

Authority: Item 8, Planning Committee
Report: 18-001 (PED18014)
CM: January 24, 2018
Ward 5

Bill No. 028

CITY OF HAMILTON
BY-LAW NO. 18-028

**To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located
at 154 and 166 Mount Albion Road (Hamilton)**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton", and is the successor of the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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 8 of Report 18 - 001 of the Planning Committee, at its meeting held on the 24th day of January, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

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

1. That Sheet No. E87 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 "C/S-1755" (Urban Protected Residential, etc.) District, Modified (Block 1) and "RT-30/S-1755" (Street-Townhouse) District, Modified (Blocks 2, 3, 4, 5 and 6) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. "C/S-1755" (Block 1)

That the "C" (Urban Protected Residential, etc.) District provisions as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 2 (2) (J) (xiii), Mount Albion Road shall be deemed the front lot line, the lot line opposite to and furthest from the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed a side lot line.
- b) That notwithstanding Section 9 (3) (iii), a rear yard of a depth of at least 7.0 metres.

3. "RT-30/S-1755" (Blocks 2 to 6)

That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

- a) That for the purposes of this By-law, a common element condominium road shall be deemed a street and visitor parking for the dwelling units fronting the common element condominium road and landscaping shall be permitted within the common element condominium road.
- b) That notwithstanding Section 10F (6) (i), a lot area not less than 150 square metres for each single family dwelling unit shall be required for the lot of an interior unit and not less than 180 square metres for each single family dwelling unit that is an end unit.
- c) That notwithstanding Section 18A (1) (b), a minimum of 8 visitor parking spaces shall be provided.
- d) That no individual driveways or common element condominium road access shall be permitted to Albright Road.

4. "RT-30/S-1755" (Block 2)

That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 10F (4) (a), a front yard of a depth of not less than 4.5 metres and 5.8 metres to a garage and a front yard depth of not less than 2.0 metres from the curved portion of the front lot line.
- b) That notwithstanding Section 10F (4) (b), a rear yard of a depth of

not less than 6.0 metres.

- c) That in addition to Section 10F (4) (c) (ii) of this By-law, a side yard width of not less than 1.8 metres between a townhouse dwelling and the side lot line adjacent to Mount Albion Road.
- d) That notwithstanding Section 18A (1) (f), at least 5.8 metres of manoeuvring space shall be required for a 90 degree parking space.

5. "RT-30/S-1755" (Block 3)

That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 2 (2) (J) (xiii), the northerly lot line shall be deemed the front lot line, the lot line opposite to and furthest from the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed a side lot line.
- b) That notwithstanding Section 10F (4) (a), a front yard of a depth of not less than 4.5 metres and 6.0 metres to a garage and a front yard depth of not less than 1.7 metres from the curved portion of the front lot line.
- c) That notwithstanding Section 10F (4) (b), a rear yard of a depth of not less than 6.0 metres.
- d) That notwithstanding Section 10F (4) (c) (ii) of this By-law, a side yard width of not less than 1.8 metres between a townhouse dwelling and the side lot line adjacent to Mount Albion Road.

6. "RT-30/S-1755" (Block 4)

That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 2 (2) (J) (xiii), Albright Road shall be deemed the front lot line, the lot line opposite to and furthest from the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed a side lot line.
- b) That notwithstanding Section 10F (4) (b), a rear yard of a depth of not less than 7.0 metres.
- c) That in addition to Section 10F (4) (c) (ii) of this By-law, a side yard width of not less than 1.2 metres between a townhouse dwelling and

the property line adjacent to the visitor parking spaces and a side yard width of not less than 1.5 metres between a townhouse dwelling and the lot line of the hypotenuse of the daylight triangle.

7. "RT-30/S-1755" (Block 5)

That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 10F (4) (a), a front yard of a depth of not less than 4.5 metres and 5.8 metres to a garage.
- b) That notwithstanding Section 10F (4) (b), a rear yard of a depth of not less than 6.0 metres.
- c) That notwithstanding Section 10F (4) (c) (ii) a side yard width of not less than 1.5 metres, except for a side yard width of 2 metres from the lot line along Albright Road.
- d) That notwithstanding Section 10F (5) (b), not exceeding two storeys in height, of not less than 3.0 metres.
- e) That notwithstanding Section 18A (1) (f), at least 5.8 metres of manoeuvring space shall be required for a 90 degree parking space.

8. "RT-30/S-1755" (Block 6)

That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 10F (4) (a), a front yard of a depth of not less than 4.5 metres and 5.8 metres to a garage.
- b) That notwithstanding Section 10F (4) (b), a rear yard of a depth of not less than 6.0 metres.
- c) That notwithstanding Section 10F (4) (c) (ii) a side yard width of not less than 1.5 metres for the southerly lot line and a side yard width of not less than 3.0m for the northerly lot line.
- d) That notwithstanding Section 10F (5) (b), not exceeding two storeys in height, of not less than 3.0 metres.
- e) That notwithstanding Section 18A (1) (f), at least 5.8 metres of manoeuvring space shall be required for a 90 degree parking space.

9. 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 “C” District and “RT-30” District provisions, subject to the special requirements in Sections 2, 3, 4, 5, 6, 7 and 8 of this By-law.
10. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1755.
11. That Sheet No. E87 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1755.
12. 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 14th day of February, 2018.

T. Jackson
Acting Mayor

R. Caterini
City Clerk

ZAC-16-002
UHOPA-17-014



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

154 & 166 Mount Albion Road

-  **Block 1** - Change in Zoning from the "AA" (Agricultural) District, to the "C/S-1755" (Urban Protected Residential, etc.) District, Modified
-  **Block 2** - Change in Zoning from the "AA" (Agricultural) District, to the "RT-30/S-1755" (Street – Townhouse) District, Modified
-  **Block 3** - Change in Zoning from the "AA" (Agricultural) District, to the "RT-30/S-1755" (Street – Townhouse) District, Modified
-  **Block 4** - Change in Zoning from the "AA" (Agricultural) District, to the "RT-30/S-1755" (Street – Townhouse) District, Modified
-  **Block 5** - Change in Zoning from the "AA" (Agricultural) District, to the "RT-30/S-1755" (Street – Townhouse) District, Modified
-  **Block 6** - Change in Zoning from the "AA" (Agricultural) District, to the "RT-30/S-1755" (Street – Townhouse) District, Modified

Scale:

N.T.S.

File Name/Number:

ZAC-16-002/25T-201613/25CDM-201619

Date:

Dec. 12, 2017

Planner/Technician:

DB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT