban Residential (Single Detached) “R1-3” Zone to the Urban Residential (Single detached) “R1-74” Zone (4, 6, 8, 10, 12 and 14 Margaret Street, Schedule “A7”);
- 1.8 Change in zoning from the Urban Residential (Single Detached) “R1-3” Zone to the Core Area Residential “R5-3” Zone (1 and 3 First Street and 365, 367 and 371 Dundas Street East, Schedule “A7”);
- 1.9 Change in zoning from the Urban Residential (Single Detached) “R1-5” Zone to the Urban Residential (Single detached) “R1-74d” Zone (150 and 198

Victoria Street, 57, 65, 79, 85, 109, 115, 121, 127 and 133 Elgin Street, 37, 47, 56, 57, 65, 66, 73, 74, 79, 82, 107, 108, 113, 115, 116, 124, 129, 132, 135 and 140 Wellington Street, and 338, 340, 342, 346, 354, 356, 358, 360 and 362 Parkside Drive, Schedule “A8”);

- 1.10 Change in zoning from the Urban Residential (Single Detached) “R1-6” Zone to the Urban Residential (Single detached) “R1-74e” Zone (18, 22 and 24 School Street and 145, 155, 165, 191, 195, 201, 235 and 231 Main Street South, Schedule “A9”);
 - 1.11 Change in zoning from the Urban Residential (Single Detached) “R1-13” Zone to the Core Area Residential “R5” Zone for the lands municipally known as 49 Main Street North (See Schedule “A10”);
 - 1.12 Change in zoning from the Urban Residential (Single Detached) “R1-26” Zone to the Urban Residential (Single Detached) “R1-74f” Zone for the lands municipally known as 24 and 47 Elgin Street and 140 Victoria Street (See Schedule “A11”);
 - 1.13 Change in zoning from the Urban Residential (Single Detached) “R1-61” Zone to the Urban Residential (Single Detached) “R1-74g” Zone for the lands municipally known as 99 Wellington Street and 21 Churchill Street (See Schedule “A12”);
 - 1.14 Change in zoning from the Urban Residential (Single Detached) “R1” Zone to Urban Residential (Single Detached) “R1-74h” Zone for the lands municipally known 28, 42 and 52 Wellington Street and 190 Victoria Street. (See Schedule “A3”);
 - 1.15 That R1-13 be deleted from zoning map number A31;
 - 1.16 Change in zoning from the Business District “BD-1” Zone to the Core Area Residential “R5” Zone for the lands municipally known as 24 Griffin Street. (See Schedule “A13”);
 - 1.17 By adding to the Town of Flamborough Zoning By-law No. 90-145-Z and establishing a Core Area Residential “R5” Zone for the lands municipally known as 29 Mill Street North and illustrated on Schedule “A1”;
2. That the Urban Residential (Single Detached) “R1-74” Zone be established and include the following special provisions:
 - “6.3.74 R1-74
 - a) Notwithstanding Sections 2.3.1 and 2.3.2 of By-law No. 90-145-Z, the following shall apply and be numbered accordingly:

- i) Notwithstanding any other provisions of this By-law, any lot within the R1-74, R1-74a, R1-74b, R1-74c, R1-74d, R1-74e, R1-74f, R1-74g or R1-74h Zone of this By-law, and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, exterior yard, rear yard, lot width, lot area, building height, legally established flat roofs, legally established balconies, rooftop terraces and decks above the first storey and legally established U-shaped driveway alignment and are permitted by this By-law;
 - ii) Notwithstanding any other provisions of this By-law, within an R1-74, R1-74a, R1-74b, R1-74c, R1-74d, R1-74e, R1-74f, R1-74g or R1-74h Zone, a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. ____ was passed by Council, provided the Building Permit application complies with the provisions of Zoning By-law No. 90-145-Z, as amended, that affected the lot before By-law No. ____ came into effect. For the purposes of determining zoning conformity, the following shall apply:
 - 1) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection ii) above; and,
 - 2) Once the permit or approval under Subsection ii) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
- b) For the purposes of this zone the following definitions shall apply:
- Dormer** shall mean a roof structure, which may contain a window, which projects vertically and horizontally beyond the plane of a pitched roof;
- Dwelling Depth** shall mean the depth of a dwelling measured from the outside of the front wall to the outside of the rear wall inclusive of an attached garage, but exclusive of any unenclosed porches, decks or structures;
- Pitch, Roof** shall mean a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal area;

Flat, Roof shall mean a roof with a slope less than or equal to 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal area;

- c) Notwithstanding Section 5.2.4, the aggregate Gross Floor Area of all accessory buildings or structures on a lot, except for swimming pools, shall not exceed 55 square metres or 7.5% of the lot area, whichever is lesser;
- d) Notwithstanding Section 5.2.2 and 5.2.4, one accessory building or structure that is less than or equal to 10 square metres and less than or equal to 2.5 metres in height, shall not contribute to the total Lot Coverage or Gross Floor Area;
- e) Notwithstanding Section 5.21.5(a) only 1 curb cut is permitted to provide access to a residential lot, to a maximum width of 6 metres;
- f) In addition to the permitted uses in Section 6.1, a Duplex Dwelling shall also be permitted;
- g) Sections 6.2 (a), (b), (c), (e), (g), and (h) shall be deleted and replaced with the following:
 - (i) Lot Area (minimum);
 - (a) Single Detached Dwelling – 665 square metres; and,
 - (b) Duplex Dwelling – 665 square metres;
 - (ii) Lot Frontage (minimum);
 - (a) Single Detached Dwelling – 18 metres; and,
 - (b) Duplex Dwelling – 18 metres;
 - (iii) Height (maximum);
 - (a) Dwellings with fewer than two storeys – 6.5 metres; and,
 - (b) Dwellings that are two or more storeys – 8.5 metres;

(iv)

Required Front Yard (minimum and maximum)		
a.	For a Lot located between two Interior lots or one Interior lot and one Corner Lot that has the adjacent dwellings facing the same street.	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot.*
b.	For a Lot located between an Interior lot or a Corner Lot that has one adjacent dwelling facing another street.	Within 20% of the average front yard setback of the one nearest principal dwelling of the interior lot. *
c.	For a Corner Lot that has one adjacent dwelling facing the same street.	Within 20% of the average front yard setback of the one nearest principal dwelling facing the same street. *
d.	Other cases not described in this table.	5.0 -10.0 metres
* In no cases shall the front yard setback be less than 5.0 metres.		

(v) Interior Side Yard (minimum);

- (a) 1.2 metres for a principal dwelling that is less than or equal to 6.5 metres and is fewer than two storeys in Height; and,
- (b) 1.8 metres for a principal dwelling that is less than or equal to 8.5 metres and is two or more storeys in Height;

(vi) Exterior Side Yard (minimum);

- (a) Within 20% of the front yard setback of the nearest principal dwelling facing the same street as the Exterior Side Yard; and,
- (b) In no cases shall the Exterior Side Yard setback be greater than 7.5 metres;

h) In addition to Section 5.6(c), the following shall apply and be numbered accordingly:

- (i) Within any required Front Yard or required Exterior Side Yard where the principle dwelling faces the Exterior Side Lot Line, a visual barrier, excluding vegetation, shall not be greater than 0.9 metres in height;

i) In addition to the regulations in Section 6.2, the following shall also apply and be numbered accordingly:

- (i) Dwelling Depth (maximum) – 20 metres;

- (ii) Driveways – A maximum of one driveway that is perpendicular to a public right of way shall be permitted. U-Shaped or T-shaped driveways shall be prohibited in front and exterior side yards; and,

(iii) Garage and Carport Requirements

- a) Attached and detached garages and Carports shall not project beyond the front façade of a dwelling or a side façade of a dwelling situated on a Corner Lot; and,
- b) Minimum Setback from Front or Exterior Side Façade of a Dwelling for attached and detached garages and Carports:

Setback	Garage / Carport Width
0 metres	0 – 3 metres
2 metres	3.1 – 4.5 metres
4 metres	4.6 – 7 metres
6 metres	7.1 – 8 metres

- c) The maximum width of any attached or detached garage shall be 8 metres;
- d) Attached garages greater than 5 metres in width shall require a division to establish two doors;
- e) Attached garages shall not occupy greater than 50% of the linear frontage of a Dwelling facing a Front Lot Line or Exterior Side Lot Line;
- f) Flat roofs and shed roofs shall be permitted for the portion of the garage or Carport that is less than 6.5 metres in Height;
- g) Notwithstanding 6.3.74 i) (iii) d), if a garage door faces a rear yard, division requirements do not apply.
- (iv) Flat roofs shall not be permitted on any portion of the principle dwelling that is visible from a public street;
- (v) Dormers are permitted to occupy a maximum of 75% of each horizontal roof length on each side of a roof;
- (vi) Balconies, roof top terraces or decks shall be prohibited above the first floor;
- (vii) Exterior Insulation and Finish System (EIFS) is not permitted;

- (viii) No more than two of the following materials: brick, stone, historic stucco, and wood or wood composite siding shall be permitted on the exterior building cladding of the front façade of dwellings and the exterior side façade of dwellings on Corner Lots, except for decorative building elements (such as window and door frames, sills, lintels, surrounds and cornices), unless otherwise approved through a heritage permit;
- (ix) Notwithstanding any other provision of this by-law, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Zoning By-law;
- (x) Duplex Dwelling provisions:
 - (a) Parking shall be provided in accordance with Section 5.21 of this By-law;
 - (b) Notwithstanding Section 5.21.5(a) only 1 curb cut is permitted to provide access to a Duplex Dwelling, to a maximum width of 6 metres;
 - (c) Notwithstanding 6.3.74 i)(x)(b) for a Corner Lot, a maximum of one driveway shall be permitted from each street frontage, to a maximum width of 3 metres per driveway; and,
 - (d) Any separate entrance to a Duplex Dwelling shall be oriented toward the Side Lot Line or Rear Lot Line, or in the case of a Corner Lot, the street frontage where the principal entrance is not located.

2.1 That the Urban Residential (Single Detached) “R1-74a” Zone shall be established and include the following special provisions:

“6.3.75 R1-74a

Permitted Uses

- (a) Subsection 6.1 shall apply;

Zoning Provisions

- (a) The provisions outlined in Subsection 6.3.74 shall apply;
- (b) Notwithstanding Subsections 6.3.74g)(i), 6.3.74g)(ii) and 6.2(d), the following requirements shall apply:
 - i) Lot Area (minimum).....366 square metres;

ii) Lot Frontage (minimum).....12 metres; and,

iii) Lot Coverage (maximum)..... 40%.”

- 2.2 That the Urban Residential (Single Detached) “R1-74b” Zone shall be established and include the following special provisions:

“6.3.76 R1-74b

Permitted Uses

- (a) Subsection 6.1 shall apply.

Zoning Provisions

- (a) The provisions outlined in Subsection 6.3.74 shall apply.
- (b) Notwithstanding Subsections 6.3.74g)(i), 6.3.74g)(ii) and 6.2(d), the following requirements shall apply:
- i) Lot Area (minimum).....495 square metres;
- ii) Lot Frontage (minimum)15 metres; and,
- iii) Lot Coverage (maximum).....30%.”

- 2.3 That the Urban Residential (Single Detached) “R1-74c” Zone shall be established and include the following special provisions:

“6.3.77 R1-74c

Permitted Uses

- (a) Subsection 6.1 shall apply;

Zoning Provisions

- (a) The provisions outlined in Subsection 6.3.74 shall apply;
- (b) Notwithstanding Subsections 6.3.74g)(i), 6.3.74g)(ii) and 6.3.74g)(iii), the following requirements shall apply:
- i) Lot Area (minimum).....650 square metres;
- ii) Lot Frontage (minimum).....21 metres;

iii) Height (maximum)6.5 metres.”

2.4 That the Urban Residential (Single Detached) “R1-74d” Zone shall be established and include the following special provisions:

“6.3.78 R1-74d

Permitted Uses

(a) Subsection 6.1 shall apply.

Zoning Provisions

(a) The provisions outlined in Subsection 6.3.74 shall apply.

(b) Notwithstanding Subsections 6.3.74g)(i), 6.3.74g)(ii) and 6.3.74g)(iii), the following requirements shall apply:

i) Lot Area (minimum).....975 square metres;

ii) Lot Frontage (minimum).....22 metres; and,

iii) Height (maximum).....6.5 metres.”

2.5 That the Urban Residential (Single Detached) “R1-74e” Zone shall be established and include the following special provisions:

“6.3.79 R1-74e

Permitted Uses

(a) Subsection 6.1 shall apply;

Zoning Provisions

(a) The provisions outlined in Subsection 6.3.74 shall apply;

(b) Notwithstanding Subsections 6.3.74g)(i), 6.3.74g)(ii), 6.3.74g)(iii), 6.2(d) and 6.3.74g)(v) the following requirements shall apply:

i) Lot Area (minimum).....1390 square metres;

ii) Lot Frontage (minimum).....30 metres;

iii) Height (maximum).....8.2 metres;

- iv) Lot Coverage (maximum).....15%;
 - v) Interior Side Yard (minimum).....3 metres; and
 - vi) Floor Space (maximum) shall be:
 - a) 1 storey – 186 square metres;
 - b) 1.5 storeys – 186 square metres; and,
 - c) 2 storeys – 372 square metres;
 - (c) Notwithstanding Subsection 6.3.74i)(iii)(a) and 6.3.74i)(iii)(b), attached garages, detached garages and carports shall be permitted to project beyond the front façade of a dwelling or the exterior side façade of a dwelling situated on a Corner Lot; and,
 - (d) Notwithstanding Subsection 6.3.74i)(vi), balconies and rooftop terraces are permitted on a façade not facing a public road.”
- 2.6 That the Urban Residential (Single Detached) “R1-74f” Zone shall be established and include the following special provisions:

“6.3.80 R1-74f

Permitted Uses

- (a) Subsection 6.1 shall apply.

Zoning Provisions

- (a) The provisions outlined in Subsection 6.3.74 shall apply;
- (b) Notwithstanding Subsections 6.3.74.g)(i), 6.3.74g)(iii) and 6.2(d) the following requirements shall apply:
 - i) Lot Area (minimum).....700 square metres;
 - ii) Height (maximum).....6.5 metres; and
 - iii) Lot Coverage (maximum).....30%.”

- 2.7 That the Urban Residential (Single Detached) “R1-74g” Zone shall be established and include the following special provisions:

“6.3.81 R1-74g

Permitted Uses

- (a) Subsection 6.1 shall apply.

Zoning Provisions

- (a) The provisions outlined in Subsection 6.3.74 shall apply; and,
- (b) Notwithstanding Subsections 6.3.74.g)(i), 6.2(d), 6.3.74.g)(iii), 6.3.74g)(v) and 6.3.74g)(vi) the following requirements shall apply:
 - i) Lot Area (minimum)..... 485 square metres;
 - ii) Lot Coverage (maximum).....31%;
 - iii) Height (maximum).....6.5 metres;
 - iv) Interior Side Yard (minimum).....0.6 metres; and,
 - v) Exterior Side Yard (minimum).....3.6 metres.”

- 2.8 That the Urban Residential (Single Detached) “R1-74h” Zone shall be established and include the following special provisions:

“6.3.82 R1-74h

Permitted Uses

- (a) Subsection 6.1 shall apply.

Zoning Provisions

- (a) The provisions outlined in Subsection 6.3.74 shall apply; and,
- (b) Notwithstanding Subsection 6.3.74g)(iii), the following requirement shall apply:
 - i) Height (maximum).....6.5 metres.”

- 2.9 That Exceptions R1-13, R1-26 and R1-61 be deleted in their entirety;

- 3. That SECTION 10: CORE AREA RESIDENTIAL “R5” ZONE is amended as follows:

- 3.1 Notwithstanding Sections 2.3.1 and 2.3.2 of By-law No. 90-145-Z the following shall apply and be numbered accordingly:

- i) Notwithstanding any other provisions of this By-law, any lot within the R5, R5-2, or R5-3 Zones of this By-law, and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, exterior yard, rear yard, lot width, lot area, building height, legally established flat roofs, legally established balconies, rooftop terraces and decks above the

first storey and legally established U-shaped driveway alignment and are permitted by this By-law;

- ii) Notwithstanding any other provisions of this By-law, within an R5, R5-2 or R5-3 Zone, a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. ____ was passed by Council, provided the Building Permit Application complies with the provisions of Zoning By-law No. 90-145-Z, as amended, that affected the lot before By-law No. ____ came into effect. For the purposes of determining zoning conformity, the following shall apply:
 - 1) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection ii) above; and,
 - 2) Once the permit or approval under Subsection ii) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

3.2 For the purposes of this zone the following definitions shall apply:

Dormer shall mean a roof structure, which may contain a window, which projects vertically and horizontally beyond the plane of a pitched roof;

Dwelling Depth shall mean the depth of a dwelling measured from the outside of the front wall to the outside of the rear wall inclusive of an attached garage, but exclusive of any porches, decks or structures;

Pitch, Roof shall mean a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal area; and,

Flat, Roof shall mean a roof with a slope less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal area.

3.3 Notwithstanding Section 5.2.4, the aggregate Gross Floor Area of all accessory buildings or structures on a lot, except for swimming pools, shall not exceed 55 square metres or 7.5% of the lot area, whichever is lesser;

3.4 Notwithstanding Section 5.2.2 and 5.2.4, one accessory building or structure that is less than or equal to 10 square metres and less than or equal to 2.5 metres in height, shall not contribute to the total Lot Coverage or Gross Floor Area;

3.5 Notwithstanding Section 5.21.5(a) only 1 curb cut is permitted to provide access to a residential lot, to a maximum width of 6 metres;

3.6 Section 10.1 shall be deleted and replaced with the following:

(a) Permitted Uses:

- (i) Single Detached Dwelling;
- (ii) Semi-Detached Dwelling;
- (iii) Duplex Dwelling;
- (iv) Triplex Dwelling;
- (v) Urban Farm; and,
- (vi) Community Garden.

3.7 Section 10.2(a) shall be deleted and replaced with the following:

(a) Lot Area (minimum):

- (i) Single Detached Dwelling.....510 square metres;
- (ii) Semi-Detached Dwelling.....330 square metres per dwelling unit;
- (iii) Duplex Dwelling.....510 square metres; and,
- (iv) Triplex Dwelling.....710 square metres.

3.8 Section 10.2(b) shall be deleted and replaced with the following:

(a) Lot Frontage (minimum)

- (i) Single Detached Dwelling15 metres;
- (ii) Semi-Detached Dwelling9 metres per dwelling unit;
- (iii) Duplex Dwelling.....15 metres; and,
- (iv) Triplex Dwelling.....21 metres.

3.9 Section 10.2(c) shall be deleted and replaced with the following:

(a) Height (maximum)

- (i) Dwelling with fewer than two storeys.....6.5 metres; and,
- (ii) Dwellings that are two or more storeys.....8.5 metres.

3.10 Section 10.2(d) shall be deleted and replaced with the following:

Lot Coverage (maximum)		
i.	Dwelling greater than 6.5 metres in Height	25%
ii.	Dwelling less than or equal to 6.5 metres in Height	35%

3.11 Section 10.2(e) shall be deleted and replaced with the following:

Required Front Yard (minimum and maximum)		
i.	For a Lot located between two Interior lots or one Interior lot and one Corner Lot that has the adjacent dwellings facing the same street.	Within 20% of the average front yard setback of the two nearest principal dwellings on either side of the lot.*
ii.	For a Lot located between an Interior lot or a Corner Lot that has one adjacent dwelling facing another street.	Within 20% of the average front yard setback of the one nearest principal dwelling of the interior lot. *
iii.	For a Corner Lot that has one adjacent dwelling facing the same street.	Within 20% of the average front yard setback of the one nearest principal dwelling facing the same street. *
iv.	Other cases not described in this table.	5.0 -10.0 metres
* In no cases shall the front yard setback be less than 5.0 metres.		

3.12 Section 10.2 (g) shall be deleted and replaced with the following:

(g) Interior Side Yard (minimum):

- (a) 1.2 metres for a principal dwelling that is less than or equal to 6.5 metres and is fewer than two storeys in Height; and,
- (b) 1.8 metres for a principal dwelling that is less than or equal to 8.5 metres and is two or more storeys in Height.

3.13 Section 10.2(h) shall be deleted and replaced with the following:

(h) Exterior Side Yard (minimum)

- (a) Within 20% of the front yard setback of the nearest principal dwelling facing the same street as the Exterior Side Yard; and,
- (b) In no cases shall the Exterior Side Yard setback be greater than 7.5 metres.

3.14 Section 10.2(j) shall be deleted;

3.15 In addition to the zone provisions in Section 10.2 the following shall also apply and be numbered accordingly:

- (j) Dwelling Depth (maximum).....20 metres;
- (l) In addition to Section 5.6(c), the following shall apply:

- (i) Within any required Front Yard or required Exterior Side Yard where the principle dwelling faces the Exterior Side Lot Line, a visual barrier, excluding vegetation, shall not be greater than 0.9 metres in height;
- (m) Driveways – A maximum of one driveway that is perpendicular to a public right of way shall be permitted. U-Shaped or T-shaped driveways are not permitted in front and exterior side yards;

(n) Garage and Carport Requirements

- (i) Attached and detached garages and Carports shall not project beyond the front façade of a dwelling or a side façade of a dwelling situated on a Corner Lot;
- (ii) Minimum Setback from Front or Exterior Side Façade of a Dwelling for attached and detached garages and Carports:

Setback	Garage / Carport Width
0 metres	0 – 3 metres
2 metres	3.1 – 4.5 metres
4 metres	4.6 – 7 metres
6 metres	7.1 – 8 metres

- (iii) The maximum width of any attached or detached garage shall be 8 metres;
- (iv) Attached garages greater than 5 metres in width shall require a division to establish two doors;
- (v) Attached and detached garages shall not occupy greater than 50% of the linear frontage of a Dwelling facing a Front Lot Line or Exterior Side Lot Line;
- (vi) Flat roofs and shed roofs shall be permitted for the portion of the garage or Carport that is less than 6.5 metres in Height; and,
- (vii) Notwithstanding 10.2(n)(iv), if a garage door faces a rear yard, division requirements do not apply.
- (o) Flat roofs shall not be permitted on any portion of the principal dwelling that is visible from a public street;
- (p) Dormers are permitted to occupy a maximum of 75% of each horizontal roof length on each side of a roof;

- (q) Notwithstanding Section 5.30, balconies, roof top terraces or decks shall be prohibited above the first floor;
- (r) Exterior Insulation and Finish System (EIFS) is not permitted;
- (s) No more than two of the following materials: brick, stone, historic stucco, and wood or wood composite siding shall be permitted on the exterior building cladding of the front façade and exterior side façade on Corner Lots, except for decorative building elements (such as window and door frames, sills, lintels, surrounds and cornices), unless otherwise approved through a heritage permit;
- (t) Notwithstanding any other provision of this by-law, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Zoning By-law;
- (u) Duplex Dwelling and Triplex Dwelling provisions:
 - (i) Parking shall be provided in accordance with Section 5.21 of this By-law;
 - (ii) Notwithstanding Section 5.21.5(a) only 1 curb cut is permitted to provide access to a Duplex or Triplex Dwelling, to a maximum width of 6 metres;
 - (iii) Notwithstanding 10.2(u)(ii), for a Duplex Dwelling located on a Corner Lot, a maximum of one driveway shall be permitted from each street frontage, to a maximum width of 3 metres per driveway;
 - (iv) Notwithstanding 10.2(u)(ii), for a Triplex Dwelling located on a Corner Lot, a maximum of one driveway shall be permitted from each street frontage, to a maximum width of 6 metres for one driveway and a maximum width of 3 metres for the other driveway; and,
 - (v) Any separate entrance(s) to a Duplex Dwelling or Triplex Dwelling shall be oriented toward the Side Lot Line or Rear Lot Line, or in the case of a Corner Lot, the street frontage where the principal entrance is not located.”

3.16 That the Core Area Residential “R5-3” Zone shall be established and include the following special provisions, and shall be numbered accordingly:

“10.3.4 R5-3

Permitted Uses

- (a) Subsection 10.1 shall apply;

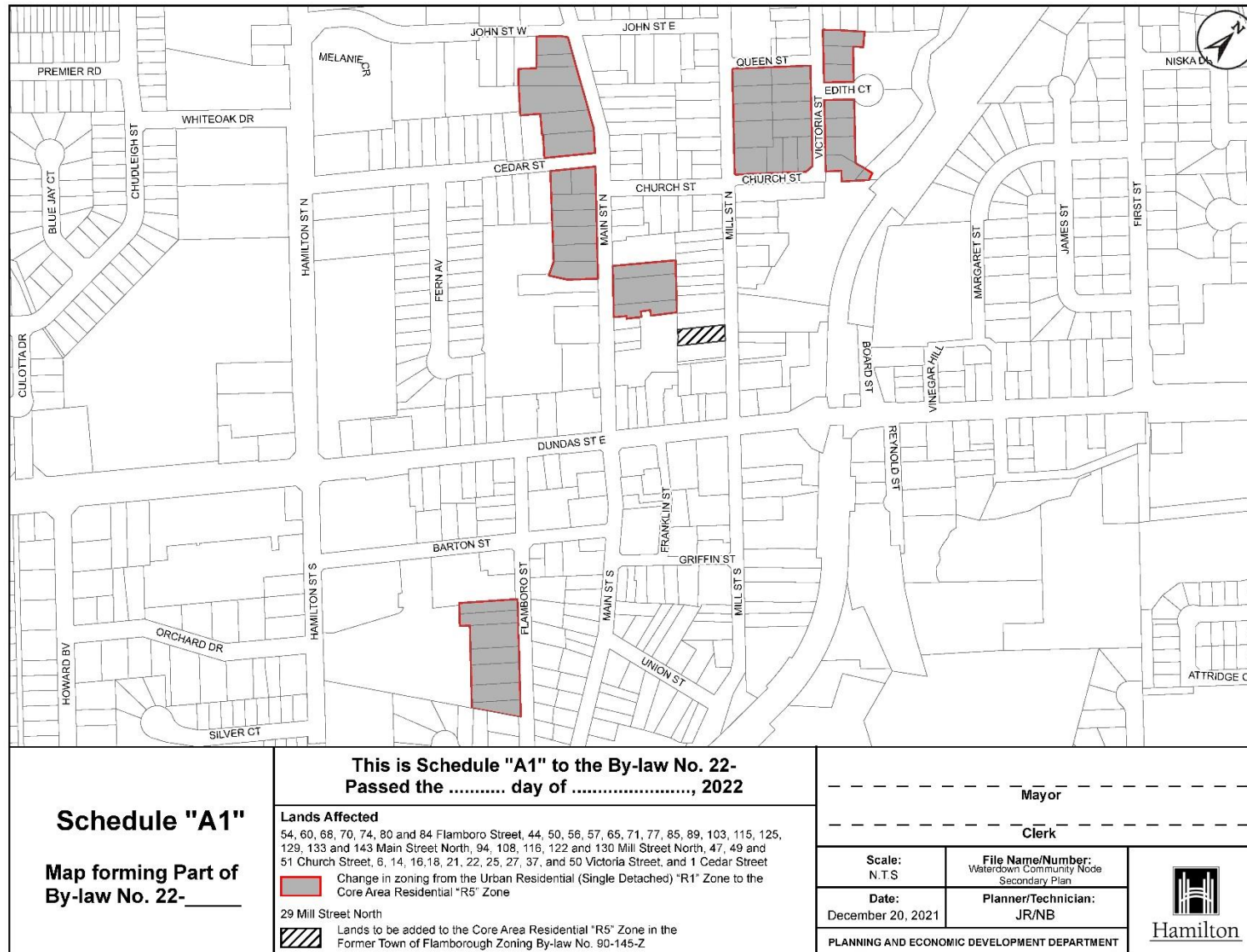
Zoning Provisions




- (a) The provisions outlined in Subsection 10.2 shall apply;
- (b) Notwithstanding the lot area and lot frontage requirements in Subsection 10.2 (a) and (b), the following requirements shall apply:
 - i) Lot Area (minimum).....650 square metres; and,
 - ii) Lot Frontage (minimum).....21 metres.”
- 4. That the amending By-law be added to Schedule “A31” of Flamborough Zoning By-law No. 90-145-Z;
- 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act; and,
- 6. That this By-law comes into force in accordance with section 34 of the Planning Act.

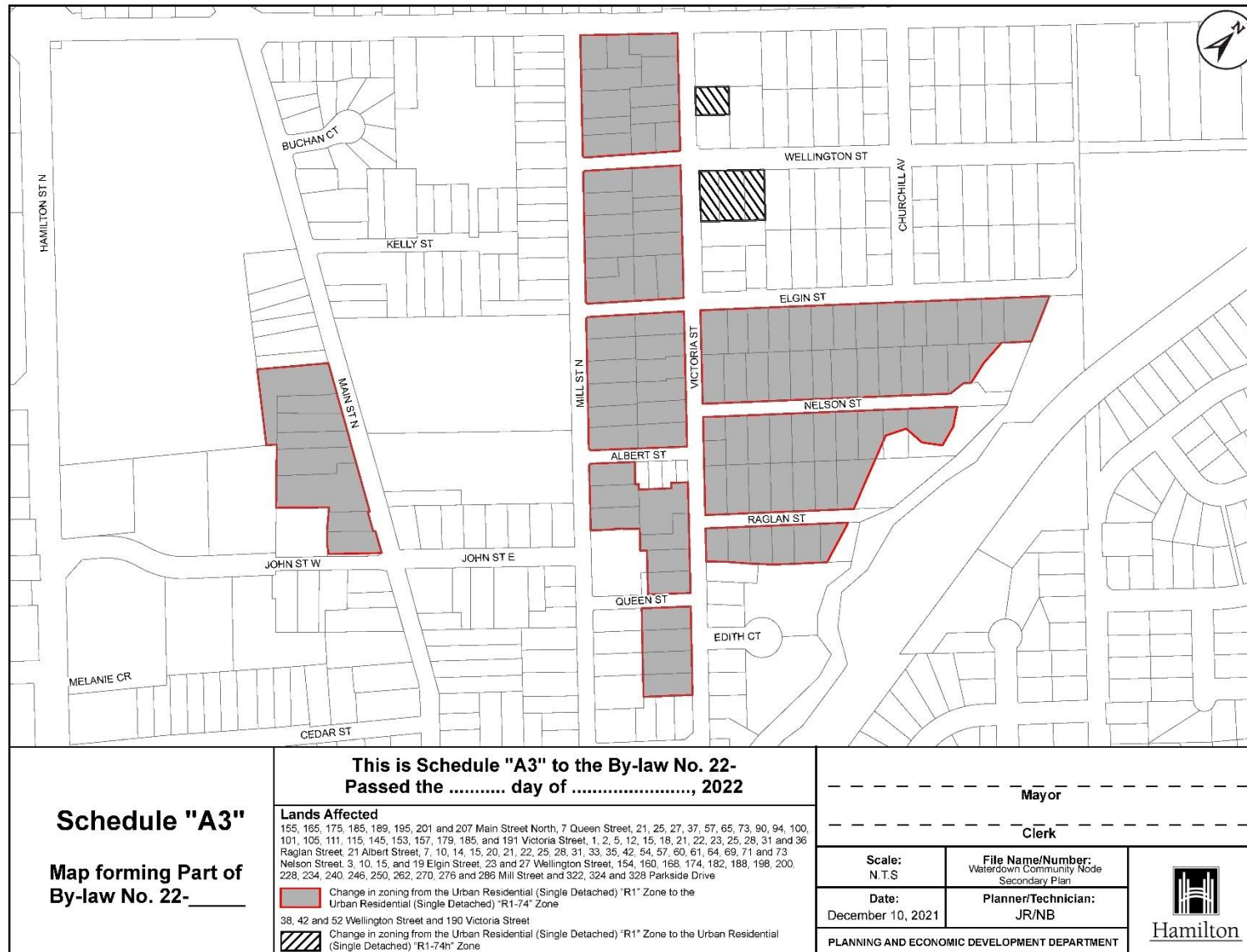
PASSED this XX day of XXX, 2022.

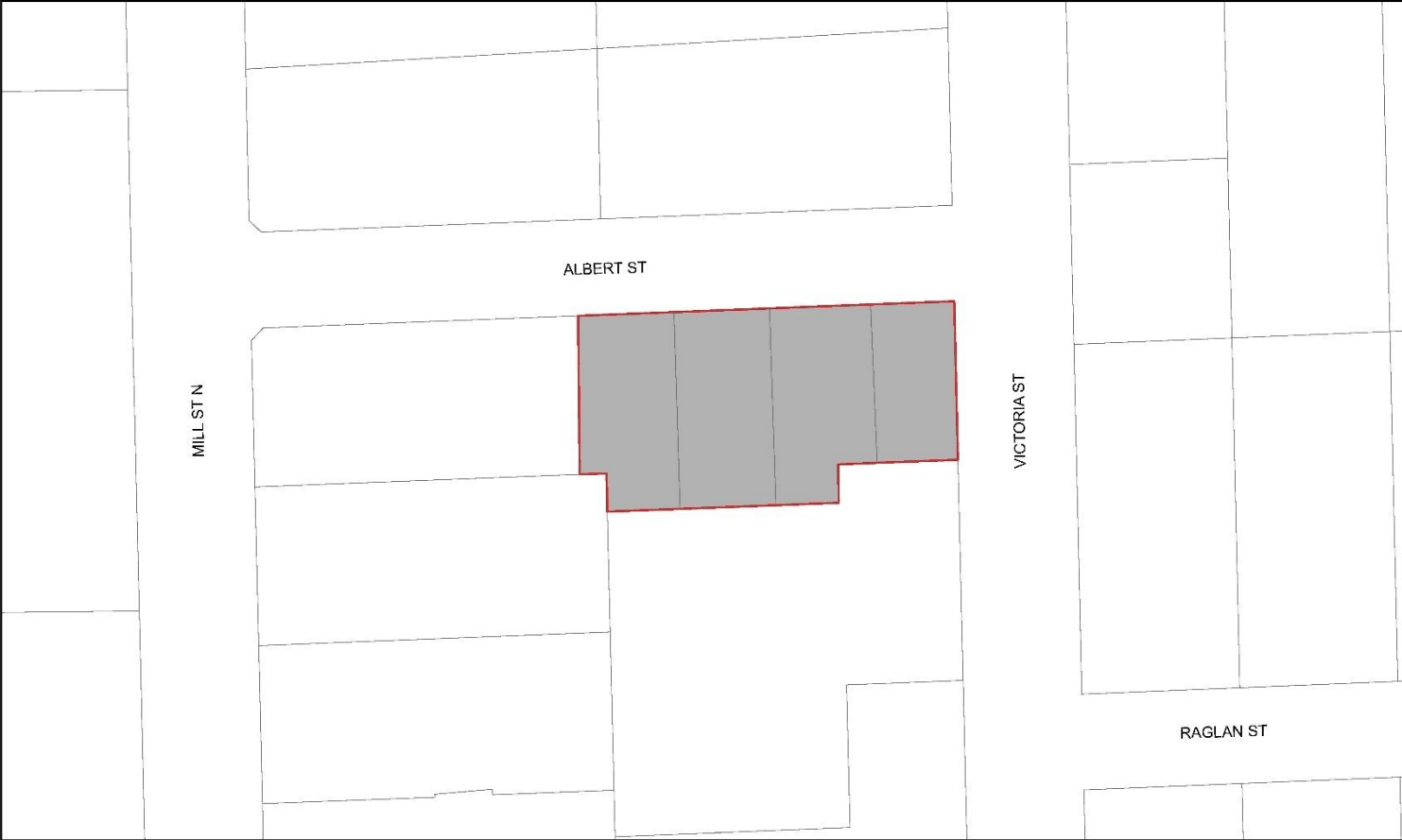


F. Eisenberger
Mayor




A. Holland
City Clerk





<p>Schedule "A2"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>This is Schedule "A2" to the By-law No. 22- Passed the day of, 2022</p>	<p>_____</p> <p>Mayor</p> <p>_____</p> <p>Clerk</p>	
	<p>Lands Affected 215, 221, 225, 231, 234, 235, 238 and 243 Main Street North</p> <p> Change in zoning from the Core Area Residential "R5" Zone to the Urban Residential (Single Detached) "R1-74" Zone</p>	<p>Scale: N.T.S</p> <p>Date: December 16, 2021</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p> <p>Planner/Technician: JR/NB</p> <p> Hamilton</p>
			



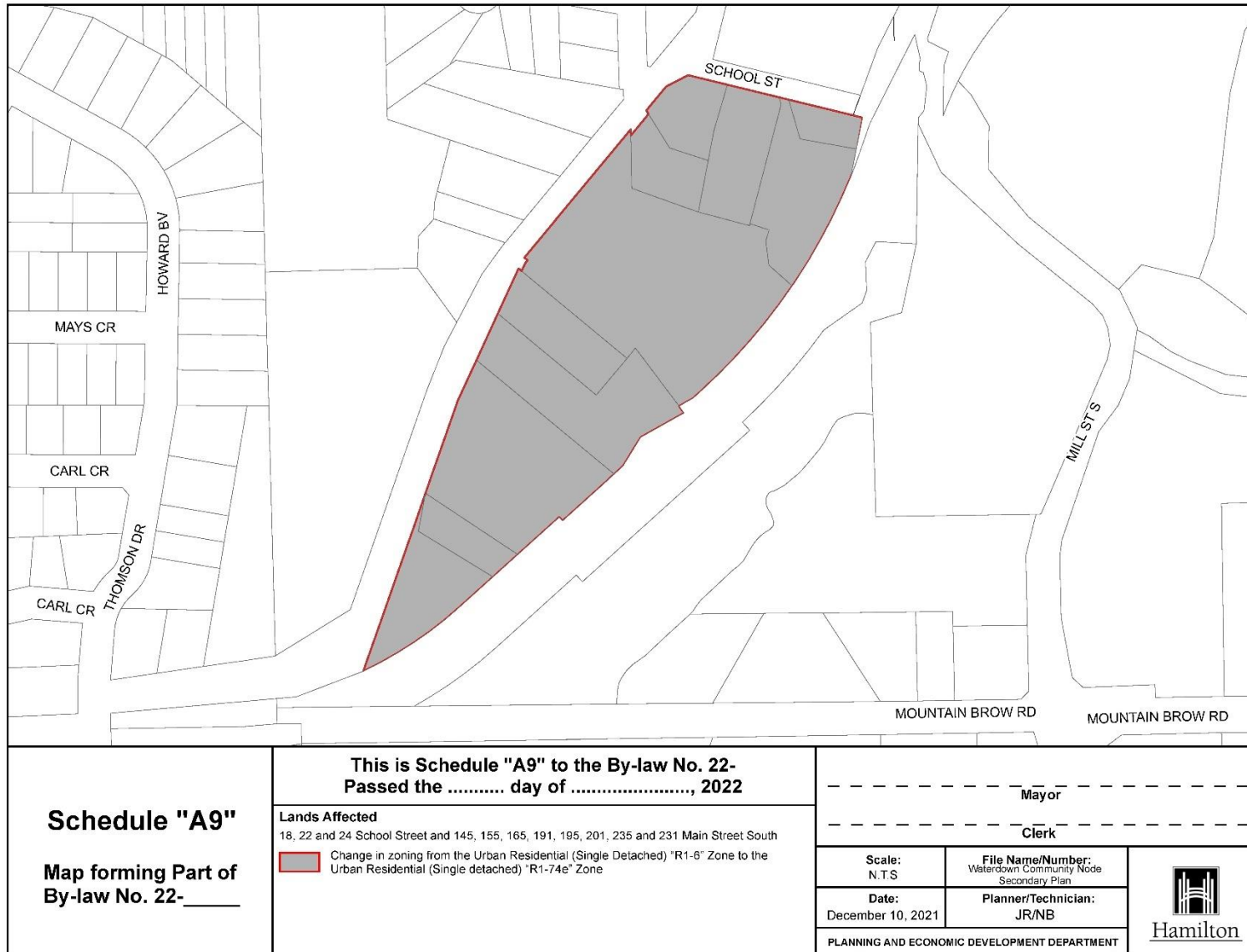
		<p>This is Schedule "A4" to the By-law No. 22- Passed the day of, 2022</p>		<p>----- Mayor -----</p>			
		<p>Schedule "A4"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>Lands Affected 16, 20, 24 and 28 Albert Street</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1-1" Zone to the Urban Residential (Single detached) "R1-74a" Zone</p>	<p>----- Clerk -----</p>	<table border="1"> <tr> <td> <p>Scale: N.T.S</p> </td> <td> <p>File Name/Number: Waterdown Community Node Secondary Plan</p> </td> </tr> <tr> <td> <p>Date: December 10, 2021</p> </td> <td> <p>Planner/Technician: JR/NB</p> </td> </tr> </table>	<p>Scale: N.T.S</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p>
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<p>Date: December 10, 2021</p>	<p>Planner/Technician: JR/NB</p>						
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>							



	<p>This is Schedule "A5" to the By-law No. 22- Passed the day of, 2022</p> <p>Lands Affected</p> <p>21, 25, 29, 30, 36, 37, 40, 43, 44, 48, 49, 52 and 55 Kelly Street, 252, 258, 266, 312, 314, 316 and 320 Main Street North, 2, 4, 6, 8, 10, 12, 14 and 16 Buchan Court, 217, 221, 227, 233, 239, 245, 249, 255, 261, 267, 273, 275, 281 and 289 Mill Street North, 292, 294, 296, 298, 300, 302, 304, 310, 312 and 316 Parkside Drive</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1-2" Zone to the Urban Residential (Single detached) "R1-74b" Zone</p>	<p>----- Mayor</p> <p>----- Clerk</p>			
		<p>Scale: N.T.S</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p>	 Hamilton	
		<p>Date: December 10, 2021</p>	<p>Planner/Technician: JR/NB</p>		
		<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			




		<p align="center">This is Schedule "A6" to the By-law No. 22- Passed the day of, 2022</p>		<p align="center">----- Mayor</p> <p align="center">----- Clerk</p>	
		<p>Schedule "A6"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>Lands Affected</p> <p>89 and 103 Elgin Street, 6, 7, 9, 10, 22, 25 and 26 Churchill Avenue, 87, 90 and 100 Wellington Street and 348 and 352 Parkside Drive</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1-3" Zone to the Urban Residential (Single detached) "R1-74c" Zone</p>	<p>Scale: N.T.S</p> <p>Date: December 16, 2021</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p> <p>Planner/Technician: JR/NB</p>


		<p>CHURCH ST</p> <p>BOARD ST</p> <p>VINEGAR HILL</p> <p>MARGARET ST</p> <p>JAMES ST</p> <p>FIRST ST</p> <p>DUNDAS ST</p> <p>REYNOLD ST</p> <p>GEORGE ST</p> <p>BALGOWNIE CT</p> <p>BOULDING AV</p>					
<p>Schedule "A7"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>This is Schedule "A7" to the By-law No. 22- Passed the day of, 2022</p>		<p>----- Mayor</p>				
	<p>Lands Affected 1 and 3 First Street, 365, 367 and 371 Dundas Street East, 4, 6, 8, 10, 12, and 14 Margaret Street</p>		<p>----- Clerk</p>				
	<p> Change in zoning from the Urban Residential (Single Detached) "R1-3" Zone to the Core Urban Residential "R5-3" Zone</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1-3" Zone to the Urban Residential (Single Detached) "R1-74" Zone</p>		<table border="1"> <tr> <td> <p>Scale: N.T.S</p> </td> <td> <p>File Name/Number: Waterdown Community Node Secondary Plan</p> </td> </tr> <tr> <td> <p>Date: February 11, 2022</p> </td> <td> <p>Planner/Technician: JR/NB</p> </td> </tr> </table>	<p>Scale: N.T.S</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p>	<p>Date: February 11, 2022</p>	<p>Planner/Technician: JR/NB</p>
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<p>Date: February 11, 2022</p>	<p>Planner/Technician: JR/NB</p>						
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>							


