

Authority: Item 4, Planning Committee
Report 14- 004 (PED14026)
CM: March 26, 2014

Bill No. 084

CITY OF HAMILTON

BY-LAW NO. 14-084

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands located at 1354 Upper Sherman 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 14-004 of the Planning Committee, at its meeting held on the 26th day of March 2014, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 15.

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


1. That Sheet No. E27c of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing from the "AA" (Agricultural) District, to the "RT-20 - 'H'/S-1702" (Townhouse – Maisonette - Holding) District, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, are modified to include the following:
 - (a) That, notwithstanding Section 10E(4)(b), no residential units shall be permitted within 28m of the rear lot line.
 - (b) That, notwithstanding Section 10E(5), a minimum 3.5m distance between exterior walls containing habitable room windows shall be provided and maintained.
 - (c) That, notwithstanding Section 18A(25), every access driveway shall be located not less than 1.2m from the common boundary.
 - (d) That notwithstanding Section 10E(3), no building or structure shall exceed two storeys in height.
 - (e) That, notwithstanding Section 18A(7) each parking space shall be a minimum of 5.5m x 2.6m.
 - (f) A visual barrier, not less than 1.2m in height, and not greater than 2.0m in height, shall be provided and maintained along the side and rear lot lines.
 - (g) Screening in the form of a board on board fence and/or dense planting of evergreen trees, not less than 1.2m in height, shall be provided and maintained around the visitor parking area and hammerhead turn-around.
 - (h) That a maximum of fourteen dwelling units shall be permitted.
3. That the 'H' symbol, applicable to the lands zoned "RT-20 - 'H'/S-1702" (Townhouse – Maisonette - Holding) District, will prohibit the use of the subject lands for the purposes permitted within this by-law until such a time as:
 - (a) A Construction Management Plan and Site Plan Application have been conditionally approved by the Manager of Development Planning Heritage and Urban Design, and shall include:

- i) Prohibition on blasting
- ii) Flooding Mitigation Plan
- iii) Fence and screening requirements
- iv) Individual garbage collection
- v) Ward Councilor to be included in Site Plan Approval
- vi) 2 storeys in height maximum

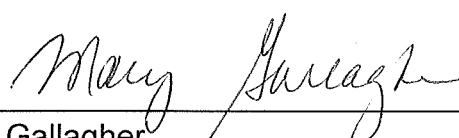
City Council may remove the 'H' symbol by enactment of an amending By-law once the above condition has been fulfilled.

4. 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-20" (Townhouse-Maisonette) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That By-law 6593 (City of Hamilton) is amended by adding this By-law to Section 19 B as Schedule S-1702.
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 this 9th day of April, 2014.

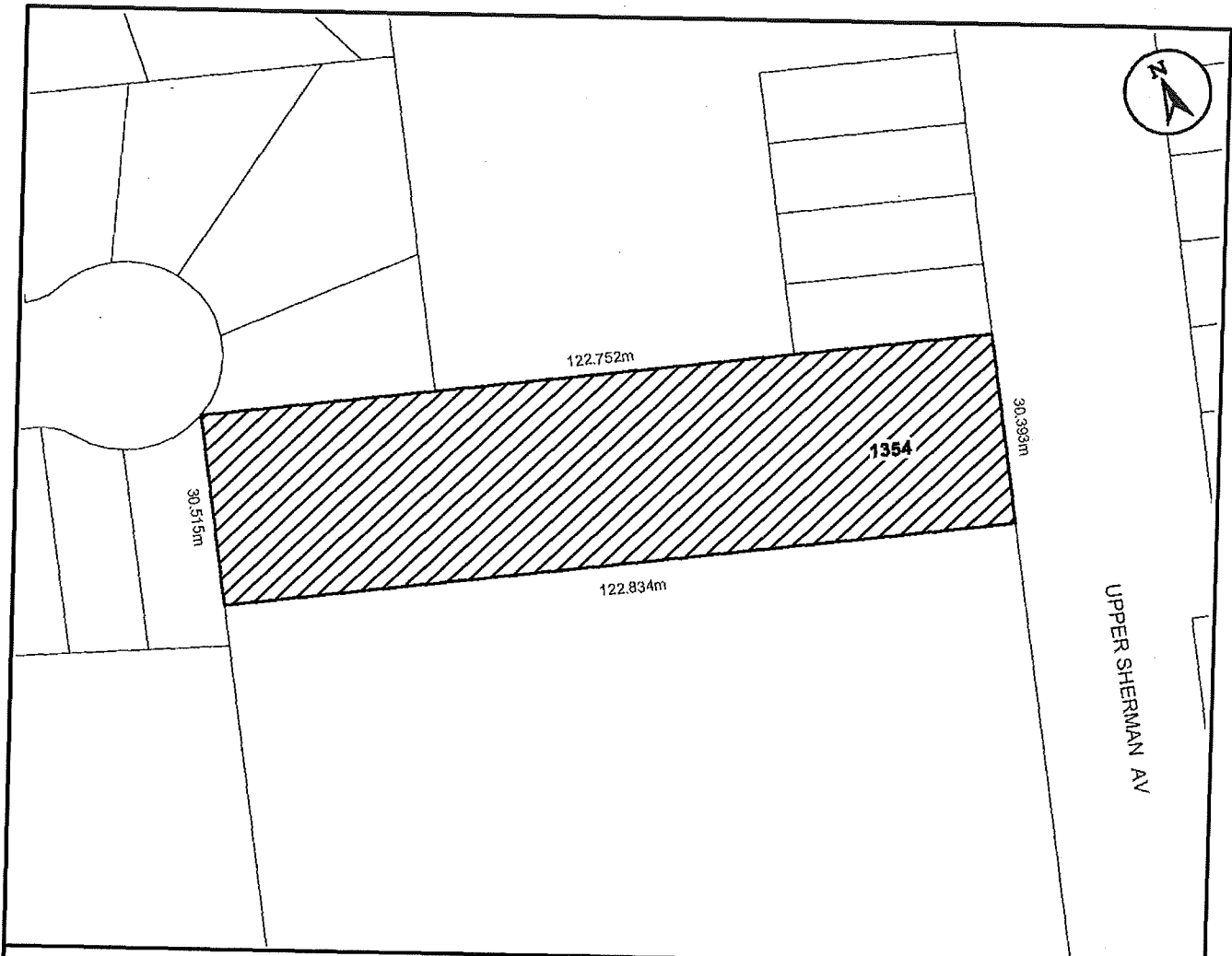


R. Bratina
Mayor



M. Gallagher
Acting City Clerk

ZAC-11-050



This is Schedule "A" to By-Law No. 14- 084

Passed the 9 day of April, 2014

R. Bratina
 Clerk Mayor
Mary Maguire
 Mayor CLERK

Schedule "A"

Map Forming Part of
 By-Law No. 14- 084

to Amend By-law No. 6593

Subject Property

1354 Upper Sherman Avenue, Hamilton



Change in Zoning from the "AA" (Agricultural) District to the "RT-20-'H/S-1702" (Townhouse - Maisonette - Holding) District

Scale:
 N.T.S.

File Name/Number:
 ZAC-11-050

Date:
 March 19, 2014

Planner/Technician:
 GM/AL



Hamilton