

**Authority:** Item 4, Planning Committee  
Report 18-009 (PED18124)  
CM: June 13, 2018  
Ward: 4

**Bill No. 165**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-165**

#### **To Amend Zoning By-law No. 6593 (Hamilton) Respecting Land Located at 115 and 121 Vansitmart Avenue (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 25<sup>th</sup> day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 18 - 009 of the Planning Committee, at its meeting held on the 13<sup>th</sup> day of June, 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. E63 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing from the "C" (Urban Protected Residential, etc.) District to the "RT-20/S-1762-'H'" (Townhouse – Maisonette) District, Holding, Modified (Block 1), and "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Holding, Modified (Blocks 2 and 3) on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

2. “RT-20/S-1762-‘H’” (Block 1)

That the “RT-20” (Townhouse – Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

- a) Notwithstanding Section 10E (2) (a), a maximum of 40 maisonette dwellings shall be permitted.
- b) Section 10E (2) (b), shall not apply.
- c) Notwithstanding Section 10E (3), no building or structure, within the district shall exceed three storeys and no structure other than a building shall exceed 12.6 metres in height.
- d) Notwithstanding Section 10E (4) (a), where a yard abuts a street, a depth of not less than 5.5 metres for the first storey, 4.3 metres for the second and third storey, and not less than 6.0 metres to a garage.
- e) Notwithstanding Section 10E (4) (b), where a yard abuts any other lot, a width or depth of not less than 3.0 metres, except where there are windows to a habitable room facing the yard, the width or depth of such yard shall not be less than 3.0 metres.
- f) Notwithstanding Section 10E (8) (a), a privacy area for each single family dwelling unit is not required to be screened on two sides by means of a screen that is not less than 1.2 metres and not more than 2.0 metres in height, except:
  - i) Between two (2) privacy areas that are setback less than 3.0 metres;
  - ii) On the westerly side of the privacy area for a westerly end unit; and,
  - iii) On the easterly side of the privacy area for a easterly end unit.
- g) Notwithstanding Section 10E (10), there shall be provided and maintained on the same lot and within the “RT-20” District for one or more buildings or structures, an amount not less than 23% of the area of the lot on which the buildings or structures are situated, as landscaped area.
- h) Notwithstanding Section 18A (7), parking spaces other than a parallel parking space shall have dimensions not less than 3.0 metres wide and 6.0 metres long except for visitor parking spaces which shall have dimensions not less than 3.0 metres wide and 5.8 metres long.
- i) Notwithstanding Section 18A (11) (a), not less than 1.25 metres from the adjoining residential district boundary.

j) Notwithstanding Section 18A (25), where a maisonette dwelling is adjacent to a residential district that does not permit such uses every access driveway to the maisonette dwelling shall be located not less than 1.25 metres from the common boundary between the district in which the maisonette dwelling is located and the district that does not permit such uses, except for the first 8.5 metres from the street line where 0 metres shall be provided.

3. That the 'H' symbol applicable to the lands referred to in Section 2 shall be removed conditional upon:

(a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.

4. "C/S-1762-'H'" (Block 2)

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 requirements:

a) Notwithstanding Section 9 (4), every lot or tract of land in a "C" District shall have a width of at least 10 metres and an area of at least 329 square metres within the district.

5. That the 'H' symbol applicable to the lands referred to in Section 4 shall be removed conditional upon:

(a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.

6. "C/S-1762-'H'" (Block 3)

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 requirements:

a) Notwithstanding Section 9 (3) (i), a front yard of a depth of at least 1.0 metre.

b) Notwithstanding Section 9 (3) (iii), a rear yard of a depth of at least 6.0 metres.

c) Notwithstanding Section 9 (4), every lot or tract of land in a "C" District shall have a width of at least 9.1 metres and an area of at least 149 square metres within the district.

- d) Notwithstanding Section 18 (3) (vi) (d) a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance not more than 1.0 metres and every such projecting porch shall be distant at least 0.0 metres from the front lot line.
  - e) Notwithstanding Section 18A (1) (a) a minimum of one (1) parking space shall be provided and maintained.
  - f) Notwithstanding Section 18 A (1), manoeuvring space abutting upon and accessory to a parking space shall have a minimum aisle width of 1.0 metres.
7. That the 'H' symbol applicable to the lands referred to in Section 6 shall be removed conditional upon:
- (a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
8. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1762.
9. That Sheet No. E63 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1762.
10. 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 27<sup>th</sup> day of June, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

UHOPA-17-026/ZAC-16-046



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	_____ Mayor  _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p><b>Subject Property</b> 115 &amp; 121 Vansitmart Avenue, Hamilton</p> <p> <b>Block 1</b> - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "RT-20/S-1762-'H'" (Townhouse - Maisonette) District, Holding, Modified</p> <p> <b>Block 2</b> - Modification in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Modified.</p> <p> <b>Block 3</b> - Modification in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Modified.</p>
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<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-16-046 & UHOPA-17-026	
<b>Date:</b> April 6, 2018	<b>Planner/Technician:</b> DB/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		