

Authority: Item 5, Planning Committee
Report 18-008 (PED18101)
CM: May 23, 2018
Ward: 3

Bill No. 137

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-Law No. 6593 (Hamilton) Respecting Lands Located at 157 Gibson Avenue, 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”;

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”;

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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);

WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 18-008 of the Planning Committee, at its meeting held on the 23rd day of May, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That Sheet No. E21 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by modifying the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the “D/S-1760-‘H” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified on the lands the extent and boundaries of which are shown on plan hereto annexed as Schedule “A”.
2. That the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) In addition to Section 2 (2) (H) (iii), not more than one (1) home occupation shall be permitted on the subject property.
- b) Notwithstanding Section 4 (3) (a), a single family dwelling in the westerly building and a two family dwelling in the easterly building shall be permitted within the buildings existing on the date of the passing of this By-law on one lot.
- c) That in addition to Section 10 (1), a single family dwelling in the westerly building and a two family dwelling in the easterly building shall be permitted within the buildings existing on the date of the passing of this By-law on one lot.
- d) Notwithstanding Section 10 (2), the building height of the buildings existing on the date of the passing of this By-law shall be permitted.
- e) Notwithstanding Section 10 (3), the front yard depth, side yard widths, and rear yard depths of the buildings existing on the date of the passing of this By-law shall be permitted.
- f) Notwithstanding Section 10 (4) (i) and (ii), for a single family dwelling in the westerly building and a two family dwelling in the easterly building within the buildings existing on the date of the passing of this By-law, the existing lot width of at least 16.9 metres and existing lot area of at least 520 square metres shall be permitted.
- g) Notwithstanding Section 18 (3) (vi) (b) (ii) and (iii), the encroachment of any eaves or gutters on the buildings existing on the date of the passing of this By-law shall be permitted.
- h) Notwithstanding Section 18 (3) (vi) (c) (ii), an open fire escape or open stairway may project into a required side yard not more than 0.9 metres.
- i) Notwithstanding Section 18 (3) (vi) (e), a stairway existing on the date of the passing of this By-law shall be permitted.
- j) Notwithstanding Section 18 (14), for any single family dwelling and two family dwelling not less than 22% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
- k) Notwithstanding Section 18A (1) (f), manoeuvring space abutting upon and accessory to one parking space shall have a minimum aisle width of 3 metres.
- l) Notwithstanding Section 18A (7), one required parking space other than a parallel parking space shall have dimensions not less than 2.7 metres wide and 5.5 metres long.

- m) Notwithstanding Section 18A (14b) (ii), not less than 22% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers, or other similar materials.
- n) Section 19 shall not apply.
3. That the 'H' symbol applicable to the lands referred to in Sections 1 shall be removed conditional upon:
- i) That the Owner shall apply for a Building Permit to permit internal renovations to legally establish a two family dwelling and single family dwelling, to the satisfaction of the City's Chief Building Official;
 - ii) That the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
 - iii) That the Owner submits and receives approval of a wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management; and,
 - iv) That the Owner enter into an encroachment agreement with the City of Hamilton to permit the existing building at the rear of the property to encroach into the existing alleyway, to the satisfaction of the Director or Engineering Services, Public Works Department.
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 "D" District provisions, subject to the special requirements in Section 2 of this By-law.
5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1760.
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1760.
7. 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 23rd day of May, 2018.

F. Eisenberger
Mayor

ZAR-17-034

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 157 Gibson Avenue</p> <p> Modification in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the "D/S-1760-'H'" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAR-17-034 & UHOPA-17-17	
Date: March 20, 2018	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		