

Authority: Item 5, Planning Committee
Report 11-017 (PED11175)
CM: October 12, 2011

Bill No. 256

CITY OF HAMILTON

BY- LAW NO. 11-256

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 12 Ambrose Avenue (Hamilton)**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 11-017 of the Planning Committee, at its meeting held on the 12th day of October 2011, 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. E-98 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:
 - (a) That Blocks 1, 2, and 3 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “D/S-1620” (Urban Protected Residential - One and Two Family Dwellings) District, Modified; and,
 - (b) That Block 4 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “RT-30/S-1620” (Street-Townhouse) District, Modified;on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. That the following special regulations shall apply to lands identified as Blocks “1”, “2”, “3” and “4”:
 - (a) That notwithstanding Sub-section 2.(2)J.(ix) of Zoning By-law No. 6593, that for the purpose of this By-law, building height shall mean the vertical distance measured from the average finished grade level adjacent to the front elevation of a building to the highest point of the roof structure.
 - (b) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long, except that parking spaces within an attached garage shall have dimensions not less than 2.7 metres wide and 6.0 metres long.
 - (c) That no buildings, structures, fences, swimming pools, or grade alterations shall be permitted within 7.5 metres of any lands zoned Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 and identified as Block “2” on Schedule ‘A’ of By-law No. 11-257
 - (d) That notwithstanding Sub-section 10.(3)(i) and Sub-section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard of a depth of not less than 5.5 metres shall be provided and maintained.
 - (e) That Sub-section 18A.(11) and 18A.(12) of Zoning By-law No. 593 shall not apply to visitor parking within a common element condominium road, except that a visual barrier between a parking space and the lot line of an abutting residential district, not less than 1.2 metres in height and not greater than 2.0 metres in height, shall be provided and maintained.
 - (f) That Sub-sections 18A.(25) and 18A.(29) of Zoning By-law No. 6593 shall not apply.

3. That the following special regulations shall apply to lands identified as Blocks 2, 3, and 4:
 - (a) That notwithstanding any provisions of Zoning By-law No. 6593, for the purposes of this By-law, a common element condominium road is deemed to be a street, and that visitor parking for the dwelling units fronting the common element condominium road is permitted within the common element condominium road.
 - (b) That notwithstanding any provision of Zoning By-law No. 6593, a minimum of 12 visitor parking spaces shall be provided and maintained on lands combined between Block 2, Block 3, and Block 4.

4. That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block 1, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
 - (a) That notwithstanding Sub-section 10.(2) of Zoning By-law 6593, for any dwelling or lot abutting a property zoned "C" (Urban Protected Residential, Etc.) District, no building shall exceed 1 ½ storeys, and no structure shall exceed 12.5 metres in height;
 - (b) That notwithstanding Sub-section 10.(3) of Zoning By-law 6593, for any dwelling or lot abutting a property zoned "C" (Urban Protected Residential, Etc.) District, a minimum easterly rear yard setback of 1.2 metres shall be provided and maintained, a minimum southerly side yard setback of 4.5m shall be provided and maintained, and a minimum northerly side yard setback of at least 10.0 metres shall be provided and maintained;
 - (c) That notwithstanding Sub-section 10.(3)(ii) of Zoning By-law No. 6593 and Sub-section 4.(b) of this By-law, for all lots not abutting a property zoned "C" (Urban Protected Residential, Etc.) District, a side yard along each side lot line, of a width of at least 1.2 metres, shall be provided and maintained;
 - (d) That notwithstanding Sub-section 10.(3)(iii) of Zoning By-law No. 6593 and Sub-section 4.(b) of this By-law, a rear yard of a depth of at least 6.0 metres shall be provided and maintained for all lots not abutting a "C" (Urban Protected Residential, Etc.) District;
 - (e) That notwithstanding Sub-section 10.(4)(i) and Sub-section 10.(4)(ii) of Zoning By-law No. 6593, an area of at least 310 square metres shall be provided and maintained for a single family dwelling, and an area of at least 220 square metres per dwelling unit shall be provided and maintained for a divided two family dwelling;


