

Authority: Item 20, Planning and Economic
Development Committee
Report: 06-001 (PED 06007)
CM: March 22, 2006

Bill No. 065

CITY OF HAMILTON

BY-LAW NO. 06-065

**To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 127 and 106 Burton 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 20 of Report 06-001 of the Planning and Economic Development Committee at its meeting held on the 20th day of January, 2006, 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, as amended by Official Plan Amendment No.204 proposed by the City of Hamilton as By-law No. 06-064, but not yet approved in accordance with the provisions of the Planning Act.

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

1. That Sheet No. E-11 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

- (a) by changing the zoning from the “J/S-648” (Light and Limited Heavy Industry, Etc.) District to the “RT-20/S-1540” (Townhouse – Maisonette) District, Modified, the lands composed of Block “1” and Block “2”,

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

2. That the “RT-20” (Townhouse – Maisonette) District provisions, applicable to Block “1”, as contained in Section 10E of Zoning By-law No. 6593, be modified to include the following special requirements:

- (a) that notwithstanding Subsections 18(3)(vi)(cc)(i), 18(3)(vi)(cc)(iii), and 18(3)(vi)(d), of Zoning By-law No. 6593, a minimum front yard depth of 0.0 metres shall be provided and maintained for a balcony and for a roofed-over unenclosed one-storey porch at the first storey level, including eaves and gutters, and where a side yard abuts a street, a minimum depth of 0.3 metres shall be provided and maintained;
- (b) that notwithstanding Section 18(A)(1) of Zoning By-law No. 6593, a minimum of 1 parking space for each townhouse dwelling unit shall be provided and maintained;
- (c) that notwithstanding Section 18(A)(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long;
- (d) that notwithstanding Section 18A(1)(f) of Zoning By-law No. 6593, a minimum manoeuvring area of 5.0 metres shall be provided and maintained;
- (e) that Sections 18A(21) and 2(2)A(viid)(b) of Zoning By-law No. 6593 shall not apply;
- (f) that should Block “1” be developed for a group of townhouse dwellings, the following special provisions shall also apply:
 - (i) that notwithstanding Subsection 10E(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 0.8m shall be provided and maintained;

By-law respecting 127 and 106 Burton Street (Page 3 of 6)

- (ii) that notwithstanding Subsection 10(E)(4)(a) of Zoning By-law No. 6593, where a minimum side yard abuts a street, a minimum depth of 0.3m shall be provided and maintained;
 - (iii) that notwithstanding Subsection 10E(5) of Zoning By-law No. 6593, a distance not less than 2.4m between two exterior walls shall be provided and maintained;
 - (iv) that notwithstanding Subsection 10E(6) of Zoning By-law No. 6593, a minimum lot depth of 23.3 metres shall be provided and maintained;
 - (v) that notwithstanding Subsection 10(E)(7)(a) of Zoning By-law No. 6593, an area of not less than 140 square metres for each townhouse dwelling unit shall be provided and maintained;
 - (vi) that notwithstanding Subsection 10(E)(10) of Zoning By-law No. 6593, a minimum landscaped area of 30% shall be provided and maintained;
 - (vii) that notwithstanding Subsection 18A(24)(b)(i) of Zoning By-law No. 6593, a minimum access driveway width of 5.0m shall be provided and maintained, and Subsections 18A(24)(b)(ii) and 18A(24)(b)(iii) shall not apply;
- (g) that should Block "1" be developed for street townhouses, the following variances as special provisions shall also apply:
- (i) that notwithstanding Subsection 10F(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 0.8m shall be provided and maintained;
 - (ii) that notwithstanding Subsection 10(F)(4)(d) of Zoning By-law No. 6593, where a yard abuts any other lot, a minimum interior side yard of 1.2 metres shall be provided and maintained and where a side yard abuts a street, a minimum side yard of 0.3m shall be provided and maintained;
 - (iii) that notwithstanding Subsection 10F(5) of Zoning By-law No. 6593, a distance not less than 2.4m between two exterior walls shall be provided and maintained;
 - (iv) that notwithstanding Subsection 10(F)(6)(i) of Zoning By-law No. 6593, an area of not less than 140 square metres for each townhouse dwelling unit shall be provided and maintained; and,
 - (v) that notwithstanding Subsection 18(4)(iv) of Zoning By-law No. 6593, detached garages are permitted to be located 0.0m from a

By-law respecting 127 and 106 Burton Street (Page 4 of 6)

side and rear lot line except that no detached garage shall be permitted to be located within a private condominium driveway.

