

**Authority:** Item 8, Planning and Economic  
Development Committee  
Report 04-021 (PD04295)  
CM: November 24, 2004

**Bill No. 294**

**CITY OF HAMILTON**

**BY-LAW NO. 04-294**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 85 Robinson 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 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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 8 of Report 04-021 of the Planning and Economic Development Committee at its meeting held on the 24<sup>th</sup> day of November, 2004, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. W-5 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
  - (a) by changing from “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified to “RT-10” – ‘H’ (Townhouse – Holding) District, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” .
2. That the ‘H’ symbol applicable to the lands referred to in section 1 shall be removed conditional upon,
  - (i) The applicant submitting a signed Record of Site Condition (RSC) to the City of Hamilton, Director of Development and Real Estate and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the ‘H’ symbol, and thereby give effect to the “RT-10” (Townhouse) District, as amended by the special requirements of Section 3 as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled;

3. That the “RT-10” (Townhouse) District regulations as contained in Section 10D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - (a) that in addition to the requirements of Section 10D(2)(a) of Zoning By-law No. 6593, a two storey, accessory recreational building, with a minimum gross floor area of 243 square metres, including such features as: a party room, exercise room and kitchen, shall be required with one or more townhouse dwelling units. One dwelling unit shall be permitted within the said recreational building.
  - (b) that notwithstanding Section 10D (3) of Zoning By-law No. 6593, no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;
  - (c) that notwithstanding Section 10D (4)(a) of Zoning By-law No. 6593, where a yard abuts a street, a depth of 0.0 metres from the street line, may be provided and maintained;

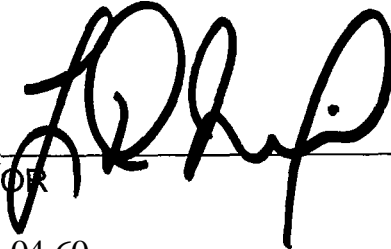
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- (d) that notwithstanding Section 10D (4)(b) of Zoning By-law No. 6593, where a yard abuts any other lot, a width or depth of not less than 0.0 metres, except where there are windows to a habitable room facing the yard, the width or depth of such yard shall not be less than 0.5 metres, shall be provided and maintained;
  - (e) that notwithstanding Section 10D (5)(b) of Zoning By-law No. 6593, a distance of not less than 6.0 metres between two exterior walls, one of which contains at least one window to a habitable room, shall be provided and maintained;
  - (f) that notwithstanding Section 10D (5)(c) of Zoning By-law No. 6593, a distance of not less than 12.2 metres between two exterior walls each of which contains at least one window to a habitable room, shall be provided and maintained;
  - (g) that notwithstanding Section 10D (7)(a) of Zoning By-law No. 6593, a maximum number of 38 dwelling units shall be provided;
  - (h) that notwithstanding Section 10D (10) of Zoning By-law No. 6593, a minimum of 30.5% of the area of the lot on which the buildings or structures are situate shall be provided and maintained as landscaped area;
  - (i) that notwithstanding Section 10D (17) of Zoning By-law No. 6593, not more than nine dwelling units shall be attached in a continuous row;
  - (j) that notwithstanding any provision in the Zoning By-law No. 6593, enclosed staircases to the parking garage shall be permitted 0.0 metres setback to the property line.
  - (k) that notwithstanding Section 18A (1) (b) of Zoning By-law No. 6593, a minimum of ten (10) visitor parking spaces shall be provided and maintained.
4. 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 "RT-10" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, subject to the special requirements referred to in Section 3.
5. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1343a.
6. Sheet Nos. W-5 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1343a.

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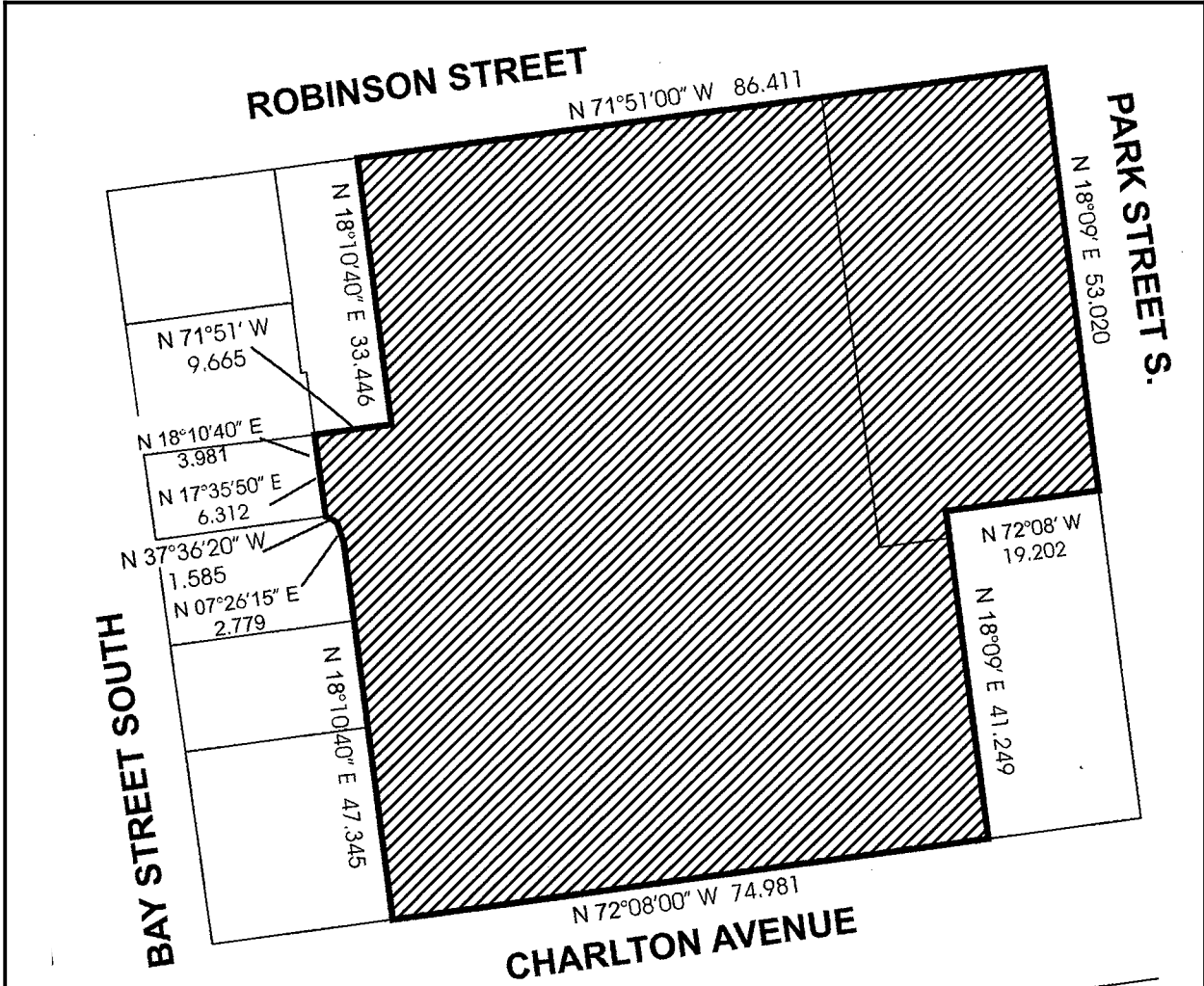
- 7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.
- 8. That Zoning By-law No. 96-110 is hereby repealed in its entirety.

**PASSED and ENACTED** this 24<sup>th</sup> day of November, 2004

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

ZAC-04-60



This is Schedule "A" to By-Law No. 04-294

Passed the 24<sup>th</sup> day of November, 2004

*[Handwritten Signature]*  
 Clerk  
*[Handwritten Signature]*  
 Mayor

# Schedule "A"

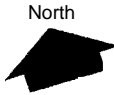
Map Forming Part of  
 By-Law No. 04-294  
 to Amend By-Law No. 6593

## Subject Property

85 Robinson Street



Change in Zoning from "E (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified to "RT-10"-H' (Townhouse-Holding) District, Modified.



Scale:  
 Not to Scale

Date:  
 October 2004

File Name/Number:  
**ZAC-04-60**

Planner/Technician:  
 TH/LC