

CITY OF HAMILTON

BY-LAW NO. - ____

To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended by By-law 07-135, Respecting Lands Located at 609 & 615 Hamilton Street North, 3 Nisbet Boulevard, and 129-137 Truedell Circle, in the former Town of Flamborough, now in the City of Hamilton

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”;

AND 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 of the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-law 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND 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;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 19- ____ of the Planning Committee at its meeting held on the ____ day of _____, 2019, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011;

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

1. Schedule __ of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended:
 - a. By changing the zoning from the Automotive Commercial “AC-2” Zone, modified, to the Medium Density Zone “R6-__” Zone, modified, on the lands comprised in Block 1;
 - b. By changing the zoning from the Medium Density Residential “R6-16” Zone, modified to the Medium Density Zone “R6-__” Zone, on the lands comprised in Block 2;
 - c. By changing the zoning from the Urban Residential (Single Detached) “R1-34” Zone, modified, to the Medium Density Zone “R6-__” Zone, modified, on the lands comprised in Block 3;
 - d. By changing the zoning from the Urban Residential (Single Detached) “R1-34” Zone, modified, to the Urban Residential (Semi-Detached & Link) “R4-__” Zone, modified, on the lands comprised in Block 4;
 - e. By changing the zoning from the Automotive Commercial “AC-2” Zone, modified to the Medium Density Zone “R6-__” Zone, on the lands comprised in Block 5.

The extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 11 – Medium Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following sub-section:

11.3 EXCEPTION NUMBERS

11.3. “R6-___” (Block 2)

Notwithstanding Section 11.1, 11.2 (ii) (a), (b), (c), (d), (e), (g), (h), (j) and (k) the following regulations shall apply:

Permitted Uses

- (a) Street Townhouses

Zone Provisions

- (a) Lot Area (Minimum) 258 sq. metres
- (b) Lot Frontage (Minimum) 5.4 metres
- (c) Lot Coverages N/A
- (d) Front Yard (Minimum) 6.0 metres
- (e) Interior Side Yard (Minimum) 1.2 metres for an end unit, except for the side yard related to the common wall of a dwelling shall be 0.0 metres.
- (f) Exterior Side Yard (Minimum) 2.5 metres
- (g) Landscaped Open Space N/A
- (h) Density (Maximum) N/A
- (i) Number of units in a row (Maximum) 4 dwelling units
- (j) Notwithstanding Section 5.30, the following yard encroachments shall apply:

| Structure or Item | Yard Into Which Encroachment is Permitted | Minimum Encroachment Permitted into Required Yard |
|---------------------------------------|---|---|
| Sills, beltcourses, cornices, chimney | All | 0.65 metres |

| | | |
|---|--|--|
| breasts, pilasters, eaves, or gutters | | |
| Bay windows with or without a foundation | Required front, rear, and required exterior side yard | 1.00 m |
| Steps and unenclosed porches | Required front, required rear, and required exterior side yard | Porches – 2.20 metres into the Front Yard; 1.0 metres into an Side Yard Steps – 0.60 metres |
| Setback of all structures from site triangles | Required front and required exterior side yard | 0.30 metres minimum setback from a site triangle |

(k) For the purpose of this section, a street townhouse shall mean a townhouse with each dwelling unit having frontage onto a private road or public street.

(l) Other than contained herein, the provisions of Section 5 shall apply.

3. That Section 11 – Medium Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following sub-section:

11.3 EXCEPTION NUMBERS

11.3 “R6-____” (Block 4)

Notwithstanding Section 11.1 and 11.2 the following regulations shall apply:

Permitted Uses

- (a) Townhouse
- (b) Back-to-Back Townhouse

Zone Provisions

- (a) Lot Area (Minimum)
 - (i) Townhouse 160 sq. metres
 - (ii) Back-to-Back Townhouse 75 sq. metres
- (b) Lot Frontage (Minimum)
 - (i) Townhouse 5.4 metres
 - (ii) Back-to-Back Townhouse 6.0 metres
- (c) Lot Coverage N/A
- (d) Front Yard (Minimum)
 - (i) Townhouse 6.0 metres
 - (ii) Back-to-Back Townhouse 5.0 metres, except for the following:
 - (a) 2.5 metres for an end unit

- (b) 3.0 metres for a corner lot
- (e) Rear Yard (Minimum)
- (i) Townhouse 7.0 metres
 - (ii) Back-to-Back Townhouse 0.0 metres
- (f) Interior Side Yard (Minimum)
- (i) Townhouse 1.80 metres, except for the side yard related to a common wall of a dwelling shall be 0.0 metres
 - (ii) Back-to-Back Townhouse 1.8 metres, except for the side yard related to a common wall of a dwelling shall be 0.0 metres
- (g) Landscaped Open Spaces N/A
- (h) Building Height (Maximum) 3-storeys
- (i) Parking 2 spaces per unit, one of which includes the garage.
- 6 Visitor parking shall be provided ONLY for those townhouse and back-to-back units fronting on a private lane.
- (j) Density (Maximum) N/A
- (k) Number of units in a row (Maximum) 7 dwelling units
- (l) Notwithstanding Section 5.30 the following yard encroachments shall apply:

| Structure or Item | Yard Into Which Encroachment is Permitted | Encroachment Permitted into Required Yard |
|---|--|---|
| Sills, beltcourses, cornices, chimney breasts, pilasters, eaves, or gutters | All | 0.65 metres |
| Bay windows with or without a foundation | Required front, rear, and required exterior side yard | 1.00 metres |
| Steps and unenclosed porches | Required front, required rear, and required exterior side yard | (i) Townhouse: |

| | | |
|---|--|---|
| | | Porches – 2.0 metres into a Front Yard, 1.60 metres into a Side Yard. Steps – 0.60 metres (ii) Back-to-Back Townhouse Porches – 1.8 metres into a Front Yard, 1.80 metres into a Side Yard. Steps – 0.60 metres |
| Setback of all structures from site triangles | Required front and required exterior side yard | 0.30 metres minimum setback from a site triangle |

- (m) For the purpose of this By-law, a Back-to-Back townhouse unit shall mean a townhouse dwelling with two or more common walls, fully attached to each other, side-by-side, in rows arranged back-to-back, each of which has a minimum of one independent entrance directly from the outside.
- (n) Notwithstanding Section 3 a Townhouse shall mean a dwelling divided vertically, by an above and below grade common wall, while having frontage on a private road.
- (o) For the purpose of interpreting this By-law a private road will be deemed a public street, were dwelling units fronting onto a private road way will be subject to front lot line and front yard minimums prescribed throughout this By-law.
- (p) Other than contained herein, the provisions of Section 5 shall apply.

4. That Section 9 – Urban Residential (Semi-detached & Link) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following sub-section:

6.3 EXCEPTION NUMBERS

6.3 “R4-_____” (Block 1)

Notwithstanding Section 9.1, 9.2 (a) i), (b) i), (d), (e), (f), (g), (h) and (j) the following regulations shall apply:

Permitted Uses

- (a) Semi-Detached Dwelling

Zone Provisions

- (a) Lot Area (Minimum) 297 sq. metres per unit
- (b) Lot Frontage (Minimum) 6.5 metres
- (c) Lot Coverage (Maximum) 35%
- (d) Front Yard (Minimum) 6.0 metres

(e) Rear Yard (Minimum)

8.0 metres

(f) Interior Side Yard (Minimum)

1.2 metres, except for the side yard related to the common wall of a semi-detached dwelling, in which case a minimum side yard of 0.0 metres shall be provided.

(g) Exterior Side Yard

3.0 metres

(h) Notwithstanding Section 5.30 the following yard encroachments shall apply:

| Structure or Item | Yard Into Which Encroachment is Permitted | Encroachment Permitted into Required Yard |
|---|--|---|
| Sills, beltcourses, cornices, chimney breasts, pilasters, eaves, or gutters | All | 0.65 metres |
| Bay windows with or without a foundation | Required front and required exterior side yard | 1.00 metres |
| Steps and unenclosed porches | Required front, required rear, and required exterior side yard | Porches – 2.0 metres into a Front Yard Steps – 0.60 metres |
| Setback of all structures from site triangles | Required front and required exterior side yard | 0.30 metres minimum setback from a site triangle |

(i) General Provisions – Other than contained herein, the provisions of Section 5 shall apply.

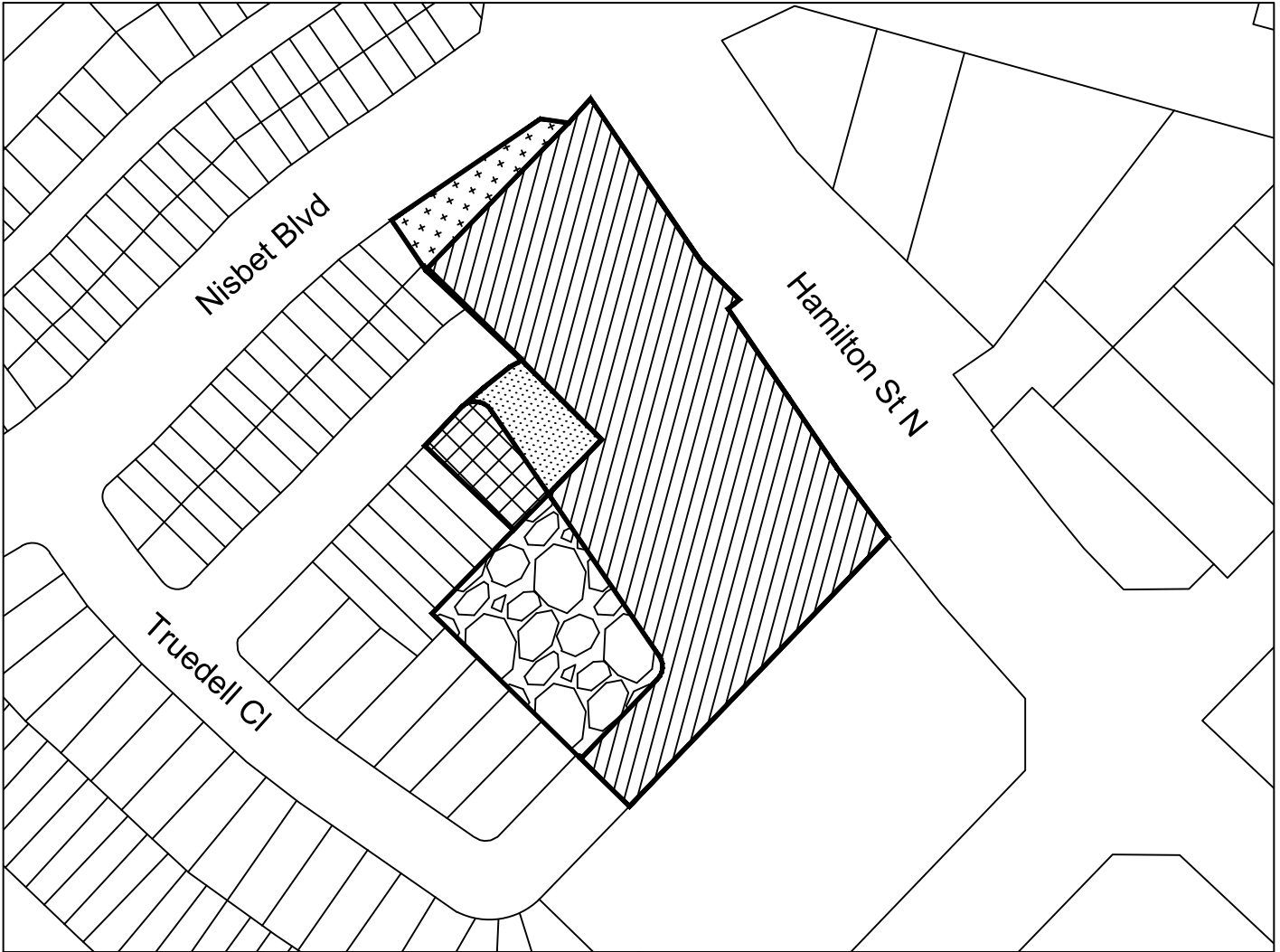
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this _____ day of _____, 2019.

Mayor

Clerk

ZAC-16-_____



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

Passed the _____ day of _____, 2019

Clerk

Mayor

DRAFT Schedule "A"

Map Forming part of
By-law No. 19-

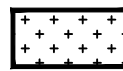
to Amend By-law No. 90-145-Z

Subject Property

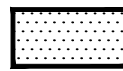
609 & 615 Hamilton Street North, 3 Nisbet Boulevard, and 129-137
Truedell Circle



Block 1 - change in zoning from
"AC-2" to "R6-____"



Block 2 - change in zoning from
"R6-16" to "R6-____"



Block 3 - change in zoning from
"R1-34" to "R6-____"



Block 4 - change in zoning from
"R1-34" to "R4-____"



Block 5 - change in zoning from
"AC-2" to "R6-____"

Scale:
N.T.S

File Name/Number:

Date:

Planner/Technician:

PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT