

Authority: Item 10, Planning and Economic
Development Committee
Report; 06-010(PED06187)
CM: June 28, 2006

Bill No. 187

CITY OF HAMILTON

BY-LAW NO. 06-187

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 10 of Report 06-010 of the Planning and Economic Development Committee at its meeting held on the 28th day of June , 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.

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

1. Sheet No. W-5 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended by changing from the "RT-10" – 'H' (Townhouse – Holding) District, Modified, to the "RT-30" – 'H' (Street - Townhouse – Holding) District, Modified, the lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A".

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2. The "RT-30" – 'H' (Street - Townhouse - Holding) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended to the extent only of the following special requirements,
- (a) That notwithstanding Section 4(3)(b) and Section 10F(6)(ii) of Zoning By-law 6593, for frontage purposes, frontage on a public highway shall not be required, provided that vehicular access is provided to each unit by a 6.0 metre wide private driveway within a Registered Plan of Condominium;
 - (b) That notwithstanding Section 10F(3) of Zoning By-law 6593, no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;
 - (c) That notwithstanding Section 10F(4)(a) of Zoning By-law 6593, where a front yard abuts a public street, a depth of 0.0 metres from the street line may be provided and maintained;
 - (d) That notwithstanding Section 10F(4)(b) of Zoning By-law 6593, for lots with frontage on a public street, a rear yard of a depth of not less than 6.0 metres shall be provided and maintained, of which a minimum of 15 m² of said yard shall be maintained as landscaped area;
 - (e) That notwithstanding Section 10F(4)(c) and Section 10F(5) of Zoning By-law 6593, a side yard of not less than 1.5 metres shall be provided and maintained for a side yard abutting a wall that is not a party wall;
 - (f) That notwithstanding Section 10F(6)(i) of Zoning By-law 6593, a minimum lot area of 102 m² shall be provided and maintained for each dwelling unit;
 - (g) That notwithstanding any provision to the contrary of Zoning By-law 6593, for lots with frontage on a public street, an amenity area in the form of a deck, with a minimum area of 10 m², shall be provided and maintained for each dwelling unit;
 - (h) That notwithstanding Section 10F(6)(ii) of Zoning By-law 6593, a minimum lot width of 5.5 metres shall be provided and maintained for each dwelling unit;
 - (i) That a maximum of 44 dwelling units shall be permitted on the lands, notwithstanding any future division of the same lands;
 - (j) That notwithstanding Section 10F(9) of Zoning By-law 6593, not more than nine dwelling units shall be attached in a continuous row;

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- (k) That notwithstanding Section 18A(1)(b) of Zoning By-law 6593 or any other provision to the contrary of Zoning By-law 6593, a minimum of 0.25 visitor parking spaces for every dwelling unit shall be provided and maintained on lands zoned "RT-30/S-1547" within a Registered Plan of Condominium; and,
 - (l) That notwithstanding Section 18A(7) of Zoning By-law 6593 or any provision to the contrary of Zoning By-law 6593, every driveway shall have dimensions of not less than 2.7 metres wide and 5.7 metres long.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law 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.

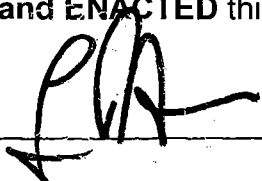
City Council may remove the 'H' symbol, and thereby give effect to the "RT-30" (Street - Townhouse) District, as amended by the special requirements of Section 2 as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled.

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-30" – 'H' (Street - Townhouse – Holding) District, Modified, provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1547.
6. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1547.
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 June, 2006.

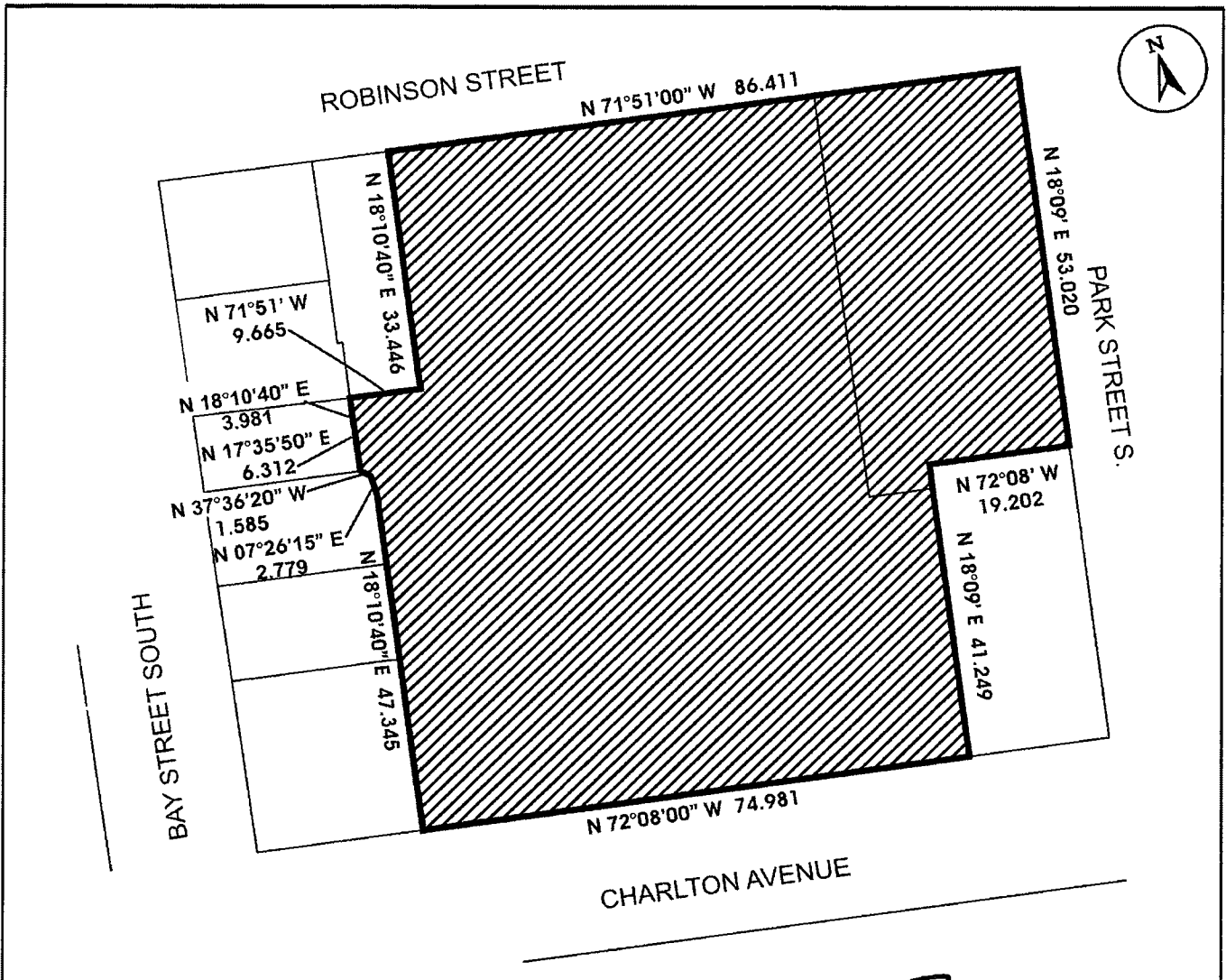
MAYOR



CLERK



ZAC-05-98



This is Schedule "A" to By-Law No. 06-187

Passed the 28th day of June, 2006

[Signature]
Clerk
[Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06- 187

to Amend By-law No. 6593

Subject Property

85 Robinson Street



Change in Zoning from the "RT-10" – 'H' (Townhouse – Holding) District, Modified to the "RT-30" – 'H' (Street - Townhouse – Holding) District, Modified

Scale: Not to Scale	File Name/Number: ZAC-05-98	
Date: March 17, 2006	Planner/Technician: HR/NR	