

**Authority:** Item 4, Planning Committee  
Report 22-012 (PED22161)  
CM: August 12, 2022  
Ward: 11

**Bill No. 188**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 0 Gowland Drive and 3435 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton; and,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 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993; and,

**WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 22-012 of the Planning Committee at its meeting held on the 12<sup>th</sup> day of August, 2022, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided.

**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 the Residential Multiple “RM4-217” Zone, Modified, to the Residential Multiple “RM4-817” Zone, Modified, for lands located at 0 Gowland Drive and 3435 Binbrook Road (Glanbrook), the extent and boundaries of which are shown on Schedule A” annexed hereto and forming part of this By-law.
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 “RM4-817” Zone provisions as follows:

- (a) For the purposes of this By-law, the regulations of the Residential Multiple “RM4-217” Zone, Modified, shall apply to an Apartment Building.
- (b) In addition to the regulations of SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE, Subsection 20.1 PERMITTED USES, the following use shall be permitted:
  - (i) Stacked Townhouses
- (c) In addition to the regulations of SECTION 4: DEFINITIONS, the following definition shall apply:
  - (i) Stacked Townhouses – shall mean a townhouse that is divided vertically and horizontally into a minimum of four and a maximum of twenty dwelling units and with each dwelling unit having one or more private entrances.
- (d) Notwithstanding the regulations of SECTION 4: DEFINITIONS, LOT LINE, EXTERIOR SIDE, for Stacked Townhouses, the lot lines adjacent to Binbrook Road and Gowland Drive shall be deemed the exterior side lot lines.
- (e) Notwithstanding the regulations of SECTION 4: DEFINITIONS, LOT LINE, FRONT, for Stacked Townhouses, the lot line abutting Binhaven Boulevard shall be deemed the front lot line.
- (f) Notwithstanding the regulations of SECTION 4: DEFINITIONS, LOT, THROUGH, and Subsection 7.20 THROUGH LOTS and Subsection 7.23 SPECIAL SETBACK REQUIREMENTS FROM STREETS, of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, for Stacked Townhouses, the lot shall not be deemed a through lot.
- (g) In addition to the regulations of Subsection 7.10 MULTIPLE USES, of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, the following regulation shall apply:
  - (i) An Apartment Building and Stacked Townhouses shall not be provided on the lot at the same time.
- (h) In addition to the regulations of Subsection 7.26 ENCROACHMENT INTO YARDS, of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, the following regulation shall apply:
  - (i) Stairs provided for Stacked Townhouses may project into any required yard a distance of not more than 1.0 metre.

- (i) Notwithstanding the regulations of paragraph (a) subparagraph (i) and paragraph (b) of Subsection 7.35 MINIMUM PARKING REQUIREMENTS of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, the following regulation shall apply:
  - (i) Visitor parking spaces, for Stacked Townhouses, shall be provided at a rate of 0.5 space per residential unit.
- (j) Notwithstanding the regulations of paragraph (a) subparagraph (vii) and paragraph (b) of Subsection 7.35 MINIMUM PARKING REQUIREMENTS of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, the following regulation shall apply:
  - (i) Parking space sizes and a parking ratio for residential parking spaces shall be provided in accordance with permission previously granted under modification “217”.
- (k) Notwithstanding the regulations of paragraphs (a) and (b) of Subsection 7.36 MINIMUM LOADING REQUIREMENTS, the following regulation shall apply:
  - (i) A loading space shall not be required for a Stacked Townhouse use.
- (l) Notwithstanding the regulation of paragraph (a) of Subsection 11.6 PARKING SPACES IN RESIDENTIAL ZONES, of SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES, the following regulation shall apply:
  - (i) At grade parking areas for a Stacked Townhouse use shall not occupy more than 45% of the total lot area.
- (m) Notwithstanding the regulation of paragraph (m) subparagraph (i) of Subsection 20.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING), the following regulation shall apply:
  - (i) Parking areas and parking spaces for a Stacked Townhouse use shall be located no closer than 3.0 metres from any lot line.
- (n) In addition to the regulations of paragraph (l) of Subsection 20.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) OF SUBSECTION 20.1 (APARTMENT BUILDING) OF SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE, the following regulation shall apply:
  - (i) One transformer shall be permitted to be located within either the landscaped area, planting strip and/or buffer strip.
- (o) Notwithstanding the regulations of paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (k), (l) and (m) of SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE,

Subsection 20.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING), unless otherwise stated in this amending by-law, the regulations approved under modification “217” related to minimum lot area, maximum lot area, maximum lot coverage, maximum density, minimum front, side and rear yards, minimum floor area per dwelling unit, maximum height, minimum landscaped area, planting strip/fencing and minimum parking requirements shall apply to Stacked Townhouses.

**PASSED** this 12<sup>th</sup> day of August, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-21-024



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;"><b>Map forming Part of By-law No. 22- _____</b></p> <p style="margin: 0 0 0 0;"><b>to Amend By-law No. 464</b></p>	<p><b>Subject Property</b> 3435 Binbrook Road, Glanbrook (Ward 11)</p> <ul style="list-style-type: none"> <li> Block 1 - Change in zoning from the Existing Residential Multiple "RM4-217" Zone, Modified to the Residential Multiple "RM4-817" Zone, Modified</li> <li> Block 2 - Change in zoning from the Existing Residential Multiple "RM4-217" Zone, Modified to the Residential Multiple "RM4-817" Zone, Modified</li> </ul>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-024</p>	
<p>Date: July 11, 2022</p>	<p>Planner/Technician: DM/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		