

Authority: Item 9, Economic Development and
Planning Committee
Report: 09-021 (PED09280)
CM: October 28, 2009

Bill No. 221

CITY OF HAMILTON

BY-LAW NO. 09-221

**To Amend Zoning By-law No. 6593 (Hamilton), respecting
lands located at 427 Aberdeen Avenue**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 9 of Report 09-021 of the Economic Development and Planning Committee at its meeting held on the 28th day of October, 2009, 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 City of Hamilton;

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

1. That Sheet No. W24 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "E-3" (High

By-law respecting 427 Aberdeen Avenue

(Page 2 of 4)

Density Multiple Residential) District, Modified, on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule "A".

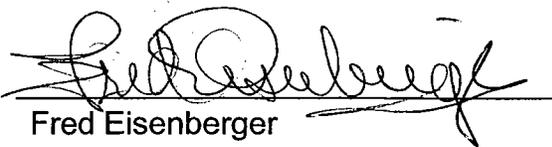
2. That the "E-3" (High Density Multiple Residential) District regulations, as contained in Section 11C of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 11C(1a)(a) of Zoning By-law No. 6593, a maximum height of 8 storeys or 28.5m shall be permitted.
 - (b) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be required:
 - 1) A Front Yard (Aberdeen Avenue) depth of 0.0 metres shall be provided and maintained for all buildings and structures.
 - 2) A Minimum exterior Side Yard (Dundurn Street South) width of 0.0 metres shall be provided and maintained for all buildings and structures.
 - 3) A Minimum interior Side Yard depth of 0.8 metres shall be provided and maintained for all buildings and structures.
 - 4) A Minimum Rear Yard depth of 1.0 metre shall be provided and maintained for all buildings and structures except that a minimum rear yard depth of 5.0 metres shall be provided for that portion of the building above the first storey along a 12.0 metre length of the rear lot line, which commences at the west side lot line (adjacent to 429 Aberdeen Avenue) and extends easterly along the rear lot line for a distance of 12.0 metres.
 - (c) That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 3,800m² or exceed a maximum of 32 units.
 - (d) That notwithstanding Section 11C(5) of Zoning By-law No. 6593, there shall be provided and maintained at least 30% of the area of the lot as landscaped area.
 - (e) Notwithstanding the definition of "Landscaped Area" contained within Zoning By-law 6593, the "landscaped Area" shall include areas located within or on the roof of any building.
 - (f) That notwithstanding Section 18A(1)(a) and (b), and Tables 1 and 2, parking for a multiple dwelling shall be provided at a ratio of 0.85 spaces per unit.

By-law respecting 427 Aberdeen Avenue

(Page 3 of 4)

- (g) That notwithstanding Section 18A.(1)(c) of Zoning By-law No. 6593, no loading spaces shall be required.
 - (h) That notwithstanding Section 18A.(14g) of Zoning By-law No. 6593, required parking shall be permitted in a required front yard.
 - (i) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7m wide and 5.5m long.
 - (j) That notwithstanding Section 18A.(Table 6) of Zoning By-law No. 6593, a minimum 5.5m maneuvering space aisle width shall be permitted for required parking areas.
 - (k) That notwithstanding Section 18A.(25) of Zoning By-law No. 6593, a driveway access shall be permitted to be located within 3m of a residential district that does not permit such a use.
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-3" (High Density Multiple Residential) District provisions, subject to the special requirements referred to in Section 2.
 4. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1618.
 5. That Sheet No. W24 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1618.
 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.

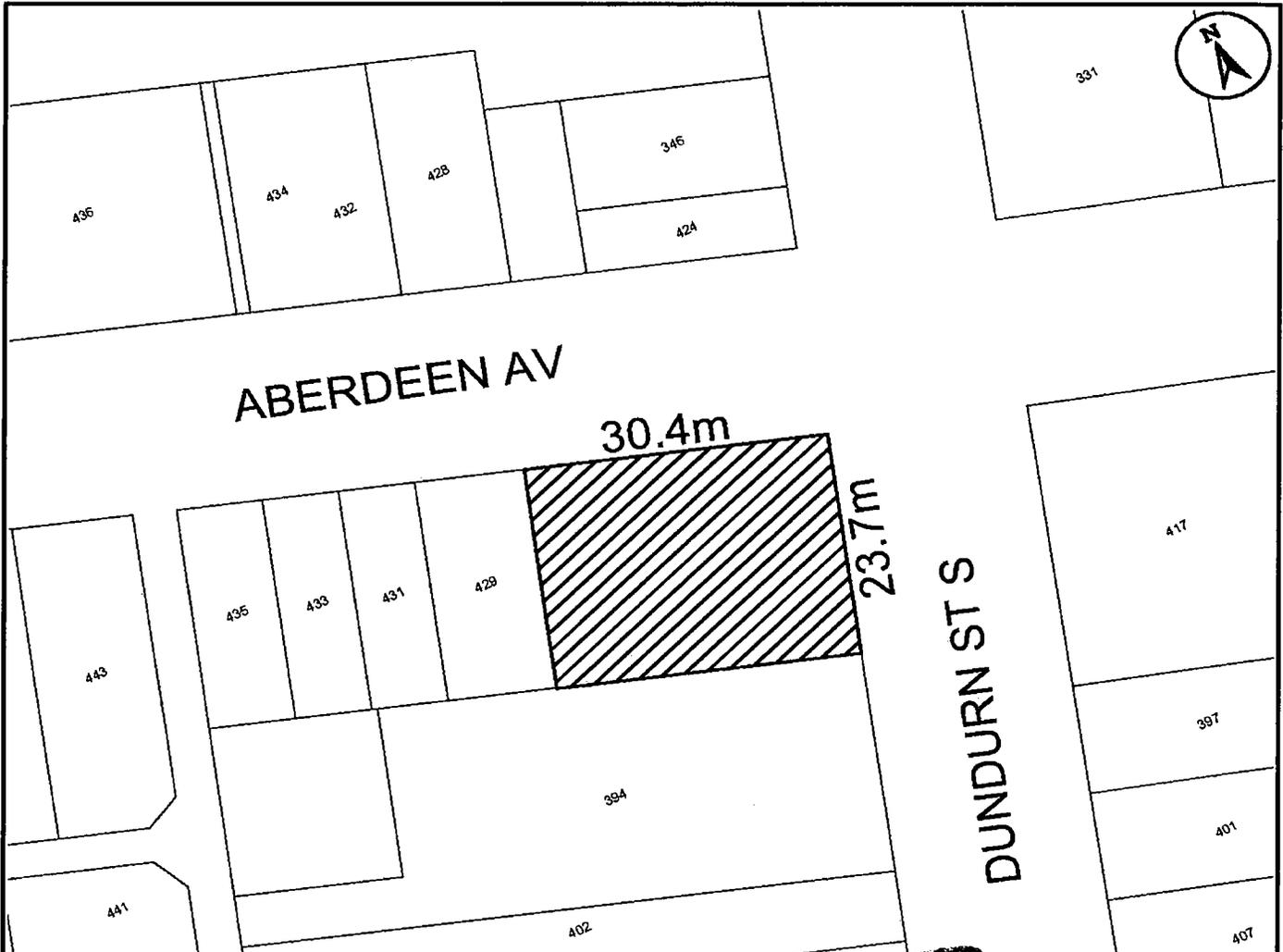
PASSED and ENACTED this 28th day of October, 2009.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk



This is Schedule "A" to By-Law No. 09- 221

Passed the ..28th... day of ..October....., 2009

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 09- 221

to Amend By-law No.6593

Subject Property



427 Aberdeen Avenue, Hamilton
 Change in Zoning from the "H" (Community Shopping and Commercial, etc.) District to the "E-3" (High Density Multiple Residential) District, Modified

Scale:
 N.T.S.

File Name/Number:
 ZAC-09-026

Date:
 Sep.23, 2009

Planner/Technician:
 EJ/NB



Hamilton