

Authority: Item 4, Planning Committee
Report: 12-017 (PED12196)
CM: November 14, 2012

Bill No. 251

CITY OF HAMILTON

BY-LAW NO. 12-251

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 2 and 4 Blanshard Street and 0 Poulette Street**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 4 of Report 12-017 of the Planning Committee, at its meeting held on the 14th day of November, 2012, 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 City of Hamilton;

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

1. That Sheet Nos. W13 and W14 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended by changing the zoning as follows:
 - (a) That Block 1 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "RT-30 - 'H'/S-1660" (Street Townhouse - Holding) District, Modified;
 - (b) That Block 2 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, respectively, to the "E-2 - 'H'/S-1660" (Multiple Dwellings - Holding) District, Modified; and,
 - (c) That Block 3 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwelling) District Zone to the "G-3 - 'H'/S-1660" (Public Parking Lots - Holding) District;

on the lands the extent and boundaries of which are shown on the 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, applicable to Block 1, be modified to include the following special requirements:
 - (a) That notwithstanding Sub-section 10F(3), no building or structure shall exceed 3-storeys, or 12m in height;
 - (b) That notwithstanding Sub-section 10F(4)(a), a front yard having a depth of not less than 2.5m shall be provided and maintained;
 - (c) That notwithstanding Sub-section 10F(4)(b), a rear yard having a depth of not less than 11.5m to the dwelling and 6.5m to a rear elevated amenity area deck shall be provided and maintained;
 - (d) That notwithstanding Sub-section 10F(4)(c), the following shall apply:
 - (i) For a northerly side yard of a wall that is not a party wall, along each side lot line, a depth of not less than 1.7m shall be provided and maintained; and,
 - (ii) For a southerly side yard of a wall that is not a party wall, along each side lot line, a depth of not less than 0.5m shall be provided and maintained.
 - (e) That Sub-sections 10F(4)(d) and 10F(5) shall not apply;

- (f) That notwithstanding Section 10F(6(ii)), every lot or tract of land shall have a width of not less than 5.25m; and,
 - (g) That notwithstanding Section 18A(7), all parking spaces shall be a minimum of 2.6m x 5.5m.
3. That the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:
- (a) That notwithstanding Sub-section 11B(2)(ii), no building or structure shall exceed 4-storeys, or 19.7m in height;
 - (b) That notwithstanding Sub-section 11B(3)(ii), no building or structure shall have a westerly side yard setback of less than 7.4m;
 - (c) That notwithstanding Section 3 b) of this By-law, a minimum of 65% of the west facing elevation shall consist of covered patios and/or balconies having minimum depths of 2.5m;
 - (d) That notwithstanding Sub-section 11B(3)(ii), no building or structure shall have a northerly side yard setback of less than 5.0m;
 - (e) That notwithstanding Section 3 d) of this By-law:
 - (i) A maximum of 22% of the north facing elevation shall consist of covered patios and/or balconies that shall be permitted to encroach within the minimum side yard to a maximum of 1.6m; and,
 - (ii) A minimum of 18% of the north facing elevation shall consist of covered patios and/or balconies having minimum depths of 6.0m.
 - (f) That notwithstanding Sub-section 11B(3)(iii), no building or structures shall have a rear yard setback of less than 3.9m;
 - (g) That notwithstanding Section 11B(4), every lot or tract of land shall have a minimum width of 5.3m;
 - (h) That Section 11B(5) shall not apply;
 - (i) That notwithstanding Section 11B(6), a landscaping area of not less than 495 sq. m shall be provided and maintained;
 - (j) That the maximum number of dwelling units shall be 36;


- (k) That notwithstanding Section 18A(1)(a), a minimum of 1 parking space shall be provided per dwelling unit;
 - (l) That notwithstanding Section 18A(1)(b), a minimum of 4 visitor parking spaces shall be provided;
 - (m) That notwithstanding Section 18A(7), all parking spaces shall be a minimum of 2.6m x 5.5m; and,
 - (n) That notwithstanding Sub-Section 2(2) J.(viii), for the purposes of calculating building height, "Grade" shall be defined as the average finished ground level calculated at a distance of 4.5m from the west elevation of the building.
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, the "E-2" (Multiple Dwellings) District provisions, and the "G-3" (Public Parking Lots) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1660.
6. That the 'H' symbol, applicable to the lands zoned "RT-30 - 'H'/S-1660" (Street Townhouse - Holding), may be removed by further amendment to this By-law at such a time as:
- (a) Access improvements to Blanshard Street and/or a private lane from its current condition to a 7.5m paved surface have been undertaken to ensure adequate vehicular ingress and egress from Blanshard Street to the rear of the lands subject to this Holding provision, to the satisfaction of the Director of Engineering Services, Public Works Department; and,
 - (b) The owner enters into an agreement with the City with respect to the construction of an access lane that will, in part, include Blanshard Street. Such agreement will include provisions addressing issues of ownership, access to Blanshard Street by third parties, as well as future maintenance, repair, and replacement, all to the satisfaction of the City of Hamilton Legal Services Department, and the Director of Engineering Services, Public Works Department.
7. That the 'H' symbol, applicable to the lands zoned "E-2 - 'H'/S-1660" (Multiple Dwellings - Holding), may be removed by further amendment to this By-law at such a time as:

- (a) Access improvements to Blanshard Street and/or a private lane from its current condition to a 7.5m paved surface have been undertaken to ensure adequate vehicular ingress and egress from Blanshard Street to the proposed residential development subject to this Holding provision, to the satisfaction of the Director of Engineering Services, Public Works Department;
 - (b) The owner enters into an agreement with the City with respect to the construction of an access lane that will, in part, include Blanshard Street. Such agreement will include provisions addressing issues of ownership, access to Blanshard Street by third parties, as well as future maintenance, repair, and replacement, all to the satisfaction of the City of Hamilton Legal Services Department, and the Director of Engineering Services, Public Works Department; and,
 - (c) The acquisition of additional lands from the abutting property owner, and merging of the said lands, on title, to create a lot that will support the proposed building envelope and westerly yard, to the satisfaction of the Manager of Development Planning.
8. That the 'H' symbol, applicable to the lands zoned "G-3 - 'H'/S-1660" (Public Parking Lot - Holding) District, may be removed by further amendment to this By-law at such a time as:
- (a) Access improvements have been undertaken to ensure adequate vehicular ingress and egress to the proposed commercial parking lot, to the satisfaction of the Director of Engineering Services, Public Works Department.
9. That Sheet Nos. W-13 and W-14 of the District Maps are amended by marking the lands referred as Blocks 1, 2, and 3 in Section 1 of this By-law as S-1660.
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 14th day of November, 2012.



R. Bratina
Mayor



R. Cafarini
City Clerk

ZAR-09-043






This is Schedule "A" to By-Law No. 12- 251
 Passed the 14th day of November, 2012

R. Bratina
 Mayor
[Signature]
 Clerk

Schedule "A"
 Map Forming Part of
 By-Law No. 12-251
 to Amend By-law No. 6593

Subject Property

-  Block 1 - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "RT-30-H/S-1660" (Street Townhouse - Holding) District, modified
-  Block 2 - Change in Zoning from the "D" (Urban Protected Residential - One and two Family Dwellings, Etc.) District to the "E-2-H/S-1660" (Multiple Dwellings - Holding) District, modified
-  Block 3 - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3-H/S-1660" (Public Parking Lots - Holding) District

Scale: N.T.S.	File Name/Number: ZAR-09-043
Date: Sept. 21, 2012	Planner/Technician: CB/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

