

**Bill No. 025**

**CITY OF HAMILTON**

**BY-LAW NO. 04-025**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at  
422,426,428,440,456,464 and 466 Beach Boulevard**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section 16 of Report 03-034 of the Hearings Sub Committee at its meeting held on the 22nd day of October, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

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

1. That Blocks "1" and "3" be rezoned from "C" (Urban Protected Residential) District to "RT-30" (Street Townhouse) District;
2. That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "RT-30" (Street Townhouse) District;

3. That Blocks “4” and “6” be rezoned from “C” (Urban Protected Residential, etc.) District to “DE-2” (Multiple Dwellings) District;
4. That Block “5” be rezoned from “H” (Community Shopping and Commercial, etc.) District to “DE-2” (Multiple Dwellings) District;
5. That the “RT-30” (Street Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593 (City of Hamilton), applicable to Blocks “1”, “2” and “3” be modified to include the following special requirements:
  - (i) That Subsection 2.(2)A.(viid)(b) shall not apply where vehicular access to the required parking area is by means of a driveway located within a common element condominium corporation;
  - (ii) That notwithstanding Subsection 2.(2)C.(i), “Alley” shall mean a common element condominium corporation that provides the primary way for vehicular access to the abutting street-townhouse dwelling units;
  - (iii) That notwithstanding Subsection 10F.(3) of Zoning By-law No. 6593, no building or structure shall exceed two storeys, and no structure other than a building shall exceed 11.0 metres in height;
  - (iv) That notwithstanding Subsection 10F.(4)(a) of Zoning By-law No. 6593, a front yard depth of not less than 5.1m shall be provided and maintained;
  - (v) That notwithstanding Subsection 10F.(4)(c)(iii) of Zoning By-law No. 6593, a minimum sideyard of 2.0m shall be provided and maintained;
  - (vi) That notwithstanding Subsection 10F.(5)(c) of Zoning By-law No. 6593, a minimum distance of 4.0m shall be provided and maintained between buildings;
  - (vii) That notwithstanding Subsection 10F.(6)(i) of Zoning By-law No. 6593, a lot area not less than 140 square metres for each single family dwelling unit shall be provided and maintained;
  - (viii) That notwithstanding Subsection 18A(21) of Zoning By-law No. 6593, all required parking spaces and manouvering spaces shall have access by means of a driveway located within a common element condominium corporation;
  - (ix) That in addition to the requirements of Subsection 18A of Zoning By-law No. 6593, vehicular access to Beach Blvd. shall only be by way of an alley located at the rear of street-townhouse dwelling units;

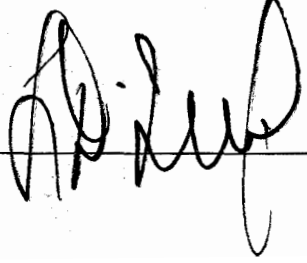
6. That the “DE-2” (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593 (City of Hamilton), applicable to Blocks “4”, “5” and “6” be modified to include the following special requirements:
- (i) That notwithstanding Subsection 10B.(3)(iii)(c) of Zoning By-law No. 6593, a minimum average rear yard of a depth at least 13m shall be provided and maintained;
  - (ii) The minimum average rear yard shall be the average rear yard measured from corners of the northerly limits of the four (4) multiple dwellings, of which at least 3 of the multiple dwellings shall provide a minimum rear yard measured to the westerly limits of Blocks “4” and “6” of at least 14m;
  - (iii) That notwithstanding Subsection 10B.(4)(iv) of Zoning By-law No. 6593, for a multiple dwelling a width of at least 9.0 metres and an area of at least 630.0 square metres shall be provided and maintained;
  - (iv) That in addition to the requirements of Subsection 10B.(6) of Zoning By-law No. 6593, a planting strip of not less than 1.5m in width shall be provided and maintained along the rear lot line;
  - (v) That notwithstanding Subsection 18A.(25) of Zoning By-law No. 6593, every access driveway to the multiple dwelling shall be located not less than 1.5m from the southerly lot line for that portion of the access driveway that is located more than 13.0m from the road allowance;
  - (vi) That notwithstanding Subsection 18A.(25) of Zoning By-law No. 6593, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the southerly lot line; and,
  - (vii) That in addition to the requirements of Subsection 10B and 18A of Zoning By-law No. 6593, no required parking, loading or manoeuvring spaces shall be located within the required rear yard.
7. That the “RT-30” (Street Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593 (City of Hamilton), applicable to Blocks “1”, “2” and “3” and the “DE-2” (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593 (City of Hamilton), applicable to Blocks “4”, “5” and “6” be modified to include the following special requirements:
- (i) Subsection 18(3)(vi)ccc) of Zoning By-law No. 6593 shall not apply to side yards;
  - (ii) the minimum ground floor elevation of any building or any building addition shall be 76.0 metres above mean sea level, as defined by the Geodetic Survey Datum;

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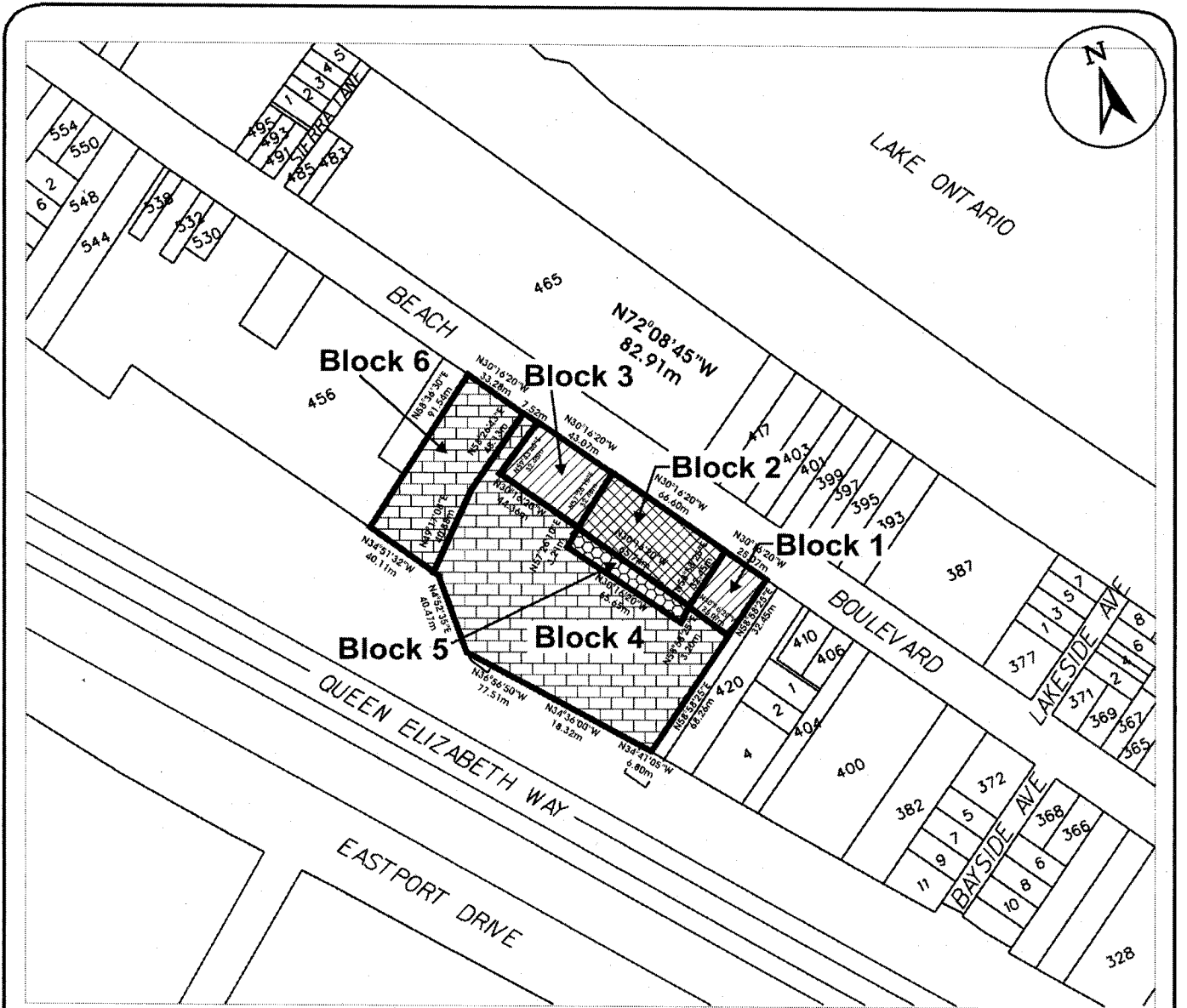
- (iii) no basement or cellar shall be permitted for any building; and,
  - (iv) any addition, less than 14 square metres in area, shall have a minimum floor area elevation at or above the existing ground floor elevation of the building;
8. That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:
- (i) the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director, Development and Real Estate Division, Planning and Development Department;
  - (ii) the owner has submitted a signed Record of Site Condition (RSC) to the Ministry of Environment. This RSC must be to the satisfaction of the City of Hamilton, including acknowledgement of receipt of the RSC from the Ministry of Environment;
  - (iii) the owner has applied for and received draft plan approval for a plan of condominium for a common element condominium for the driveway on Blocks "1", "2" and "3" to the satisfaction of the Director, Development and Real Estate Division, Planning and Development Department; and,
  - (iv) land assembly of Blocks "1" – "6", inclusive, has occurred to the satisfaction of the Director, Development and Real Estate Division, Planning and Development Department.
- City Council may remove the 'H' symbol, and thereby give effect to the "RT-30" (Street Townhouse) District and "DE-2" (Multiple Dwellings) District, as amended by the special requirements of Sections (e), (9) and (g), as stipulated in this By-law, by enactment of an amending By-law once the above conditions have been fulfilled;
- 9. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1495.
  - 10. Sheet No. E-80c of the District Maps are amended by marking the subject lands referred to in section 1 as S-1495.
  - 11. The City 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.

422,426,428,440,456,464 and 466 Beach Boulevard

**PASSED and ENACTED** this 11<sup>th</sup> day of February, 2004.

MAYOR 

  
CLERK



This is Schedule "A to By-Law No.04-025

Passed the 11 th day of February, 2004

*[Signature]*  
 Clerk  
*[Signature]*  
 Mayor





# Schedule "A"

Map Forming Part of  
 By-Law No. 04-025  
 to Amend By-Law No 6593



Planning and Development Department

## Subject Property 440 Beach Blvd

- |  |   |
|--|---|
| <b>Blocks 1&amp;3</b><br> Change in zoning from "C" (Urban Protected Residential) District to "RT-30" (Street Townhouse) District, modified.      | <b>Blocks 4&amp;6</b><br> Change in zoning from "C" (Urban Protected Residential) District to "DE-2" (Multiple Dwellings) District, modified.      |
| <b>Block 2</b><br> Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "RT-30" (Street Townhouse) District, modified. | <b>Block 5</b><br> Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-2" (Multiple Dwellings) District, modified. |



Scale  
**NOT TO SCALE**  
 Date  
**Dec 24, 2003**

Reference File No.  
**ZA-03-33**  
 Drawn By  
**LM**