

Authority: Item 5, Planning Committee
Report: 17-010 (PED17019)
CM: June 14, 2017
Ward: 5

Bill No. 112

CITY OF HAMILTON

BY-LAW NO. 17-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 50 Albright Road, Owned by Ridgecrest Estates Inc.

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of *the City of Hamilton Act, 1999*, S.O. 1999, Chap 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 17-010 of the Planning Committee, at its meeting held on the 14th day of June, 2017, which recommended that Zoning By-law 05-200 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 Maps 1246 and 1299 of Schedule "A" - Zoning Maps of By-law No. 05-200 be amended by modifying the zoning from the Community Institutional (I2) Zone to the Community Institutional (I2, 502, H95) Zone Modified for the applicable lands, the extent and boundaries of which are shown as Blocks "1", "3", "4", "5" and "6" and by changing the zoning from the Community Institutional (I2) Zone to the Conservation / Hazard Land (P5) Zone for the applicable lands, the extent and boundaries of which are shown as Block "2", in Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions of By-law No.05-200 be amended by adding an additional special exception as follows:

"502, H95. Within the lands zoned Community Institutional (I2, 502, H95) Zone, Modified identified on Maps 1246 and 1299 of Schedule "A to By-law 05-200 and described as 50 Albright Road (Hamilton), the following special provisions shall apply:

PERMITTED USES

Notwithstanding the uses permitted in Section 8.2.1, only the following uses shall be permitted:

Semi Detached Dwelling
Street Townhouse Dwelling

SEMI DETACHED DWELLINGS (Block “5”)

Notwithstanding Sections 8.2.3.4 a) i), c) i), and e), the following special provisions shall apply to Semi Detached Dwellings

REGULATIONS

- | | |
|------------------------------|---|
| a) Minimum Lot Area for Unit | i) 190 square metres for each semi detached dwelling unit. |
| b) Minimum Front Yard | i) 4.5 metres for an interior lot, and 2.1 metres for a corner lot. |
| c) Minimum Flankage Yard | 2.1 metres. |

STREET TOWNHOUSES (Blocks “1”, “3”, “4” and “6”)

Notwithstanding Sections 8.2.3.5 a), b), c) i), e), f) and g), Section 4.6 e), Section 4.23 d) and Section 5.1c)iii), the following special provisions shall apply to Street Townhouses:

- | | |
|------------------------------|--|
| a) Minimum Lot Area for Unit | i) 129 square metres for each three storey dwelling unit in Block “1”; 139 square metres for each interior dwelling unit in Block “3”; 152 square metres for each two storey dwelling unit in Block “4”; and 152 square metres for each three storey dwelling unit in Block “6”. |
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- ii) Notwithstanding i) above, 129 square metres in Block "1"; 195.0 square metres in Block "3"; 152 square metres in Block "4"; and 152 square metres in Block "6" shall be required for a corner lot.
- b) Minimum Unit Width 6.0 metres, except 5.4 metres in Block "1".
- c) Minimum Front Yard i) 4.5 metres, except 2.8 metres for a corner lot in Blocks "1", "4" and "6".
- d) Minimum Flankage Yard 3.0 metres, except 2.0 metres to a street line or common element sidewalk in Blocks "4" and "6".
- e) Minimum Rear Yard 7.0 metres, except 5.8 metres for each dwelling unit in Block "3" and 2.6 metres for an end unit in Block "4".
- f) Maximum Building Height 11 metres and two storeys for each dwelling unit in Block "4" and 13.5 metres and three storeys for each dwelling unit in Blocks "1", "3" and "6".
- g) Yard Encroachments for Balconies A balcony may encroach into the required rear yard a maximum of 1.5 metres for each dwelling unit in Block "3".
- h) Minimum Setback from (P5) Zone 2.6 metres in Block "4".
- i) Maximum Driveway Width A driveway may be widened to a maximum of 65% of the lot width or 6.0 metres, whichever is the lesser, except for 76.6% or 4.6 metres in Block "3".

SPECIAL PROVISIONS FOR "I2, 502" ZONE

Notwithstanding Sections 4.6 d), 4.9, and 5.1 c) iii), the following special provisions shall also apply to development within the "I2, 502" Zone:

a) Yard Encroachments for Decks

A deck may encroach into a required rear yard to a maximum of 3 metres for dwelling units for each dwelling unit in Blocks "1," "4" , "5" and "6".

b) Location of Air Conditioning Units
(A/C) Units

Air conditioning units shall be located only in accordance with the following regulations:

For each dwelling unit in Block "3", A/C units shall be located only above garages.

For each dwelling unit in Blocks "1", "4" "5" and "6", A/C units shall be permitted only in rear yards with a minimum setback of 0.6 metres from a side or a rear lot line.

In addition to Sections 4, 4.8 d), f) and g), the following special provisions shall also apply to development within the "I2, 502" Zone:

a) Accessory Buildings

Accessory buildings shall only be permitted for a dwelling unit located in Blocks "4", "5" and "6".

b) Minimum Landscaped Area

The overall landscaped

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area shall be a minimum of 37% of the entire site and shall exclude the "P5" Zone.

c) Minimum Visitor Parking

Parking for visitors shall be provided on the basis of 0.3 spaces per dwelling unit.

d) Tandem Parking

Parking for each dwelling unit may be arranged as tandem or stacked parking for each dwelling unit in Blocks "1", "3", "4", "5" and "6".

3. That Schedule "D" - Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

Notwithstanding Section 9.3 of this By-law, within the lands zoned Community Institutional (I2, 502) Zone, on Map Nos. 1246 and 1299 of Schedule "A" - Zoning Maps, and described as 50 Albright Road (Hamilton), the 'H' symbol applicable to the lands referred to in Section 1 of this By-law shall permit development up to 139 dwelling units and shall be removed conditional upon:

- a) The owner demonstrating that the existing 250mm sanitary sewer on Quigley Road can be adequately upsized to provide sufficient capacity for development greater than 139 dwelling units or adequately upgrade the sanitary sewer to meet the current City standards, to the satisfaction of the Senior Director, Growth Management.
 - b) City Council may remove the 'H' symbol and thereby give effect to the "I2, 502" District, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.
4. That Map Nos. 1246 and 1299 of Schedule "A" - Zoning Maps of By-law No. 05-200, is amended, by incorporating additional Conservation / Hazard Land (P5) Zone boundaries, for the applicable lands, the extent and boundaries of which are shown as "Block 1" hereto annexed as Schedule "A".
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*.
6. That this By-law No. 17-112 shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon

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Owned by Ridgecrest Estates Inc.

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the date of passage of this By-law or as provided by the said Subsection.

PASSED this 14th day of June, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-15-046
25T-201508
25CDM-201515

		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>	
		<p>This is Schedule "A" to By-law No. 17-</p> <p>Passed the day of, 2017</p>	
<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 17-_____</p> <p>to Amend By-law No. 05-200 Maps 1246 & 1299</p>		<p>Subject Property 50 Albright Road</p> <p> Block 1 - Lands to be zoned Community Institutional (I2, 502, H95) Zone, Modified</p> <p> Block 2 - Lands to be zoned Conservation/Hazard Land (P5) Zone</p> <p> Block 3 - Lands to be zoned Community Institutional (I2, 502, H95) Zone, Modified for Street Townhouses with Rear Lane Access</p> <p> Block 4 - Lands to be zoned Community Institutional (I2, 502, H95) Zone, Modified - Locations for 2 Storey Street Townhouses</p> <p> Block 5 - Lands to be zoned Community Institutional (I2, 502, H95) Zone Modified - Locations for Semi Detached Dwellings</p> <p> Block 6 - Lands to be zoned Community Institutional (I2, 502, H95) Zone, Modified for 3 Storey Street Townhouses</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-15-049 / 25CDM-201515 / 25T-201508</p>		
<p>Date: April 25, 2017</p>	<p>Planner/Technician: CT/AL</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			