

**Authority:** Item 6, Planning Committee  
Report: 16-001(PED16014)  
CM: January 20, 2016

**Bill No. 041**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-041**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 149½ Sherman Avenue North**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 16-001 of the Planning Committee at its meeting held on the 20<sup>th</sup> day of January of 2016, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. "47".

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

1. That Sheet No. E21 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "G-3" (Public Parking Lots) District to the "RT-30/S-1728"-H' (Street-Townhouse) District,

Holding, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593 be modified to include the following requirements:
  - (a) That notwithstanding Section 10F(4)(a), a front yard of a depth of not less than 5.7 metres shall be permitted.
  - (b) That notwithstanding Section 10F(4)(d), a side yard abutting a wall that is not a party wall along each side lot line of a width of not less than 1.10 metres for each dwelling unit for which a garage or carport is not provided.
  - (c) That notwithstanding Section 10F(6)(i), a lot area of not less than 130 square metres for each single family dwelling unit;
  - (d) That notwithstanding Section 10F(6)(ii), a width of not less than 4.8 metres for interior units and 6.0 metres for end units;
  - (e) That in addition to Section 10F(8) and Section (18), an accessory structure including a shed shall be permitted to be located 5.3 metres from a rear lot line
  - (f) That notwithstanding Section 10F(8), accessory structures including sheds and rear decks shall be permitted to have a 0.0 metre side yard setback along an interior side yard.
  - (g) That notwithstanding Section 18A(1)(f), Section 18(A)(9), Section 18(A)(10) Section (18A)(22) and Table 6 (90 degree parking), a manoeuvring space for a driveway parking space shall not be required.
  - (h) That notwithstanding Section 18A(7), the minimum dimensions of a parking space shall be 2.6 metres by 5.5 metres.
  - (i) That notwithstanding Section 18A(14)(g), a parking space shall be permitted within the required front yard.
  - (j) That notwithstanding Section 18A(24)(a), the minimum width of an access driveway shall be 2.6 metres.
3. That the amending Zoning By-law apply the Holding Provisions of Section 36 (1) of the *Planning Act, R.S.O., 1990* to the subject lands identified in Section 1 of this by-law by introducing the Holding symbol 'H' as a suffix to the proposed Site Specific "RT-30" (Street-Townhouse ) District.

The Holding Provision "RT-30-1728"-H' will prohibit the use of the subject lands for street townhouses, until such time as the following conditions have been satisfied:

- (1) That a signed Record of Site Condition (RSC) be submitted to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Manager of Development Planning, Heritage and Design, including a notice of acknowledgement of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
- (2) That a Noise Study be prepared by a qualified Professional Engineer, completed to the satisfaction of the Manager of Development Planning, Heritage and Design.

City Council may remove the 'H' symbol, and thereby give effect to the "RT-30-1728-'H'" (Street-Townhouse) District, by enactment of an amending By-law once the above conditions have 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-30" (Street-Townhouse) District provisions, subject to the special requirements referred to in Section 2 of this by-law.
5. Sheet No. E21 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1728.
6. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1728.
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 10<sup>th</sup> day of February, 2016.




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F. Eisenberger  
Mayor

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R. Caterini  
Clerk

ZAR-15-034/UHOPA-15-027

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| <p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the ..... day of ....., 2016</p>  | <p>-----<br/>Mayor</p> <p>-----<br/>Clerk</p>  |  |                        |                              |   |
| <p><b>Schedule "A"</b></p> <p><b>Map Forming Part of</b><br/><b>By-law No. 16-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>  | <p><b>Subject Property</b><br/>149 1/2 Sherman Avenue North, Hamilton</p> <p> Change from "G-3" (Public Parking Lots) District to "RT-30/S-1728-'H'" (Street-Townhouse) District, Holding, Modified</p> |  |                        |                              |   |
| <table border="1"> <tr> <td>Scale:<br/>N.T.S.</td> <td>File Name/Number:<br/>ZAR-15-034 / UHOPA-15-027</td> </tr> <tr> <td>Date:<br/>Nov. 10, 2015</td> <td>Planner/Technician:<br/>CT/AL</td> </tr> </table> | Scale:<br>N.T.S.   | File Name/Number:<br>ZAR-15-034 / UHOPA-15-027 | Date:<br>Nov. 10, 2015 | Planner/Technician:<br>CT/AL |  |
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| Date:<br>Nov. 10, 2015  | Planner/Technician:<br>CT/AL   |  |                        |                              |   |
| <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>   |  |  |                        |                              |   |