

Authority: Item 5, Planning Committee
Report 18-005 (PED18072)
CM: April 11, 2018
Ward: 1

Bill No. 095

CITY OF HAMILTON
BY-LAW NO. 18-095

**To Amend Zoning By-law No. 6593 (Hamilton) as amended,
Respecting Lands Located at 412 Aberdeen 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";

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";

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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);

WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 18-005 of the Planning Committee, at its meeting held on the 11th day of April, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That By-law No. 97-132 is hereby repealed in its entirety.
2. That Sheet No. W14 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from the "D/S-1381" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "D/S-1758-'H'" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - a) That in addition to Section 10 (1), a three family dwelling shall be permitted within the building existing on the date of the passing of this By-law.
 - b) Notwithstanding Section 18 (3) (vi) (b) (iii), the existing encroachment of any eaves or gutters on the westerly side of the building existing on the date of the passing of this By-law shall be permitted.
 - c) Notwithstanding Section 18A (1) (f), no on-site manoeuvring shall be provided for parking spaces located at the rear of the property and not less than 3 metres of on-site manoeuvring shall be provided for a parking space located at the front of the property.
 - d) Notwithstanding Section 18A (7), a maximum of one (1) required parking space, other than a parallel parking space, shall have dimensions not less than 3.2 metres wide and 5.5 metres long, for all other required parking spaces, other than a parallel parking space, shall have dimensions not less than 3.2 metres wide and 6 metres long.
 - e) Notwithstanding Section 18A (9), the required manoeuvring space shall not be provided and maintained on the lot in which the principal use, building, or structure is located.
 - f) Notwithstanding Section 18A (14b) (i) and (ii), not more than 75% of the gross area of the front yard shall be occupied for parking and not less than 25% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.
 - g) Notwithstanding Section 18A (14g), one (1) parking space shall be located in a required front yard.
 - h) That in addition to Section 18A (21), all parking spaces and manoeuvring spaces may also be accessed by an alleyway.
 - i) That in addition to Section 18A (23), an access driveway may also be accessed by an alleyway.
4. That the 'H' symbol applicable to the lands referred to in Sections 1 shall be removed conditional upon:
 - i) The Owner apply for a Building Permit to legalize the two (2) dormer additions and internal renovations to create three (3) dwelling units, to the satisfaction of the City's Chief Building Official.

- ii) The Owner includes the following noise warning clause on title and agrees to include the following noise warning clause in all offers of purchase and sale and lease agreements to the satisfaction of Director of Planning and Chief Planner:

“Purchasers / tenants are advised that sound levels due to increased road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment and Climate Change’s noise criteria”.
 - iii) The Owner submits and receives approval of an updated wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management.
- 5. 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” District provisions, subject to the special requirements in Section 3 of this By-law.
 - 6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1758.
 - 7. That Sheet No. W14 of the District maps is amended by making the lands referred to in Section 2 of this By-law as Schedule S-1758.
 - 8. 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 11th day of April, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAR-17-040

To Amend Zoning By-law No. 6593 (Hamilton) as amended,
Respecting Lands Located at 412 Aberdeen Avenue, Hamilton

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This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 6593

Subject Property

412 Aberdeen Avenue



Change in Zoning from the "D/S-1381"
(Urban Protected Residential - One and Two
Family Dwellings, etc.) District, Modified, to the
"D/S-1758-'H'" (Urban Protected Residential -
One and Two Family Dwellings, etc.) District
Holding, Modified

Scale:
N.T.S.

File Name/Number:
ZAR-17-040

Date:
Feb. 8, 2018

Planner/Technician:
DB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT