

Authority: Item 5, Planning Committee
Report 14-007 (PED14087)
CM: May 14, 2014

Bill No. 118

CITY OF HAMILTON

BY-LAW No. 14-118

**To Repeal By-law No. 09-001 and to Amend Zoning By-law No. 6593
(Hamilton), Respecting Lands Located at 90 Charlton Avenue West, 85
Robinson Street, and 220 Park Street South, Hamilton**

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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 5 of Report 14-007 of the Planning Committee, at its meeting held on the 14th day of May 2014, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS the By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013 in accordance with the provisions of the Planning Act.

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

1. That By-law No. 09-001 is hereby repealed in its entirety and is replaced.

2. That Sheet No. W-5 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "RT-30/S-1547a" (Street Townhouse) District to the "E/S-1600a" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
3. That the "E" (Multiple Dwellings, Lodges, Clubs etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2" of this by-law, are modified to include the following special requirements:
 - a) For the purposes of this by-law, separate blocks have been established for each phase, and each block shall have its own front, side and rear lot lines.
 - b) For the purposes of this by-law, the front lot lines shall be deemed as follows:
 - i. Block "1" – Charlton Avenue West
 - ii. Block "2" – Robinson Street
 - c) That notwithstanding Sections 2.(2)J.(xb), 11.(2), 11.(3), 11.(4), 11.(5), 11.(6), 18A.(1), 18A.(7), 18A.(8), 18A.(11), 18A.(12), and 18A.(21) of Zoning By-law 6593, the following special requirements shall apply:

Block "1" (Phase 1)

- i. The maximum number of units shall be 79.
- ii. That notwithstanding Section 11.(2)(iii) of Zoning By-law 6593, the maximum building height shall be 9 storeys.
- iii. That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.4 metres for the first 4-storeys of the building, and 5.6 metres for the portion of the building above the 4th storey.
- iv. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum side yard width to the westerly 47.334m lot line, including balconies, shall be 4.1 metres for a 1-level parking structure, 14.2 metres for the first 4-storeys of the building, 17.5 metres for the 5th to 8th storeys and 19.0 metres for the 9th storey.

- v. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, a 0.0 metre side yard width to the westerly 2.37m lot line shall be permitted for both the 1 level parking structure and the 9 storey building.
- vi. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum easterly side yard width, including balconies, shall be 0.0 metres for a 1-level parking structure, 8.5 metres for the first 4 storeys of the building, 12.0 metres for the 5th to 8th storeys and 23.0 metres for the 9th storey and 17.0 metres for 9th storey balconies.
- vii. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum side yard width to the northerly 69.30m lot line, including balconies, shall be 0.0 metres for a 1-level parking structure and the associated stairwell, and 2.9 metres for the 1st to 9th storeys.
- viii. That notwithstanding Section 11.(3)(iii)(b) of Zoning By-law No. 6593, the minimum rear yard depth to the rear 5.66m lot line, including balconies, shall be 2.3 metres.
- ix. That notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593 in their entirety, the boundary of a parking area shall be permitted to be located within 0.0 metres from the northerly 69.30m lot line, 0.0 metres from the westerly 2.37m lot line, 2.0 metres from the westerly 39.05m lot line, 0.0 metres from the rear 5.66m lot line and 2.3m from the easterly lot line.
- x. That notwithstanding Section 11.(6) of Zoning By-law No. 6593, the minimum total landscape area shall be 38%.
- xi. That notwithstanding Section 18A.(7) and (8) of Zoning By-law No. 6593, the minimum parking space size for 2 parking spaces within the underground parking garage (shown as Units 40 and 41 on a Plan labelled as Level A – Units 1 to 66 inclusive on Sheet 3 of 3 Sheets) shall be 2.4 metres in width by 5.5 metres in length.

Block “2” (Phase 2 and 3)

- xii. The maximum number of dwelling units shall be 204.
- xiii. A minimum of 119 resident parking spaces shall be provided within Phase 3.

- xiv. That notwithstanding Section 11.(2)(iii) of Zoning By-law 6593, the maximum building height shall be 11 storeys.
- xv. That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.7 metres for the first 4 storeys, and 5.5 metres for the portion of the building above the 4th storey.
- xvi. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum side yard width to the hypotenuse of the daylight triangle at the corner of Robinson Street and Park Street South shall be 5.8 metres for the first 10 storeys, 4.0 metres for the 2nd to 11th storey balconies, 7.0 metres for the 11th storey and 0.0 metres for the intake.
- xvii. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum easterly side yard width, including balconies, shall be 3.9 metres.
- xviii. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum southerly side yard width to the 19.20m lot line, including balconies, shall be 16.0 metres.
- xix. That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum westerly side yard width, including balconies, shall be 8.6 metres.
- xx. That notwithstanding Section 11.3(iii)(b) of Zoning By-law No. 6593, the minimum rear yard depth to the southerly 69.3m lot line shall be 19.0 metres.
- xxi. That notwithstanding Sections 18A.(11) and (12) of Zoning By-law No. 6593 in their entirety, the boundary of a parking area shall be permitted to be located within a minimum of 1.5 metres from the 9.6m northerly side lot line, 2.0 metres from the westerly lot line, 0.0 metres from the rear lot line and 3.0 m from the from the easterly 2.37m side lot line.
- xxii. That notwithstanding Sections 18A.(21) of Zoning By-law No. 6593, all required parking spaces and manoeuvring spaces may be accessed from both an access driveway located on the subject lands and from an access driveway located on the adjacent lot known as 90 Charlton Avenue West.
- xxiii. Notwithstanding Section 11.(6) of Zoning By-law No. 6593, not less than 38% of the area of the lot shall be a landscaped area and that

not more than 10% of the lot area shall be a landscaped area provided on the roof of a building.

Block “1” and “2”

- xxiv. Underground parking spaces may be shared by all uses within the “E/S-1600a” (Multiple Dwellings, Lodges, Clubs etc.) District, Modified.
 - xxv. That notwithstanding Section 18A.(7) and (8) of Zoning By-law No. 6593, the minimum parking space size shall be 2.6 metres in width by 5.5 metres in length.
 - xxvi. That notwithstanding Section 18A.(1)(b) and Table 2 of Zoning By-law No. 6593, visitor parking shall be provided on the basis of 0.13 parking spaces per apartment dwelling unit.
 - xxvii. That notwithstanding Section 18A.(1)(c) and Table 3 of Zoning By-law No. 6593, loading spaces shall not be required.
 - xxviii. That notwithstanding Section 2.(2)J.(xb) of Zoning By-law No. 6593, landscaped area may include lighting fixtures, transformers, retaining walls and intakes, as well as open-roofed structures, such as, but not limited to, pergolas, arbours, trellises, and shall be permitted on a roof of a building and the roof of an underground parking structure.
 - xxix. That notwithstanding Section 2.(2)H.(via) of Zoning By-law No. 6593, a planting strip may include lighting fixtures, transformers, retaining walls and intakes.
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 “E” (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, subject to the special requirements referred to in Section 3.
 5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1600a.
 6. 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.
 7. That this By-law No. 14-118 shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either

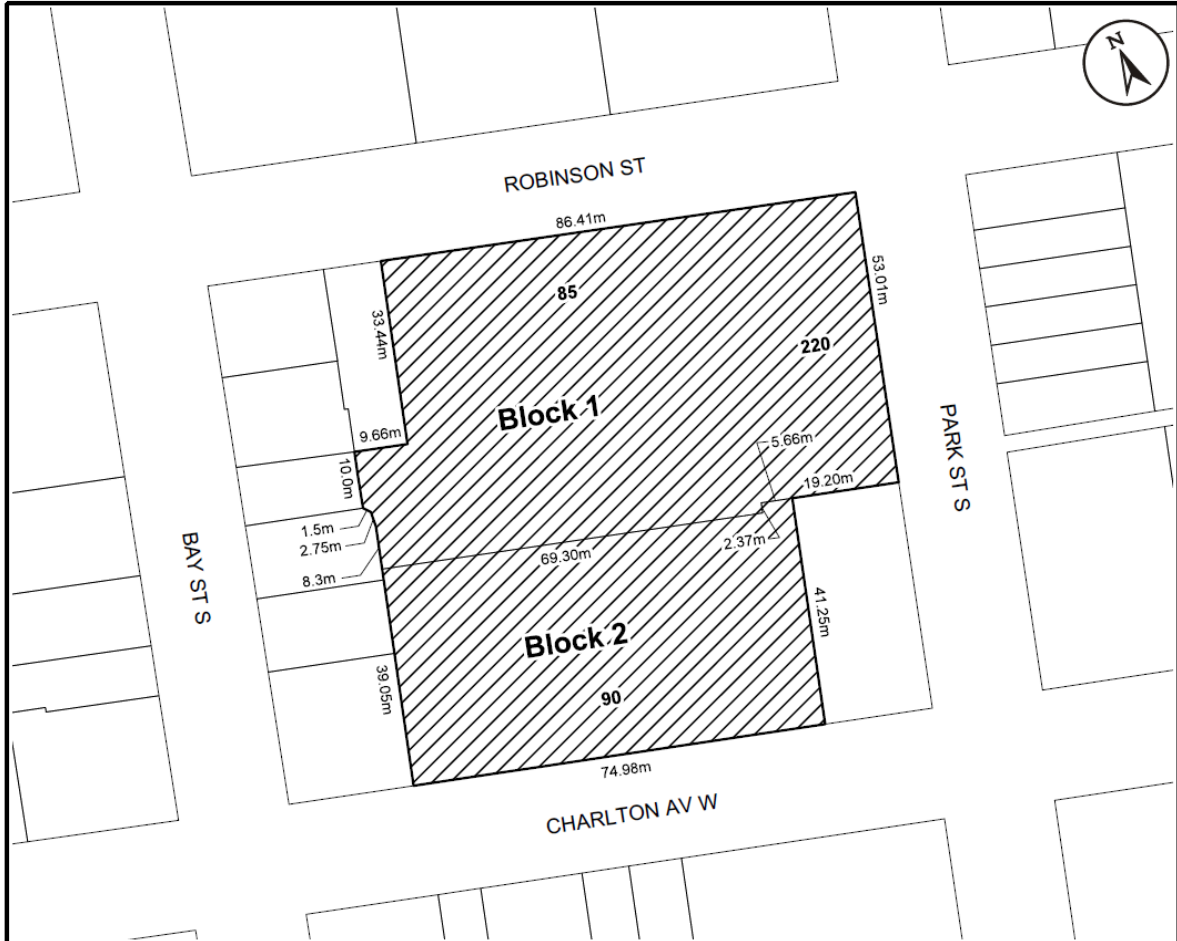
upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED this 14th day of May, 2014.

R. Bratina
Mayor

ZAC-13-004

R. Caterini
City Clerk



This is Schedule "A" to By-law No. 14-

Passed the day of, 2014

 Mayor


 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 14-_____

to Amend By-law No. 6593

Subject Property

 85 Robinson Street, 220 Park Street South & 90 Charlton Avenue West

Change in Zoning from the "RT-30/S-1547a" (Street Townhouse) District to the "E/S-1600a" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified

Scale: N.T.S.	File Name/Number: ZAC-13-004
Date: April 8, 2014	Planner/Technician: DM/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

