

Authority: Item, [REDACTED] Economic
Development and Planning
Committee
Report 16- [REDACTED]
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 6593

Respecting Lands Located at 271 Beach Boulevard

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C did incorporate, as of January 1st 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 City of Hamilton" and is the successor of the former Regional Municipality, named, "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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which 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 ___ of Report 16-____ of the Planning Committee, at its meeting held on the ____ day of _____, 2016, recommended that Zoning By-law 6593 (Hamilton), be amended as hereinafter provided;

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. E-80b of the District maps, appended to and forming part of Zoning By-law 6593 (Hamilton) is amended by changing from the "C/S – 1435" (Urban Protected Residential, etc.) District, Modified to the "R-4/S-1732-'H'" (Small Lot Single Family Dwelling) District, Holding, Modified.

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

2. That the "R-4" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following uses and requirements:

- (a) That notwithstanding the uses permitted in Section 9A, the uses shall be limited to one single detached dwelling or a maximum of one single detached dwelling and two semi-detached dwellings (4 units) for development that requires a condominium road.

- (b) The 6.0 metre condominium road shall be deemed a public street for the purposes of lot frontages and shall permit any other amenities such as a walkway and visitors parking.

- (c) That notwithstanding Section 4(3)(a), not more than one single detached dwelling and two semi-detached dwellings (four units) may be permitted to be constructed but not occupied prior to consent and condominium registration.

- (d) That a minimum 1.8 m high visual barrier be constructed along the northerly and southerly side lot lines abutting the C/s-1435 District.

- (e) Every single detached dwelling shall comply with Section 9A(2) of Zoning By-law No. 6593 with the following exceptions:

- (i) For the purposes of this By-law, the front lot line for a single detached dwelling shall be deemed to be Beach Boulevard.

- (ii) That notwithstanding Section 9A(2)(b)1(i), a front yard of not less than 3.4 m.

- (iii) That notwithstanding Section 9A(2)(c)2, a lot width of not less than 17 m.

- (iv) That notwithstanding Section 9A(2)(c)2, a lot area of not less than 600 sq m.

- (v) That a parking space shall be located not less than 1.5 m from a side property line and that the area between the property line and the parking

space shall be improved with a solid screen fence and / or vegetative screening.

- (f) Every semi-detached dwelling which is developed on a condominium road shall comply Section 9A(3) of Zoning By-law 6593 with the following exceptions:
- (i) That notwithstanding Section 9A(3)(b)1(b)(i), a front yard shall have a depth of not less than 5.0 m to a dwelling and 6.0 m to an attached garage;
 - (ii) That notwithstanding Section 9A(3)(b)1(b)(ii), a side yard shall be not less than 1.7 m abutting a single detached dwelling and not less than 1.2 m abutting a semi-detached dwelling;
 - (iii) That notwithstanding Section 9A(3)(b)1(b)(iii), a rear yard shall have a depth of 0.0 m to the erosion hazard limit being the northerly limit of the "R-4" District Zoning and shall permit a rear deck encroachment of 1.5 m.
 - (iv) That notwithstanding Section 9A (3)(c)1(i), every lot or tract of land upon which a pair of semi-detached dwellings are erected within the "R-4" District shall have a lot width of not less than 11.1 m and have an individual lot width of not less than 3.8 m.
 - (v) That notwithstanding Section 9A (3)(c)1(ii), every lot or tract of land upon which a semi-detached dwelling is erected within the "R-4" District shall have a lot area of not less than 376 sq m and an individual lot area of not less than 181 sq m.
- (g) That notwithstanding Section 18A(1)(f), Section 18(A)(9), Section 18(A)(10) Section (18A)(22) and Table 6 (90 degree parking), a manoeuvring space for a driveway parking space shall not be required.
3. That the amending Zoning By-law apply the Holding Provisions of Section 36 (1) of the *Planning Act, R.S.O., 1990* to the subject lands identified in Section 1 of this by-law by introducing the Holding symbol 'H' as a suffix to the proposed Site Specific "R-4/S-1732" (Small Lot Single Family Dwelling) District.

The Holding Provision "R-4/S-1732"-'H' will prohibit the use of the subject lands for street townhouses, until such time as the following conditions have been satisfied:

- (1) That a Site Plan for the proposed development to show the relocated existing dwelling receive approval from the Manager of Development Planning, Heritage and Design.

City Council may remove the 'H' symbol, and thereby give effect to "R-4/S-1732" (Small Lot Single Family Dwelling) District by enactment of an amending By-law once the above condition has been fulfilled.

4. 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 "R-4" (Small Lot Single Family Dwelling) District provisions, subject to the special requirements referred to in Section 2.
5. By-law 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1732.
6. That Sheet No. E-80b of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1732.
7. That the Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED AND ENACTED this day of , 2016.

F. Eisenberger
Mayor

Rose Caterini
Clerk

ZAC-15-036, 25CDM-201510



<p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the day of, 2016</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 16-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 271 Beach Boulevard</p> <p> Block 1 - Change from "C/S-1435" (Urban Protected Residential, etc.) District to "R-4/S-1732"-H' (Small Lot Single Family Dwelling) District, Modified</p> <p> Block 2 - Refer to By-law 05-200</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-15-036/25CDM-201510</p>	<p>Hamilton</p>
<p>Date: April 27, 2016</p>	<p>Planner/Technician: CT/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		