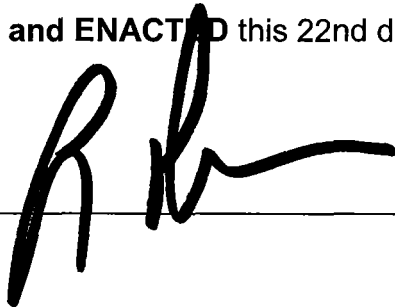
3. The “RT-20” (Townhouse – Maisonette) District provisions, applicable to Block “2”, as contained in Section 10E of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) that notwithstanding Subsections 18(3)(vi)(cc)(i), 18(3)(vi)(cc)(iii), and 18(3)(vi)(d), of Zoning By-law No. 6593, a minimum front yard depth of 0.0 metres shall be provided and maintained for a balcony and for a roofed-over unenclosed one-storey porch at the first storey level, including eaves and gutters;
 - (b) that notwithstanding Subsection 18(A)(1) of Zoning By-law No. 6593, a minimum of 1 parking space for each dwelling unit shall be provided and maintained;
 - (c) that notwithstanding Subsection 18(A)(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long;
 - (d) that notwithstanding Subsections 18A(1)(f) and 18A(29) of Zoning By-law No. 6593, a minimum manoeuvring area of 3.5 metres shall be provided and maintained, and the entrance to the parking space shall be located not less than 3.5m from the entrance of the individual driveway;
 - (e) that should Block “2” be developed for a group of townhouse dwellings, the following special provisions shall also apply:
 - (i) that notwithstanding Subsection 10E(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 2.0m shall be provided and maintained;
 - (ii) that notwithstanding Subsection 10E(4)(b) of Zoning By-law No. 6593, where a yard abuts any other lot, a minimum interior side yard of 0.6m shall be provided and maintained;
 - (iii) that notwithstanding Subsection 10E(7)(a)(ii) of Zoning By-law No. 6593, a lot width of not less than 22.8m shall be provided and maintained;
 - (f) that should Block “2” be developed for street townhouses, the following special provisions shall also apply:
 - (i) that notwithstanding Subsection 10F(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 2.0m shall be provided and maintained;

By-law respecting 127 and 106 Burton Street (Page 5 of 6)

- (ii) that notwithstanding Subsection 10F(4)(c) of Zoning By-law No. 6593, where a yard abuts any other lot, a minimum interior side yard of 0.6m shall be provided and maintained.
4. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1540.
 5. 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-20" (Townhouse – Maisonette) District provisions, subject to the special requirements referred to in Sections 2 and 3.
 6. 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 22nd day of March, 2006.

MAYOR



CLERK



ZAC-05-76/OPA-05-14



This is Schedule "A" to By-Law No. 06— 065

Passed the 22nd day of March, 2006

[Handwritten Signature]
Clerk

Schedule "A"

Map Forming Part of
By-Law No. 06-065
to Amend By-Law No. 6593



Planning and Economic Development Department
Hamilton

Subject Lands

Block "1"



Change in Zoning from the "J/S-648"
(Light and Limited Heavy Industry, Etc.) District,
Modified to the "RT-20/S-1540" (Townhouse -
Maisonette) District, Modified

Block "2"



Scale:
Not to Scale

File Name/Number:
ZAC-05-76/OPA-05-14

Date:
November 2005

Planner/Technician:
GM/MF