		<p align="center">This is Schedule "A8" to the By-law No. 22- Passed the day of, 2022</p>		<p align="center">----- Mayor</p>	
		<p>Lands Affected 150 and 198 Victoria Street, 57, 65, 79, 85, 109, 115, 121, 127 and 133 Elgin Street, 37, 47, 56, 57, 65, 66, 73, 74, 79, 82, 107, 108, 113, 115, 116, 124, 129, 132, 135 and 140 Wellington Street, and 338, 340, 342, 346, 354, 356, 358, 380 and 362 Parkside Drive</p>	<p align="center">----- Clerk</p>		
<p>Schedule "A8"</p> <p>Map forming Part of By-law No. 22-_____</p>		<p> Change in zoning from the Urban Residential (Single Detached) "R1-5" Zone to the Urban Residential (Single detached) "R1-74d" Zone</p>		<p>Scale: N.T.S</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p>
		<p>Date: December 10, 2021</p>	<p>Planner/Technician: JR/NB</p>		
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


		<p align="center">This is Schedule "A10" to the By-law No. 22- Passed the day of, 2022</p>		<p align="center">----- Mayor</p> <p align="center">----- Clerk</p>	
		<p>Schedule "A10"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>Lands Affected 49 Main Street North</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1-13" Zone to the Core Area Residential "R5" Zone</p>	<p>Scale: N.T.S</p> <p>Date: December 14, 2021</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p> <p>Planner/Technician: JR/NB</p>

		<p>This is Schedule "A11" to the By-law No. 22- Passed the day of, 2022</p>		<p>----- Mayor</p>			
		<p>Schedule "A11"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>Lands Affected 24 and 47 Elgin Street, 140 Victoria Street, (By-law 01-083)</p> <p> Change in Zoning from the Urban Residential (Single Detached) "R1-26" Zone to the Urban Residential (Single Detached) "R1-74F" Zone."</p>	<p>----- Clerk</p>	<table border="1"> <tr> <td> <p>Scale: N.T.S</p> </td> <td> <p>File Name/Number: Wardens Community Node Secondary Plan</p> </td> </tr> <tr> <td> <p>Date: December 10, 2021</p> </td> <td> <p>Planner/Technician: JR/NB</p> </td> </tr> </table>	<p>Scale: N.T.S</p>	<p>File Name/Number: Wardens Community Node Secondary Plan</p>
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<p>Date: December 10, 2021</p>	<p>Planner/Technician: JR/NB</p>						
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>							

															
<p>Schedule "A12"</p> <p>Map forming Part of By-law No. 22-_____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> This is Schedule "A12" to the By-law No. 22- Passed the day of, 2022 </td> </tr> <tr> <td style="width: 60%; padding: 5px;"> <p>Lands Affected 99 Wellington Street and 21 Churchill Street and (By-law 13-174)</p> <p> Change in Zoning from the Urban Residential (Single Detached) "R1-61" Zone to the Urban Residential (Single Detached) "R1-74g" Zone</p> </td> <td style="width: 40%; padding: 5px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> ----- Mayor </td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> ----- Clerk </td> </tr> <tr> <td style="width: 50%; padding: 5px;"> <p>Scale: N.T.S</p> </td> <td style="width: 50%; padding: 5px;"> <p>File Name/Number: Watersdown Community Node Secondary Plan</p> </td> </tr> <tr> <td style="padding: 5px;"> <p>Date: December 10, 2021</p> </td> <td style="padding: 5px;"> <p>Planner/Technician: JR/NB</p> </td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT </td> </tr> </table> </td> </tr> </table>	This is Schedule "A12" to the By-law No. 22- Passed the day of, 2022		<p>Lands Affected 99 Wellington Street and 21 Churchill Street and (By-law 13-174)</p> <p> Change in Zoning from the Urban Residential (Single Detached) "R1-61" Zone to the Urban Residential (Single Detached) "R1-74g" Zone</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> ----- Mayor </td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> ----- Clerk </td> </tr> <tr> <td style="width: 50%; padding: 5px;"> <p>Scale: N.T.S</p> </td> <td style="width: 50%; padding: 5px;"> <p>File Name/Number: Watersdown Community Node Secondary Plan</p> </td> </tr> <tr> <td style="padding: 5px;"> <p>Date: December 10, 2021</p> </td> <td style="padding: 5px;"> <p>Planner/Technician: JR/NB</p> </td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT </td> </tr> </table>	----- Mayor		----- Clerk		<p>Scale: N.T.S</p>	<p>File Name/Number: Watersdown Community Node Secondary Plan</p>	<p>Date: December 10, 2021</p>	<p>Planner/Technician: JR/NB</p>	PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT															

		<p>----- Mayor</p> <p>----- Clerk</p>					
		<p>Schedule "A13"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>This is Schedule "A13" to the By-law No. 22- Passed the day of, 2022</p> <p>Lands Affected 24 Griffin Street, (By-law 96-10-Z)</p> <p> Change in zoning from Business District "BD-1" Zone to the Core Area Residential "R5" Zone</p>	<table border="1"> <tr> <td> <p>Scale: N.T.S</p> </td> <td> <p>File Name/Number: Waterdown Community Node Secondary Plan</p> </td> </tr> <tr> <td> <p>Date: December 10, 2021</p> </td> <td> <p>Planner/Technician: JR/NB</p> </td> </tr> </table>	<p>Scale: N.T.S</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p>	<p>Date: December 10, 2021</p>
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		<p align="center">This is Schedule "A14" to the By-law No. 22- Passed the day of, 2022</p>		<p align="center">----- Mayor -----</p> <p align="center">----- Clerk -----</p>	
		<p>Schedule "A14"</p> <p>Map forming Part of By-law No. 22-_____</p>	<p>Lands Affected 134, 136, 174, 184, and 188 Main Street South, (By-law 96-10-Z)</p> <p> Change in zoning from the Urban Residential (Single Detached) "R1" Zone to the Urban Residential (Single Detached) "R1-74" Zone</p>	<p>Scale: N.T.S</p> <p>Date: December 16, 2021</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>File Name/Number: Waterdown Community Node Secondary Plan</p> <p>Planner/Technician: JR/NB</p>