

Authority: Item 10, Economic Development
and Planning Committee
Report:08-020 (PED08240)
CM: October 29, 2008

Bill No. 249

CITY OF HAMILTON

BY-LAW NO. 08-249

**To Amend Zoning By-law No. 3581-86 (Dundas),
Respecting Lands Located at 17 Park Street East**

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 area municipality known as the "The Corporation of the Town of Dundas" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10 of Report 08--020 of the Economic Development and Planning Committee at its meeting held on the 29th day of October, 2008, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas) in accordance with the provisions of the Planning Act;

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

1. Schedule "P" of Zoning By-law No. 3581-86 (Dundas) is hereby amended,

- (a) by changing the zoning from the Single-Detached Residential – Flood Plain Zone (R2-FP) to the Low to Medium Density Multiple Dwelling – Flood Plain Zone (RM1-FP), Modified, the lands comprised of Block 1; and,
- (b) by changing the zoning from the Low Density Residential – Flood Plain Zone (R4-FP) to the Low to Medium Density Multiple Dwelling – Flood Plain Zone (RM1-FP), Modified, the lands comprised of Block 2;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.

2. That Section 32 – “EXCEPTIONS” of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following subsection:

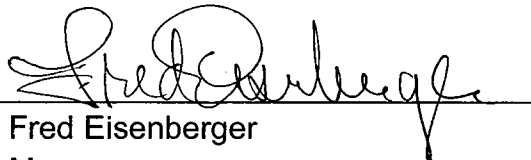
RM1-FP/S-110 That Notwithstanding the provisions of Section 12: Low to Medium Density Multiple Dwelling – Flood Plain Zone (RM1-FP) the following Special Provisions shall apply to the lands known Municipally as No. 17 Park Street East, shown as “RM1-FP/S-110” on Schedule “P”.

- (a) Notwithstanding Sub-Section 12.1, Permitted Uses, only the following uses shall be permitted:
 - (i) Single-detached Residential Dwellings.
- (b) Notwithstanding Section 3.2.47, Definition for a LOT, frontage onto a private condominium road shall be permitted and considered a public thoroughfare.
- (c) Notwithstanding Sections 12.2, 12.3, 12.4 and 12.5, Regulations for RM1 - Low to Medium Density Multiple Dwellings, only the following special regulations shall apply for single-detached residential dwellings:
 - (i) Minimum Lot Area of 450.0 square metres.
 - (ii) Minimum Lot Frontage shall be 7.5m for each unit fronting onto a private condominium road.
 - (iii) Minimum Lot Frontage fronting onto Park Street East shall be 14.0m.
 - (iv) Minimum Front Yard for each unit shall be 5.0m and that this be measured from the private condominium road.
 - (v) At least one side yard having a width not less than 1.2m.

- (vi) No eaves, gutters or footings for a single family dwelling may encroach onto the abutting lot except in accordance with,
 - a) an encroachment agreement between the owners of the abutting land; and
 - b) a maintenance easement entered into between the parties, registered on the title of each of the abutting lots.
- (vii) The Maximum Lot Coverage shall be 30% for each unit.
- (viii) Minimum Front Yard landscaping shall not apply for each unit.
- (ix) Maximum height of 10.5 metres.
- (d) Notwithstanding Section 7.12.1, Parking Space Requirements shall be provided for each unit in accordance with the Single-detached Dwellings provision.
- (e) A minimum 3.0m wide buffer strip shall be provided and maintained along the side lot lines abutting 15 and 23 Park Street East and a minimum 1.4m wide buffer strip, which can include a curb and/or retaining wall, shall be provided and maintained along the westerly lot line, and all shall comply with the definition detailed in Section 6.11.2.3.
- (f) A minimum 2.0m high visual barrier shall be shall be provided and maintained along the southerly lot line.
- (g) Notwithstanding Section 6.6.10, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:
 - (i) Within a required front yard or a required flankage yard, provided equipment shall have a minimum setback of 3.0m from the private road, a minimum setback of 0.6m from a side lot line and is screened from the road by an enclosure or landscaping; and,

- (ii) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6m from the side lot line or rear lot line.
3. By-law No. 3581-86 (Dundas) is amended by adding this by-law to Section 32 as Schedule S-110.
4. Schedule "P" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this by-law as S-110.
5. All other provisions of Zoning By-law No. 3581-86 (Dundas) as applicable shall continue to apply.
6. 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 and ENACTED this 29th day of October, 2008.



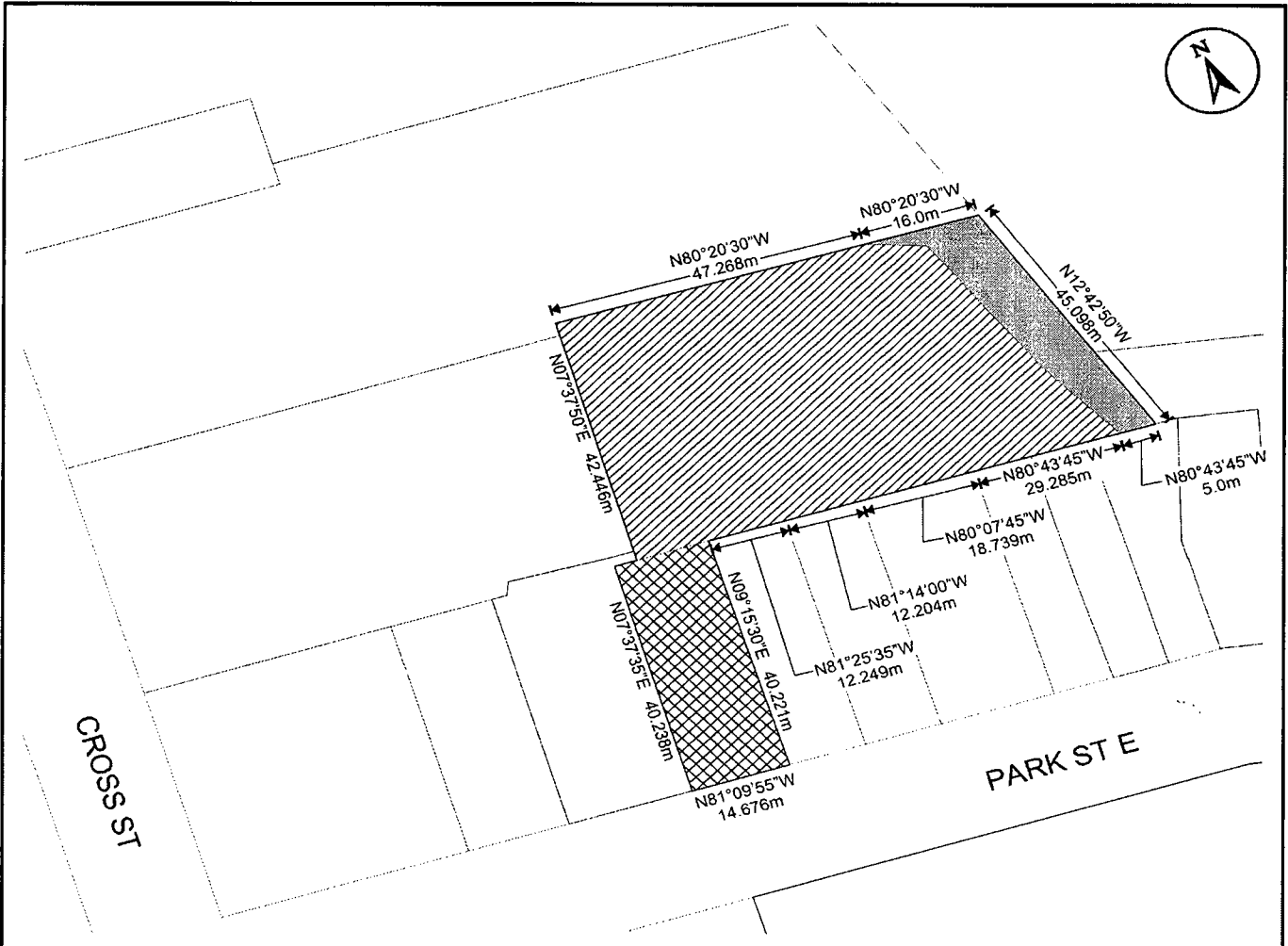
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAR-08-031

To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 17 Park Street East



This is Schedule "A" to By-Law No. 08-249

Passed the 29th day of October, 2008

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08- 249

to Amend By-law No. 3851-86

Subject Property

17 Park Street East



Block 1 - Change in Zoning from the Single-Detached Residential - Flood Plain Zone (R2-FP) to the Low to Medium Density Multiple Dwelling - Flood Plain Zone (RMI-FP), Modified.



Block 2 - Change in Zoning from the Low Density Residential - Flood Plain Zone (R4-FP) to the Low to Medium Density Multiple Dwelling - Flood Plain Zone (RMI-FP), Modified.



Refer to By-law 05-200.

Scale:
N.T.S.

File Name/Number:
ZAR-08-031

Date:
Sept. 15, 2008

Planner/Technician:
EJ/MS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT