

**Authority:** Item 4, Planning Committee  
Report 13-007 (PED13080)  
CM: April 30, 2013

**Bill No. 126**

**CITY OF HAMILTON**

**BY- LAW NO. 13-126**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 1155 West 5<sup>th</sup> Street (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 13-007 of the Planning Committee, at its meeting held on the 8th day of May, 2013, 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.

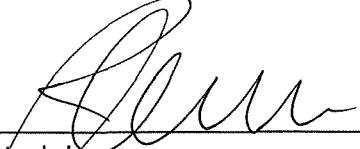
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

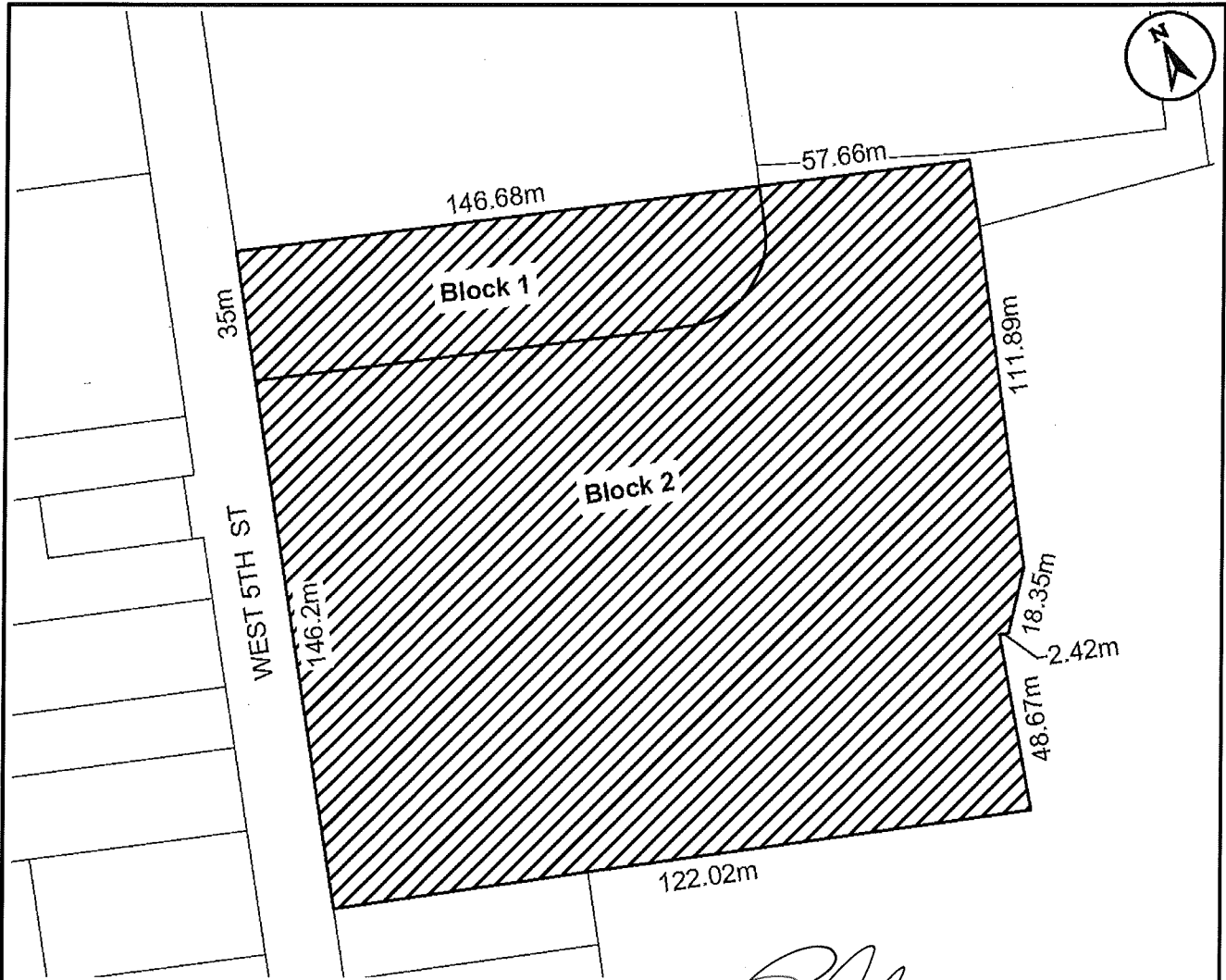
1. That Sheet No. W9d of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing:
  - (a) Blocks 1 and 2 to be rezoned from the "AA" (Agricultural) District to the "RT-30/S-1667" (Street Townhouse) District, Modified,  
  
on the lands the extent and boundaries 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":
  - (a) 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 2.6m wide and 5.5m long, except that parking spaces within an attached garage shall have dimensions not less than 3.0m wide and 6.0m long.
  - (b) That notwithstanding Sub-section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard of a depth of not less than 4.5m, except 5.8m to an attached garage, shall be provided and maintained.
  - (c) That notwithstanding Sub-section 10F.(4)(b) of Zoning By-law No. 6593, a rear yard of a depth of at least 6.5m shall be provided and maintained;
  - (d) That notwithstanding Sub-section 10F.(4)(c) and (5) of Zoning By-law No. 6593, the following minimum side yards shall be provided and maintained for yards abutting a wall that is not a party wall:
    - i) 1.5m for an interior side yard; and,
    - ii) 3.0m for an exterior side yard.
  - (e) That notwithstanding Sub-sections 2(b) and (d) of this By-law, the minimum front yard and exterior side yard may be reduced to accommodate 13m turning radii at the intersection of condominium lands, but in no circumstances shall a setback be less than 1.5m.
  - (f) That notwithstanding Sub-section 10F.(6)(i) of Zoning By-law No. 6593, a lot area not less than 150 sq. m. for each single family dwelling unit shall be provided and maintained.
  - (g) 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 Block 2:
  - (a) That notwithstanding any provision of Zoning By-law No. 6593, for the purposes of this By-law, a common element condominium road is deemed to be a street.
  - (b) That notwithstanding any provision of Zoning By-law No. 6593, a minimum of 0.34 visitor parking spaces per dwelling unit shall be provided and maintained.
  - (c) That notwithstanding any provision of Zoning By-law No. 6593, a private amenity area of not less than 450 sq. m. shall be provided and maintained. For purposes of this By-law, a private amenity area shall mean an area of open space where facilities are provided for recreational activities.
  - (d) That Sub-section 18A.(9), (11), and (12) of Zoning By-law No. 593 shall not apply to visitor parking, except that a visual barrier between a parking space and the lot line of an abutting residential district, not less than 1.2m in height and not greater than 2.0m in height, shall be provided and maintained.
4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1667.
5. 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-1667.
6. 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 "RT-30" (Street-Townhouse) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
7. 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 8<sup>th</sup> day of May, 2013

  
\_\_\_\_\_  
R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
City Clerk



This is Schedule "A" to By-Law No. 13-126

Passed the ...8<sup>th</sup>... day of ...May....., 2013

*[Signature]*  
 Clerk  
*[Signature]*  
 Mayor

## Schedule "A"

Map Forming Part of  
 By-Law No. 13-126

to Amend By-law No. 6593

### Subject Property

1155 West 5th Street



Block 1 and 2: Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1667" (Street Townhouse) District, Modified

Scale:  
 N.T.S.

File Name/Number:  
 ZAC12-005/25T-201202/25CDM-201201

Date:  
 March 11, 2013

Planner/Technician:  
 CB/NB



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT