

Authority: Item 15, Planning Committee
Report 18-014 (PED18173)
CM: September 26, 2018
Ward: 8

Bill No. 297

CITY OF HAMILTON

BY-LAW NO. 18-297

To Amend Zoning By-law No. 6593, Respecting Lands Located at 567 Scenic Drive, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 15 of Report 18-014 of the Planning Committee, at its meeting held on the 26th day of September 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. W36 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from “B-1” (Suburban Agriculture and Residential, etc.) District to the “CR-1/S-1766” (Commercial – Residential District), Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “CR-1” (Commercial – Residential District), provisions as contained within Section 15B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:

- a) Notwithstanding Section 15B(3)(a), the following Residential Use shall only be permitted:
 - i) A maximum of two dwelling units located above the ground floor.
- b) In addition to Section 15B(3)(b)1., a medical office shall be restricted to 1 practitioner and a maximum gross floor area of 94 square metres.
- c) Section 15B.(3)(b), 14, 15, 16, 17 and 19, (c) and (d), shall not apply:
- d) Notwithstanding Section 15B(9)(a) and (b) and (12) the following setbacks shall apply:
 - i) Where the yard abuts any street, a yard having a depth of not less than 2.0 metres.
 - ii) Where the yard abuts any other lot, the rear yard shall have a depth not less than 3.6 metres and the easterly side yard shall have a width not less than 13.5 m.
- e) Notwithstanding Section 15B(11)(a) and (b) the following setbacks shall apply:
 - i) A minimum front yard of 2.0 metres.
 - ii) A minimum westerly side yard of 2.0 metres.
 - iii) A minimum setback abutting a hypotenuse of the daylight triangle (at Scenic Drive and Upper Paradise Road) shall be 2.0 metres.
 - iv) A minimum rear yard of 3.6 metres.
 - v) A minimum easterly side yard of 13.5 m.
- f) Notwithstanding Section 15B(15)(a) and (b), a maximum gross floor area for a joint residential use and commercial use building shall be 495 square metres, of which 308 square metres are for the residential portion of a joint residential use and commercial use building.
- g) Notwithstanding Section 15B(19), for each dwelling unit containing not more than two bedrooms, an amenity area of not less than 10.5 square metres shall be provided and maintained on the lot for each dwelling unit.

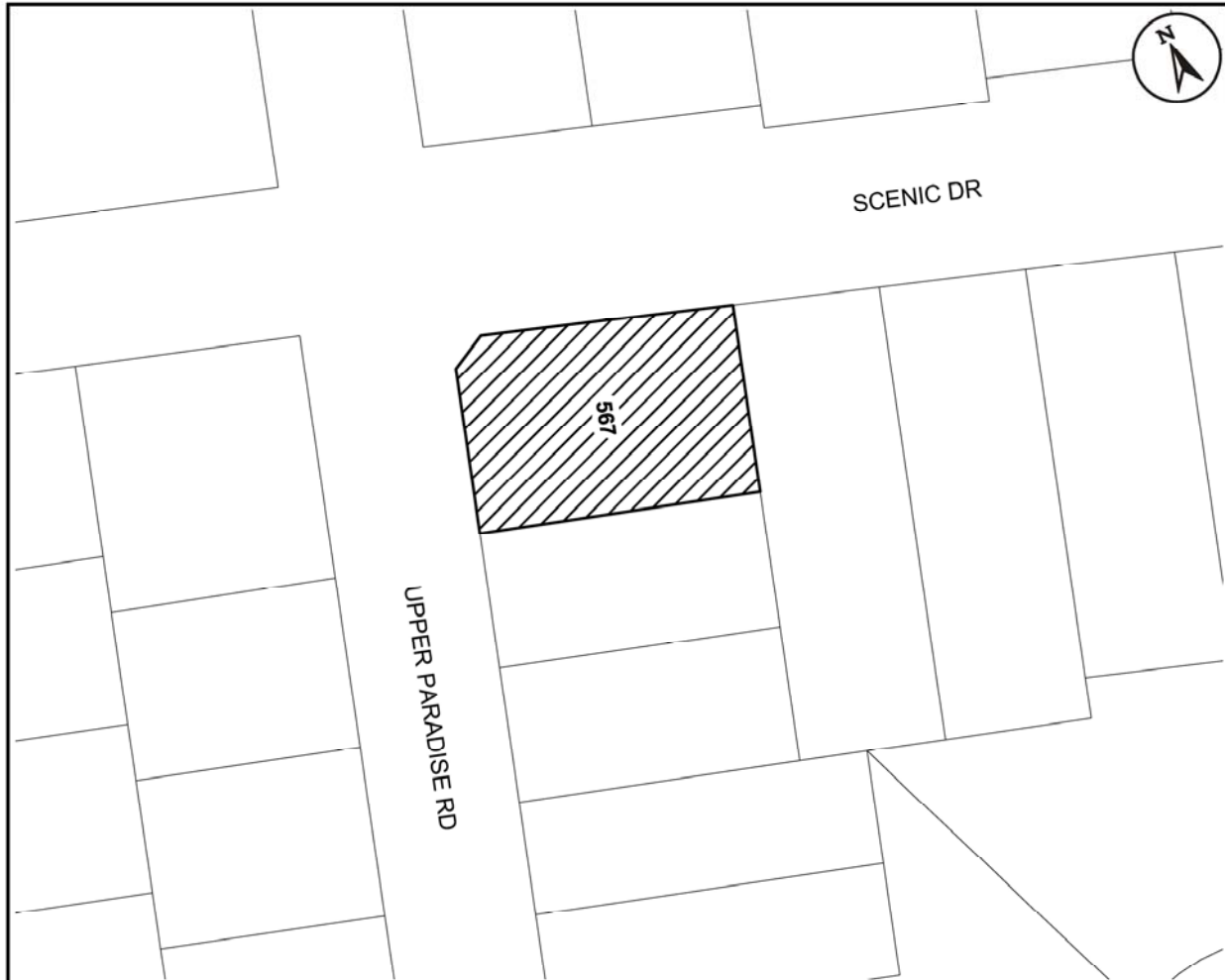
- h) Notwithstanding Section 15B(21), there shall be provided and maintained on the same lot and within the district an amount not less than 15% of the area of the lot on which the building or structure is situate, as landscaped area.
- i) Notwithstanding Section 15B(36), a planting strip of not less than 1.30 metres in width shall be provided and maintained only along the easterly side lot line adjoining a residential district or use, except where a building, structure or accessory building is located and except for the area used for access driveways.
- j) Notwithstanding Section 15B(36), a planting strip of not less than 1.30 metres shall be provided and maintained along the rear lot line adjoining a residential district or use, except at the manoeuvring space where a planting strip of not less than 0.8 metres in width shall be provided and maintained.
- k) Notwithstanding Section 15B(37), no landscaped area for any parking or manoeuvring space adjacent to a street line shall be required along the front yard and westerly side yard frontage of the building, including the hypotenuse of a daylight triangle and the area which is used as a pedestrian walkway to a parking lot except for a 3.0 metre landscaping area provided along the front and easterly side lot line.
- l) Notwithstanding Section 18(3)(vi)(cc)(ii), a bay, balcony or dormer may project into a required rear yard not more than 2.0 metres.
- m) Notwithstanding Section 18(3)(vii)(d), a roofed over unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into the required front yard not more than 0.7 m and into the required rear yard not more than 2.0 m.
- n) Notwithstanding Section 18A(1)(a) and Table 1, for the purpose of this By-law, a minimum of 11 parking spaces, including one barrier free parking space shall be provided.
- o) Notwithstanding Sub-section 18A.(7), required parking spaces shall have dimensions of not less than 2.6 metres wide and 5.5 metres long.
- p) Notwithstanding Section 18A(11)(a), on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district the following provisions shall apply:
 - i) not less than 1.35 metres from the easterly property line; and,

- ii) not less than 1.35 metres from the southerly lot line shall be provided along the southerly lot line except at the manoeuvring space, a minimum width of 0.8 metres shall be provided.
 - q) Notwithstanding Section 18A(11)(b), shall not apply.
 - r) Section 18A(26) shall not apply.
3. 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 “CR-1/S-1766” (Commercial – Residential Districts) District, Modified provisions, subject to the special requirements referred to in Section 7.
 4. That Sheet No. W36 of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as “CR-1/S-1766” (Commercial – Residential Districts).
 5. 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 26th day of September, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



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> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property 567 Scenic Drive</p> <p> Change in zoning from "B-1" (Suburban Agriculture and Residential, etc.) District to the "CR-1/S-1766" (Commercial - Residential Districts), Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-030	
Date: July 27, 2018	Planner/Technician: MF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		