

Authority: Item,
Report (PED25XXX)
CM:
Ward: 8

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To amend Zoning By-law No. 05-200 with respect to lands located at 87 to 109
Ashley Street, Hamilton**

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on April 8, 2025;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps, Map No. 954 is amended by changing the zoning from Neighbourhood Commercial (C2) Zone to Mixed Use Medium Density (C5, 929, H195) Zone for the lands known as 87 to 109 Ashley Street, the extent and boundaries of which are shown on Schedule “A” to this By-law.

2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:

“929. Within the lands zoned Mixed Use Medium Density (C5, 929) Zone, identified on Map No. 954 of Schedule “A” – Zoning Maps and described as 87 to 109 Ashley Street, Hamilton, the following special provisions shall apply:

a) Notwithstanding Section 5.2.1 b) and 5.2.3 as it relates to a 90 degree parking angle, the following regulations shall apply:

- | | |
|--|--|
| i) Required Increase in Width due to Obstruction | Where a wall, column, or any other obstruction is located abutting or within any parking space, the minimum width of a parking space shall be increased by 0.3 metres for each side which is obstructed by a wall, column, or other obstruction. |
|--|--|

In a situation where a wall, column, or any other obstruction is abutting a surface parking space on both sides, the minimum width of a parking space shall be increased by 0.3 metres.

ii) Minimum Drive Aisle Width

Parking Angle Degree	One-Way and Two-Way Aisle Width
0°	3.7 m
15°	3.7 m
30°	3.7 m
45°	4.5 m
60°	5.5 m
75°	6.0 m
90°	3.0 metres subject to the approval of a maintenance agreement registered on title with the City of Hamilton. If no agreement is registered, then a minimum driveway width of 6.0 metres shall be required.

b) Notwithstanding Section 10.5.3 b) and g) vii), the following regulation shall apply:

b) Minimum Rear Yard Setback 4.3 metres

g) vii) Built Form for New Development A principal entrance shall be located within 11.3 metres from the front lot line and shall be accessible from the street.

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

195. Notwithstanding Section 10.5 of this By-law, within the lands zoned Mixed Use Medium Density (C5, 929, H195) Zone, identified on Map No. 954 of

Schedule "A" – Zoning Maps and described as 87 to 109 Ashley Street, no development shall be permitted until such time as:

- a) That the owner submit and receive approval of a revised Functional Servicing Report to demonstrate sufficient fire flow is available to meet the development demands and that there is sufficient capacity to accommodate the proposed intensification, to the satisfaction of the Director of Growth Management and Chief Development Engineer; and,
 - b) A signed Record of Site Condition (RSC) has been submitted to the Ministry of the Environment (MOE), including an acknowledgement of receipt of the Record of Site Condition by the Ministry of the Environment;
 - c) 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 Environment, Conservation and Parks (MECP) 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; and,
 - d) That the owner enter into and register on title a maintenance agreement with the City of Hamilton in order to allow the proposed development to use the existing (assumed) alleyway for the proposed two way driveway for the proposed development to the Satisfaction of the Manager of Transportation Planning.
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 provisions of the Mixed Use Medium Density (C5, 929, H195) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.
 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*.

PASSED this _____ , 2025

A. Horwath
Mayor

ZAC-25-007

M. Trennum
City Clerk




This is Schedule "A" to By-law No. 25-
 Passed the day of, 2025

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 25-____
 to Amend By-law No. 05-200
 Maps 954

Subject Property
 87-109 Ashley Street, Hamilton
 Change in Zoning from Neighbourhood Commercial (C2) Zone to Mixed Use Medium Density (C5, 929, H195) Zone

Scale: N.T.S.	File Name/Number: ZAC-25-007
Date: Feb. 4, 2025	Planner/Technician: AB/NB

