

Authority: Item 22, Economic Development
and Planning Committee
Report: 08-024 (PED08305)
CM: December 10, 2008

Bill No. 287

CITY OF HAMILTON

BY-LAW NO. 08-287

To Amend Zoning By-law No. 6593

**Respecting Lands Located at 85 Robinson Street
(Hamilton Thistle Club)**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22 of Report 08-024 of the Economic Development and Planning Committee at its meeting held on the 10th day of December 2008, 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. That Sheet No. W-5 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "RT-30/S-1547a" (Street Townhouse) District, Modified, to the "E/S-1600" (Multiple Dwellings, Lodges, Clubs etc.) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "E" (Multiple Dwellings, Lodges, Clubs etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3" of this by-law, are modified to include the following special requirements:
 - (a) For the purposes of this by-law, separate blocks have been established for each building, and each block shall have its own front, side and rear lot lines.
 - (b) For the purposes of this by-law, the front lot line shall be deemed as follows:
 - (i) Block "1" - Robinson Street
 - (ii) Block "2" - Charlton Avenue West
 - (iii) Block "3" - Park Street South
 - (c) That notwithstanding Sections 11.(2), 11.(3), 11.(4), 11.(5) and 11.(6), 18A.(11) and (12) and 18.(8) of Zoning By-law No. 6593, the following special requirements shall apply:

Block "1"

- (i) That the Maximum number of dwelling units shall be 66.
- (ii) That notwithstanding Section 11.(2)(iii) of Zoning By-law No. 6593, the maximum building height shall be 9-storeys.
- (iii) That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.7 metres for the first 4-storeys of the building, and 5.8 metres for the portion of the building above the 4th storey.
- (iv) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum westerly side yard width, including balconies, shall be 6.3 metres for the first 4-storeys of the building, 9.5 metres for the portion of the building between the 5th storey and the 8th storey, and 23.5 metres for the 9th storey portion of the building.
- (v) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum easterly side yard width, including balconies, shall be 3.2

metres for the first 4-storeys of the building, 5.3 metres for the portion of the building between the 5th storey and the 8th storey, and 20.6 metres for the 9th storey portion of the building.

- (vi) That notwithstanding Section 11.(3)(i)(c) of Zoning By-law No. 6593, the minimum rear yard depth, including balconies, shall be 10.8 metres.
- (vii) That notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, the boundary of a parking area shall be permitted to locate within a minimum of 2.0 metres from the westerly side lot line.

Block "2"

- (viii) That the Maximum number of dwelling units shall be 66.
- (ix) That notwithstanding Section 11.(2)(iii) of Zoning By-law No. 6593, the maximum building height shall be 9-storeys.
- (x) That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.4 metres for the first 4-storeys of the building, and 5.6 metres for the portion of the building above the 4th storey.
- (xi) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum westerly side yard width, including balconies, shall be 14.2 metres for the first 4-storeys of the building, 17.5 metres for the portion of the building between the 5th storey and the 8th storey, and 31.5 metres for the 9th storey portion of the building.
- (xii) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum easterly side yard width, including balconies, shall be 8.5 metres for the first 4-storeys of the building, 12 metres for the portion of the building between the 5th storey and the 8th storey, and 26.0 metres for the 9th storey portion of the building.
- (xiii) That notwithstanding Section 11.(3)(i)(c) of Zoning By-law No. 6593, the minimum rear yard depth, including balconies, shall be 11.5 metres.
- (xiv) That notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, the boundary of a parking area shall be permitted to locate within a minimum of 2.0 metres from the westerly side lot line, and a minimum of 1.6 metres from the Charlton Avenue West street line.

Block "3"

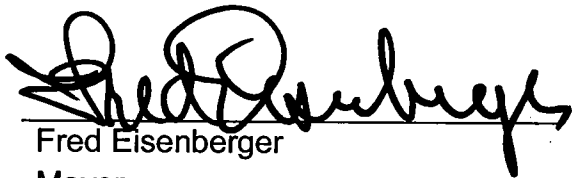
- (xv) That the Maximum number of Class A dwelling units shall be 24.
- (xvi) That notwithstanding Section 11.(2)(iii) of Zoning By-law No. 6593, the maximum building height shall be 4-storeys.
- (xvii) That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.0 metres.
- (xviii) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum northerly side yard width, including balconies, shall be 1.7 metres, except that 0.0 metres shall be permitted for a 1-storey, roofed-over unenclosed porch for the building entrance.
- (xix) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum southerly side yard width, including balconies, shall be 9.4 metres.
- (xx) That notwithstanding Section 11.(3)(i)(c) of Zoning By-law No. 6593, the minimum rear yard depth, including balconies, shall be 6.0 metres.

Blocks "1", "2" and "3"

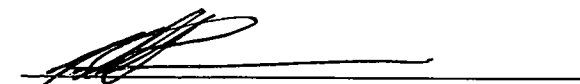
- (xxi) That notwithstanding Section 11.(6) of Zoning By-law No. 6593, the minimum total combined landscaped area shall be 38% of the entire lot on which the buildings or structures are situated;
 - (xxii) That notwithstanding Section 18A.(7) and (8) of Zoning By-law No. 6593, the minimum parking space size shall be 2.6 metres in width by 5.5 metres in length;
 - (xxiii) That notwithstanding Section 18A.(1)(a) and (b) and Tables 1 and 2 of Zoning By-law No. 6593, visitor parking spaces shall be provided on the basis of 0.13 spaces per apartment dwelling unit;
 - (xxiv) That notwithstanding Section 18A.(1)(c) and Table 3 of Zoning By-law No. 6593, loading spaces shall not be required.
3. 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 "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, subject to the special requirements referred to in Section 2.
 4. That 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-1600.

5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1600.
6. 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 and ENACTED this 10th day of December, 2008

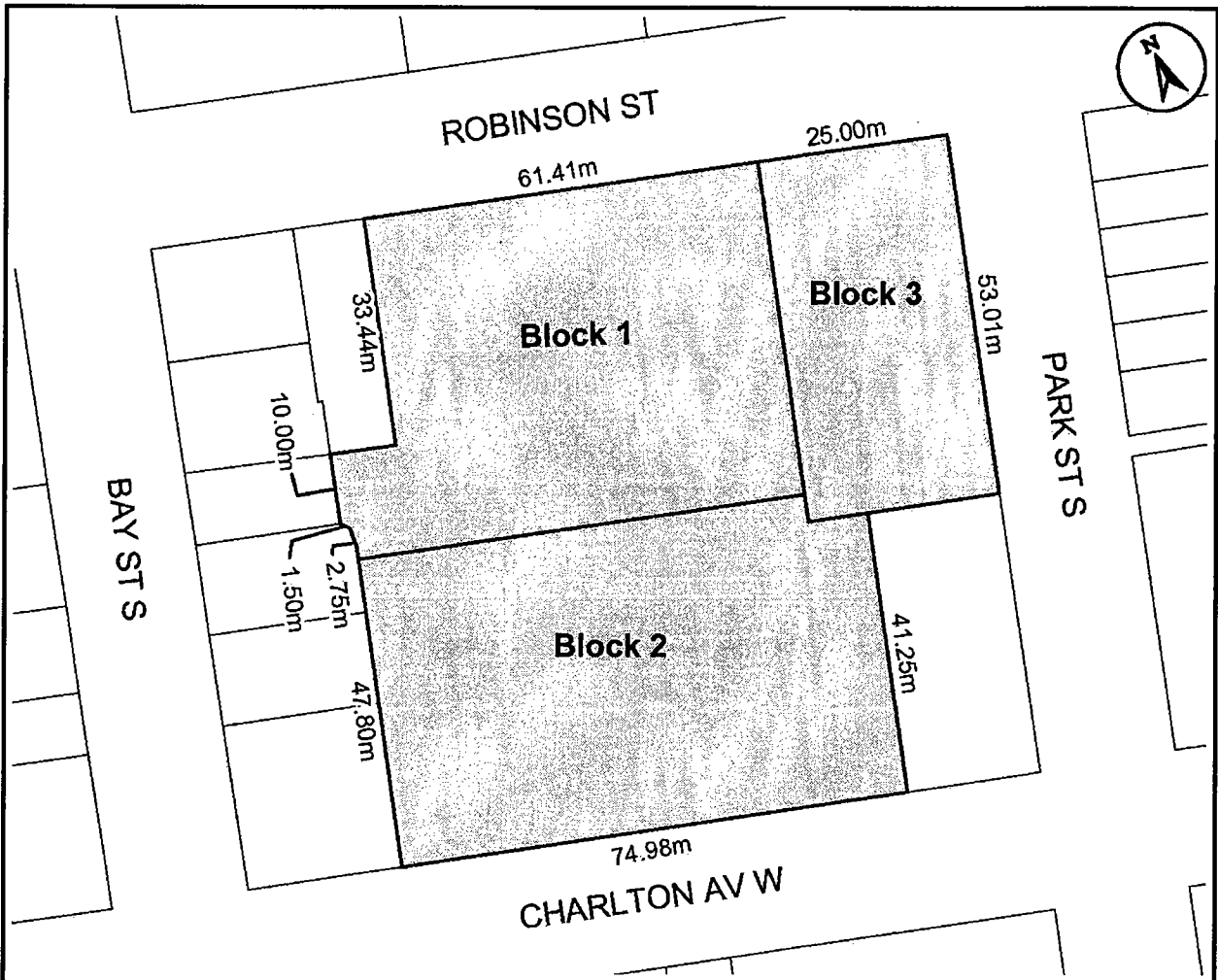


Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-08-032



This is Schedule "A" to By-Law No. 08-
Passed the ...10... day of December..., 2008


[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08-287

to Amend By-law No.6593

Subject Property
 85 Robinson Street
 Change in Zoning from the "RT-30/S-1547a"
 (Street Townhouse) District to the "E/S-1600"
 (Multiple Dwellings, Lodges, Clubs, etc.)
 District, Modified.

Scale: N.T.S.	File Name/Number: ZAR-08-032	
Date: Nov. 04, 2008	Planner/Technician: CT/DG	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		