- (f) That notwithstanding any other provisions of Zoning By-law No. 6593, windows above the first storey shall not be permitted on the northern elevation of any dwelling abutting a property zoned "C" (Urban Protected Residential, Etc.) District;
 - (g) That notwithstanding any other provisions of Zoning By-law No. 6593, for any dwelling abutting a property zoned "C" (Urban Protected Residential, Etc.) District, decks shall not be permitted more than 1.5 metres above grade, and that for purposes of the deck, grade shall be defined as the average grade elevation at the 4 corners of the deck.
5. That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block 2, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
- (a) That notwithstanding Sub-section 10.(2) of Zoning By-law 6593, no building shall exceed 1 ½ storeys, and no structure shall exceed 12.5 metres in height;
 - (b) That notwithstanding Sub-section 10.(3)(ii) of Zoning By-law No. 6593, a side yard along each side lot line, of a width of at least 1.2 metres, shall be provided and maintained;
 - (c) That notwithstanding Sub-section 10.(3)(iii) of Zoning By-law No. 6593, a rear yard of a depth of at least 10.0 metres shall be provided and maintained;
 - (d) That notwithstanding Sub-section 10.(4)(ii) of Zoning By-law No. 6593, an area of at least 265 square metres per dwelling unit shall be provided and maintained for a divided two family dwelling;
 - (e) That notwithstanding any other provisions of Zoning By-law No. 6593, windows above the first storey shall not be permitted on a rear elevation on any building within a lot that abuts a property zoned "C" (Urban Protected Residential, Etc.) District; and,
 - (f) That notwithstanding any other provisions of Zoning By-law No. 6593, decks shall not be permitted more than 1.5 metres above grade, and that for purposes of the deck, grade shall be defined as the average grade elevation at the 4 corners of the deck on any building.
 - (g) That notwithstanding Sub-section 10.(1)(ii) of Zoning By-law No. 6593 a maximum of one two family dwelling shall be permitted and only on a lot that

does not abut a property zoned "C" (Urban Protected Residential, Etc.) District.

6. That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block 3, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
 - (a) That notwithstanding Sub-section 10.(3)(ii) of Zoning By-law No. 6593, a side yard along each side lot line, of a width of at least 1.2 metres, shall be provided and maintained;
 - (b) That notwithstanding Sub-section 10.(4)(ii) of Zoning By-law No. 6593, for an undivided two family dwelling, a width of at least 14.0 metres shall be provided, and an area of at least 225 square metres per dwelling unit for a divided two family dwelling shall be provided and maintained;
7. That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the lands identified as Block 4, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
 - (a) That notwithstanding Sub-section 10F.(4)(b) of Zoning By-law No. 6593, a rear yard of a depth of at least 6.0 metres shall be provided and maintained;
 - (b) That notwithstanding Sub-section 10F.(4)(c) of Zoning By-law No. 6593, a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.2 metres, shall be provided and maintained;
 - (c) That notwithstanding Sub-section 10F.(6)(i) of Zoning By-law No. 6593, a lot area not less than 145 square metres for each single family dwelling unit shall be provided and maintained.
8. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1620.
9. That Sheet No. E-98 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1620.
10. 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 "D" (Urban Protected Residential - One and Two Family Dwellings) District provisions and the "RT-30" (Street-Townhouse) District provisions, subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, and 7 of this By-law.

11. 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 this 12th day of October, 2011



R. Bratina
Mayor



R. Caterini
City Clerk

ZAC-11-027/25T-201104



This is Schedule "A" to By-Law No. 11- 256
 Passed the 12th day of October, 2011

R. R. R.
 Clerk
[Signature]
 Mayor

Schedule "A"






Map Forming Part of
 By-Law No. 11- 256

to Amend By-law No. 6593

Subject Property

12 Ambrose Avenue

Change in Zoning from "C" (Urban Protected Residential, Etc.) District to the:

-  Block 1: "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;
-  Block 2: "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;
-  Block 3: "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;
-  Block 4: "RT-30"/S-1620 (Street Townhouse) District;
-  Refer to Zoning By-law No. 05-200

Scale:
 N.T.S.

File Name/Number:
 ZAC-11-027/25T-201104

Date:
 August 22, 2011

Planner/Technician:
 GM/AL



Hamilton