

Authority: Item 8.3, Planning Committee Minutes 25-003 (PED25053)
CM: March 5, 2025 Ward: 11
Written approval for this by-law was given by Mayoral Decision MDE-2025-05
Dated March 5, 2025

Bill No. 041

CITY OF HAMILTON

BY-LAW NO. 25-041

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3530 Upper James Street

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 lawful successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Glanbrook” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16th day of March, 1992, and approved by the Ontario Land Tribunal on the 31st day of May 1993;

AND WHEREAS Council, in adopting Item 8.3 of Minutes 25-003 of the Planning Committee at its meeting held on the 5th day of March, 2025, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 229.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Schedule “F” appended to and forming part of Zoning By-law No. 464 (Glanbrook) is amended by changing the zoning from the Deferred Development “DD” Zone to the Residential Multiple – Holding “H-RM3-329” Zone, Modified, for a portion of the lands known as 3530 Upper James Street, Glanbrook, the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended by adding the following exceptions:

“H-RM3-329 3530 Upper James Street

- (1) For the purpose of the regulations contained in Sections 4, 6, 7, 11 and 19 of Glanbrook Zoning By-law No. 464, as amended by this By-law, the boundary of the "H-RM3-329" Zone shall be deemed to be the lot lines for this purpose, and the regulations of the "H-RM3-329" Zone, including, but not limited to, lot area, lot frontage and depth, lot coverage, minimum yards, minimum landscaping and planting strips, parking accessory buildings, etc., shall be from the boundaries of this zone, and not from individual property boundaries of dwelling units created by registration of a condominium plan, through Consent or created by Part Lot Control.
- (2) In addition to Section 4: Definitions as it relates to "LOT" and notwithstanding Section 4: Definitions as it relates to "DWELLING, BLOCK TOWNHOUSE" the following definitions shall apply for lands within the Residential Multiple "RM3-329" Zone:

Individual dwelling unit lots may be created by registration of a condominium plan or created by Part Lot Control or Draft Plan of Subdivision and shall be permitted to front on a private condominium road other than a street.

"DWELLING, BLOCK TOWNHOUSE" means a dwelling divided vertically into a minimum of three (3) and a maximum of eight (8) dwelling units, with each unit separated by a common or party wall or walls and having two (2) or more private entrances at grade in which dwelling units front onto a street, laneway or common condominium driveway.

- (3) Notwithstanding the provisions of Subsection 7.23 - SPECIAL SETBACK REQUIREMENTS FROM STREETS of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, shall not apply.
- (4) Notwithstanding the provisions of Paragraphs (vii), (xii) and (xiii) of Subsection 7.35(a) – MINIMUM PARKING REQUIREMENTS, and Subsection 7.35 (b) – MINIMUM PARKING REQUIREMENTS, of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, as it relates to Block Townhouse Dwellings and Street Townhouse Dwellings, the following shall apply:
 - (a) Every surface parking space shall have a minimum width of 2.8 metres and length of 5.8 metres. Parking spaces located on the driveways at each individual unit and within an attached garage shall have a minimum width of 3 metres and length of 6 metres.
 - (b) Stairs are permitted to encroach a maximum of 0.3 metres into a required parking space which is located within an attached garage.
 - (c) Block Townhouse Dwellings and Street Townhouse Dwellings shall provide a minimum of 2 spaces for each dwelling unit, plus 0.25 visitor parking spaces per dwelling unit. Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private

garage and the second parking space shall be provided contiguous to the unit.

- (5) Notwithstanding the provisions of Subsection 11.8 – GARAGE of SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES, shall not apply.
- (6) Notwithstanding the provisions of Paragraphs (c), (d), (f), (g), (h), (i), (j), (l), (m) and (n) of SECTION 19.2 – RESIDENTIAL MULTIPLE “RM3” ZONE, on those lands zoned “RM3-329” by this By-law, the following shall apply:

- (a) Maximum Lot Coverage.....40 percent
- (b) Minimum Side and Rear Yards..... 4.5 metre minimum side yard and 6.0 metre minimum rear yard.
- (c) Minimum Separation Distance:
 - (i) Between two (2) exterior walls, a minimum of 3 metres;
 - (ii) Between exterior end walls and a rear or front wall, a minimum of 3 metres; and,
 - (iii) Between rear or front walls, a minimum of 11 metres.
- (d) Maximum Height..... 11 metres
- (e) Minimum Landscaped Area..... 35 percent of the lot area, which may include the required privacy area
- (f) Minimum Parking Requirements

The following requirements are in addition to the provisions of Subsection 7.35, 11.5 and 11.6:

- (i) No parking space or area shall be located closer to a street line than 3.0 metres and not be closer than 3.0 metres to any Residential Zone, unless such parking space is located within a below-grade communal parking structure.

- 3. The "H" symbol may be removed by a further amendment to this By-law at such time as the following matter is satisfied:

That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report, and related drawings to demonstrate:

- i. That there is adequate capacity in the existing municipal infrastructure system including pumping station in accordance with City standards to accommodate the proposed wastewater flows to support this development, to the satisfaction of the Director of Development Engineering.
 - ii. To enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's expense, should it be determined that upgrades are required to the infrastructure to support the development, according to the Functional Servicing Report and Watermain Hydraulic Analysis, to the satisfaction of the Director of Development Engineering.
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 Multiple "RM3-329" Zone provisions, subject to the special requirements as referred to in Section 2 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 5th day of March, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

UHOPA-24-010 /
ZAC-24-032



This is Schedule "A" to By-law No. 25- Passed the day of, 2025		_____ Mayor
		_____ Clerk
<p style="text-align: center;">Schedule 'A'</p> <p style="text-align: center;">Map forming part of By-law No. 25-_____</p> <p style="text-align: center;">to Amend By-law No. 464</p>		<p>Subject Property</p> <p>3530 Upper James Street, Glanbrook (Ward 11)</p> <p> Change in zoning from the Deferred Development "DD" Zone to Residential Multiple – Holding "H-RM3-329" Zone, Modified</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-24-032 & UHOPA-24-010</p>	 Hamilton
<p>Date: December 20, 2024</p>	<p>Planner/Technician: MF/SH</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		