

Authority: Item 8, Planning and
Economic Development
Committee Report 05-019
(PED05114)
CM: September 28,2005

Bill No. 279

CITY OF HAMILTON

BY-LAW NO. 05-279

**To Amend Zoning By-law No. 6593,
Respecting Lands Located South of the Lincoln M. Alexander Parkway and
West of West 5th 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 05-019 of the Planning and Economic Development Committee at its meeting held on the 28th day of September, 2005, 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.

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

**By-law respecting Lands Located South of the Lincoln M. Alexander Parkway and
West of West 5th Street** **(Page 2 of 5)**

1. That Sheet No. W-17b of the District map, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
 - (a) by changing the zoning from the “DE” (Low Density Multiple Dwellings) District, Modified, to “R4” (Small Lot Single Family Dwelling) District, Modified, the lands comprised of Blocks 1 to 3 (inclusive); and,
 - (b) by changing the zoning from the “DE” (Low Density Multiple Dwellings) District, Modified, to “R4” (Small Lot Single Family Dwelling) District, Modified, the lands comprised of Block 4,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. That the “R4” (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 to 3 on Schedule ‘A’, be modified to include the following special requirements:
 - (a) That notwithstanding Section 9A(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - 1) A single family dwelling;
 - (b) That notwithstanding Section 9A(2)(a) of Zoning By-law No. 6593, the following shall apply:
 - 1) No building or portion of a building shall exceed 1 storey and 4.5 metres in height for that portion of the building located within 3.5 metres or less of any rear lot line;
 - (c) That notwithstanding Section 9A(2)(b)(1)(i) of Zoning By-law No. 6593, the following shall apply:
 - 1) A front yard having a depth of not less than 3.5 metres to the main wall of the dwelling;
 - 2) A front yard having a depth of not less than 7.0 metres to the garage or carport where the lot fronts onto a road allowance that is less than 20.0 metres in width;
 - (d) That notwithstanding Section 18A(1)(e) of Zoning By-law No. 6593, a maneuvering space having an unobstructed width of 2.7 metres and

**By-law respecting Lands Located South of the Lincoln M. Alexander Parkway and
West of West 5th Street** **(Page 3 of 5)**

a minimum unobstructed length of 7.0 metres shall be provided and maintained;

- (e) That notwithstanding the requirements of Section 9A(2)(b)(1)(iv) of Zoning By-law No. 6593, the following shall apply:
 - 1) A minimum rear yard depth of 6.0m shall be required and a minimum landscaped open space area of 41 m² shall be provided and maintained within the rear and side yards having a minimum width of 5.5 metres and a minimum depth of 6.0 metres;
 - (f) That notwithstanding Section 9A(2)(c) of Zoning By-law No. 6593, the following shall apply:
 - 1) No interior lot for a single family dwelling shall have a lot area of less than 220 m² or a lot width of less than 11.0 metres;
 - 2) No corner lot for a single family dwelling shall have a lot area of less than 220 m² of a lot width of less than 12.0 metres;
 - (g) That a visual barrier of not less than 1.2 metres in height and not greater than 2.0 metres in height, shall be provided and maintained along the rear and side lot line and side lot line where it abuts the rear yard;
 - (h) No door, window or other opening shall be permitted in the wall of a dwelling where the wall is within 3.5 metres or less, of the rear yard landscaped area of an abutting property and faces said rear yard landscaped area; and,
 - (i) That notwithstanding Sections 18(4)(i) and 18(13) of Zoning By-law No. 6593, no accessory building or structure shall be permitted.
3. That the "R4" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 to 4 on Schedule 'A', be modified to include the following special requirement:
- (a) On a lot or block against which a Part Lot Control Exemption By-law is to be registered, those parts on a reference plan which are intended to constitute a future lot shall be deemed to be a lot for the purposes of this By-law provided that such parts are in compliance

**By-law respecting Lands Located South of the Lincoln M. Alexander Parkway and
West of West 5th Street** **(Page 4 of 5)**

with all applicable regulations of this By-law, in which case, one single detached dwelling, shall be permitted on each future lot.

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 "R-4" (Small Lot Single Family Dwelling) District provisions, subject to the special requirements referred to in Sections 2 and 3, applicable to the lands described in Section 1.
5. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1371a.
6. Sheet No. W-17b of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1371a.
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.

PASSED and ENACTED this 28th

day of September, 2005.

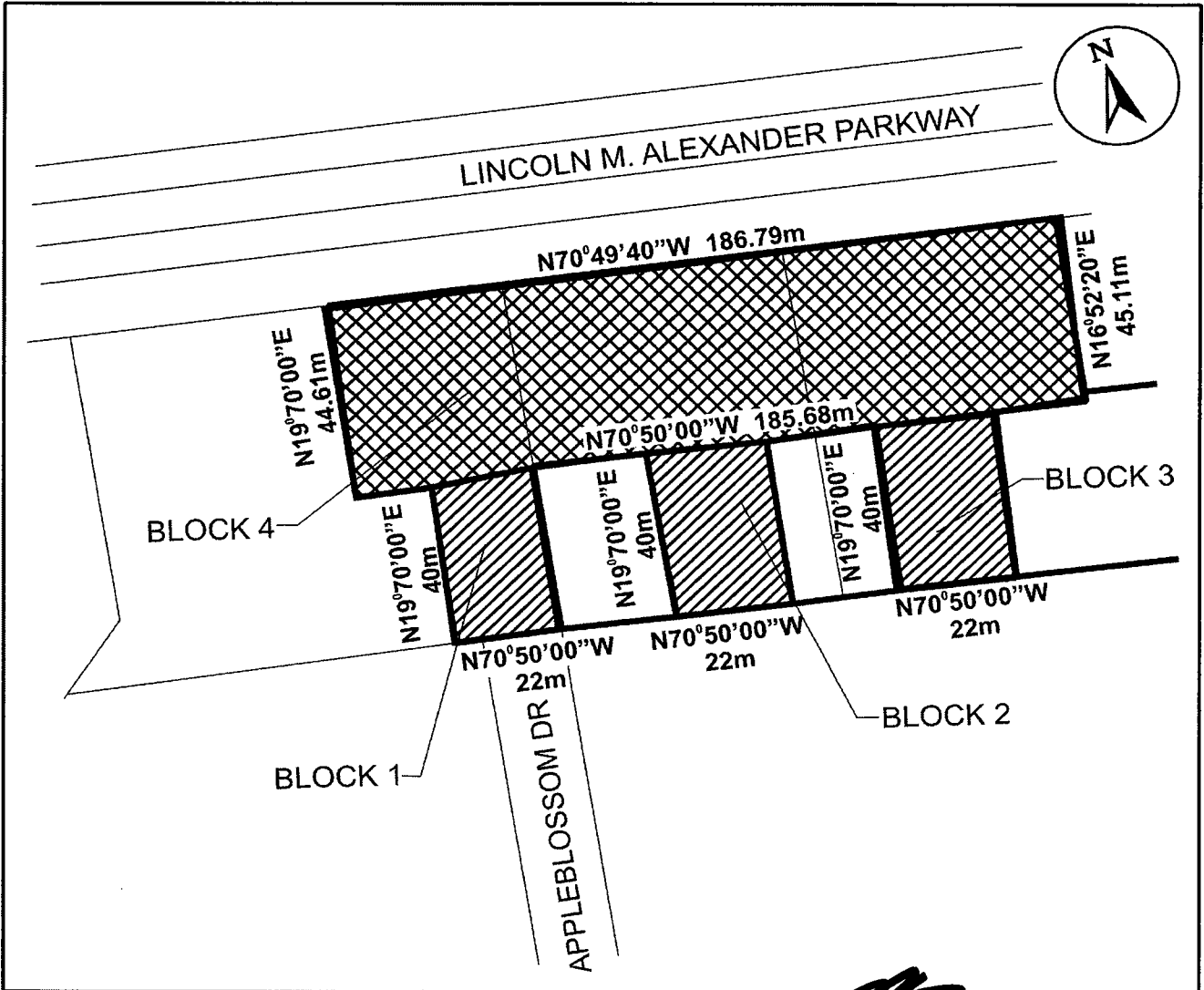


MAYOR



CLERK

ZAC-05-56



This is Schedule "A" to By-Law No. 05—279

Passed the 28th day of September, 2005

[Signature]
Clerk
[Signature]
or

Schedule "A"

Map Forming Part of
By-Law No. 05-279
to Amend By-Law No 6593

Subject Property

Blocks 121 to 124 on Revised Draft Approved Plan of Subdivision "Avalon Phase 3" (25T94012)(R)



Blocks 1 to 3 – Change in Zoning from "DE" (Low Density Multiple Dwellings) District, Modified to "R 4" (Small Lot Single Family Dwelling) District, Modified



Block 4 – Change in Zoning from "DE" (Low Density Multiple Dwellings) District, Modified to "R4" (Small Lot Single Family Dwelling) District, Modified



Hamilton

Planning and Economic Development Department



Scale:
Not to Scale

Date:
August 29, 2005

File Name/Number:
ZAC-05-56

Planner/Technician:
HT/NB