

**Authority:** Item 5, Planning Committee  
Report 22-012 (PED22140)  
CM: August 12, 2022  
Ward: 5

**Bill No. 190**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 6593 (Hamilton) as amended, Respecting Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 6593 (Hamilton) was enacted on the 25<sup>th</sup> day of July 1950, which was approved by the Ontario Municipal Board by Order dated 7<sup>th</sup> day of December 1951, (File. No. O.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 22-012 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of August, 2022, 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. E80g of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by adding the lands as “RT-30/S-1821 – ‘H’” (Street – Townhouse) District, Modified, Holding, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. That the “RT-30” (Street – Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
  - a) That notwithstanding Section 10F (3), no building or structure shall exceed three storeys and no structure other than a building shall exceed 12.4 metres

in height;

- b) That notwithstanding Section 10F (4) (c) (iii), a northerly side yard of a width of 1.7 metres and a southerly side yard of a width of 2.3 metres shall be required for a Street Townhouse Dwelling, not exceeding three storeys in height;
  - c) That notwithstanding Clause 2. b) of this By-law, where a three storey townhouse is proposed, a side yard may be reduced to a width of at least 1.5 metres, only where a common swale is proposed;
  - d) That notwithstanding Section 10F (5) (c), not exceeding three storeys in height, of not less than 3.0 metres;
  - e) That a fence with a minimum height of 1.2 metres shall be provided along the rear lot line and northerly side lot line, and gates within the required fencing shall be prohibited;
  - f) That notwithstanding Section 18 (3) (vi) (cc) (ii), into a required rear yard not more than 2.1 metres;
  - g) That notwithstanding Section 18A (1) (f), 0 metres of manoeuvring space abutting a parking space located in a driveway shall be required;
  - h) That notwithstanding Section 18A (10), a parking space located within a garage may be obstructed by another parking space;
  - i) That notwithstanding Section 18A (22), the manoeuvring space for the parking space located within a garage may be obstructed by another parking space;
  - j) The minimum ground floor elevation of any building or any building addition shall be 76.5 metres above mean sea level, as defined by the Geodetic Survey Datum, except for any building addition less than 14 square metres in area and any accessory building or structure; and,
  - k) No basement, cellar or crawlspace shall be permitted for any building.
3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed condition upon;
- a) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the

RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee;

- b) The Owner enter into an External Works Agreement for all required road improvements within the municipal right-of-way, to the satisfaction of the Manager of Development Engineering Approvals: and,
  - c) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this Report is submitted to the Hamilton Public Library;
- 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 "RT-30/S-1821" 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-1821;
  - 6. That Sheet No. E80g of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1821; and,
  - 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 12<sup>th</sup> day of August, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-22-007



This is Schedule "A" to By-law No. 22-

Passed the ..... day of ....., 2022

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Mayor

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Clerk

## Schedule "A"

Map forming Part of  
By-law No. 22-\_\_\_\_\_

to Amend By-law No. 6593

### Subject Property

1117, 1121, 1129 & 1133 Beach Boulevard



Lands to be added to City of Hamilton Zoning By-law  
No. 6593 as Street-Townhouse "RT-30/S-1821 – 'H'"  
District, Modified, Holding

Scale:  
N.T.S

File Name/Number:  
ZAC-22-007

Date:  
May 9, 2022

Planner/Technician:  
DB/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT