

**Authority:** Item 15, Economic Development  
and Planning Committee  
Report: 08-019 (PED08225)  
CM: October 15, 2008

**Bill No. 246**

**CITY OF HAMILTON**

**BY-LAW NO. 08-246**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 315, 337 and 351 Beach Boulevard**

**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";

**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 and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND 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);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 15 of Report 08-019 of the Economic Development and Planning Committee at its meeting held on the 15<sup>th</sup> day of October, 2008, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law will be conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, upon approval of Official Plan Amendment No. 214.

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

1. That Sheet No. E-80c of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by:
  - (i) changing Block “1” from the “C/S-1435” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, to the “RT-20/S-1593” (Townhouse-Maisonette) District, Modified; and,
  - (ii) changing Block “2” from the “H/S-1435” (Community Shopping and Commercial, Etc.) District, Modified, to the “RT-20/S-1593” (Townhouse-Maisonette) District, Modified;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “RT-20” (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks “1” and “2”, are modified to include the following special requirements:
  - (a) That notwithstanding the definition of “Dwelling, Maisonette” in Subsection 2(2)(A)(viic) of Zoning By-law No 6593, for the purposes of this implementing By-law, a maximum of 125 square metres of commercial gross floor area shall be permitted on the ground floor with two dwelling units located above the commercial space in each building containing maisonette dwelling units;
  - (b) That notwithstanding Subsection 10E(2) of Zoning By-law No. 6593, the following commercial uses shall be permitted only on the ground floor of a maisonette dwelling:
    - A business or professional person’s office, not including medical clinics;
    - A bank;
    - A photographer’s or artist’s studio and/or gallery;
    - A barber shop, hairdressing establishment, beauty parlor;
    - A tailor’s shop, dressmakers establishment, millinery shop, shoe repair shop or other wearing apparel workshop;
    - One restaurant or one caterer’s shop, but not including a drive-thru restaurant;
    - One outdoor patio;

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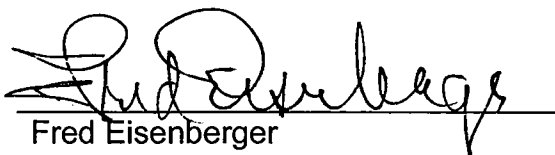
- A retail bakery store with or without a bakery as incidental thereto or a confectionary store with or without a candy kitchen as incidental thereto;
  - A retail store, or a show room or sample room, including one dealing in bona fide antiques; and,
  - A laundry or dry cleaning collection and distribution establishment;
- (c) Notwithstanding Subsection 10E(3) of Zoning By-law No. 6593, no building or structure shall exceed 12.5 metres in height;
- (d) Notwithstanding Subsection 10E(4)(a) of Zoning By-law No. 6593, a yard abutting a street shall have a depth of not less than 2.4 metres from the street line for townhouse dwelling units, and 0.0 metres for maisonette dwelling units built in conjunction with commercial uses fronting onto Beach Boulevard;
- (e) Notwithstanding Subsection 10E(4)(b) of Zoning By-law 6593, the minimum southerly and northerly side yards shall be 3.0 metres when at least one window to a habitable room of an end unit is facing a yard;
- (f) Notwithstanding Subsection 10E(5)(c) of Zoning By-law No. 6593, a distance of not less than 10.4 metres between two exterior walls, each of which contains at least one window to a habitable room, shall be provided and maintained;
- (g) Notwithstanding Subsection 10E(7)(a)(i) and (b)(i) of Zoning By-law No. 6593, the minimum lot area shall be 8,460 square metres;
- (h) Notwithstanding Subsection 10E(10) of Zoning By-law No. 6593, the minimum landscaped area shall be 30%;
- (i) Notwithstanding Subsection 10E(17) of Zoning By-law No. 6593, 11 townhouse units may be permitted in a continuous row;
- (j) Notwithstanding Subsection 18(3)(vi)(cc)(iii) of Zoning By-law No. 6593, a balcony may project into a required side yard if distant a least 3.5 metres from the side lot line;
- (k) Notwithstanding Subsection 18(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over or screened but otherwise unenclosed porch at the first and/or second storey, may project into the required front yard if distant at least 1.0 metre from the front lot line; and,
- (l) Notwithstanding Subsection 18(3)(vi)(e) of Zoning By-law No. 6593, an uncovered porch at the second storey may project into a required rear yard if distant at least 1.5 metres from the rear lot line, and the stairs may project if distant at least 0.5 metres to the rear lot line;

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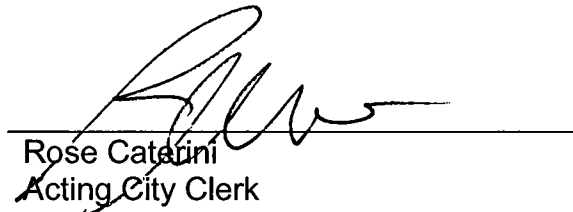
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- (m) Notwithstanding Subsections 18A(10) and (22) of Zoning By-law No. 6593, tandem parking shall be permitted for townhouse and maisonette dwelling units;
  - (n) Notwithstanding Table A of Subsection 18A, 2 parking spaces per townhouse and maisonette unit shall be required;
  - (o) Notwithstanding Subsections 18A(7) and Table 1(4) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long, and the minimum number of required visitor parking spaces for a restaurant shall be 1 space per 14 persons who may be lawfully accommodated.
  - (p) Notwithstanding Subsection 18(11)(b)(1) of Zoning By-law No. 6593, an outdoor patio shall be permitted on the subject lands.
3. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1593.
  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 "RT-20" (Townhouse-Maisonette) District provisions, subject to the special requirements referred to in Section 2.
  5. Sheet No. E-35 of the District Maps is amended by marking the lands referred in Section 1 (a) of this by-law as S-1593.
  6. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1593.
  7. 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 and ENACTED** this 15<sup>th</sup> day of October, 2008.



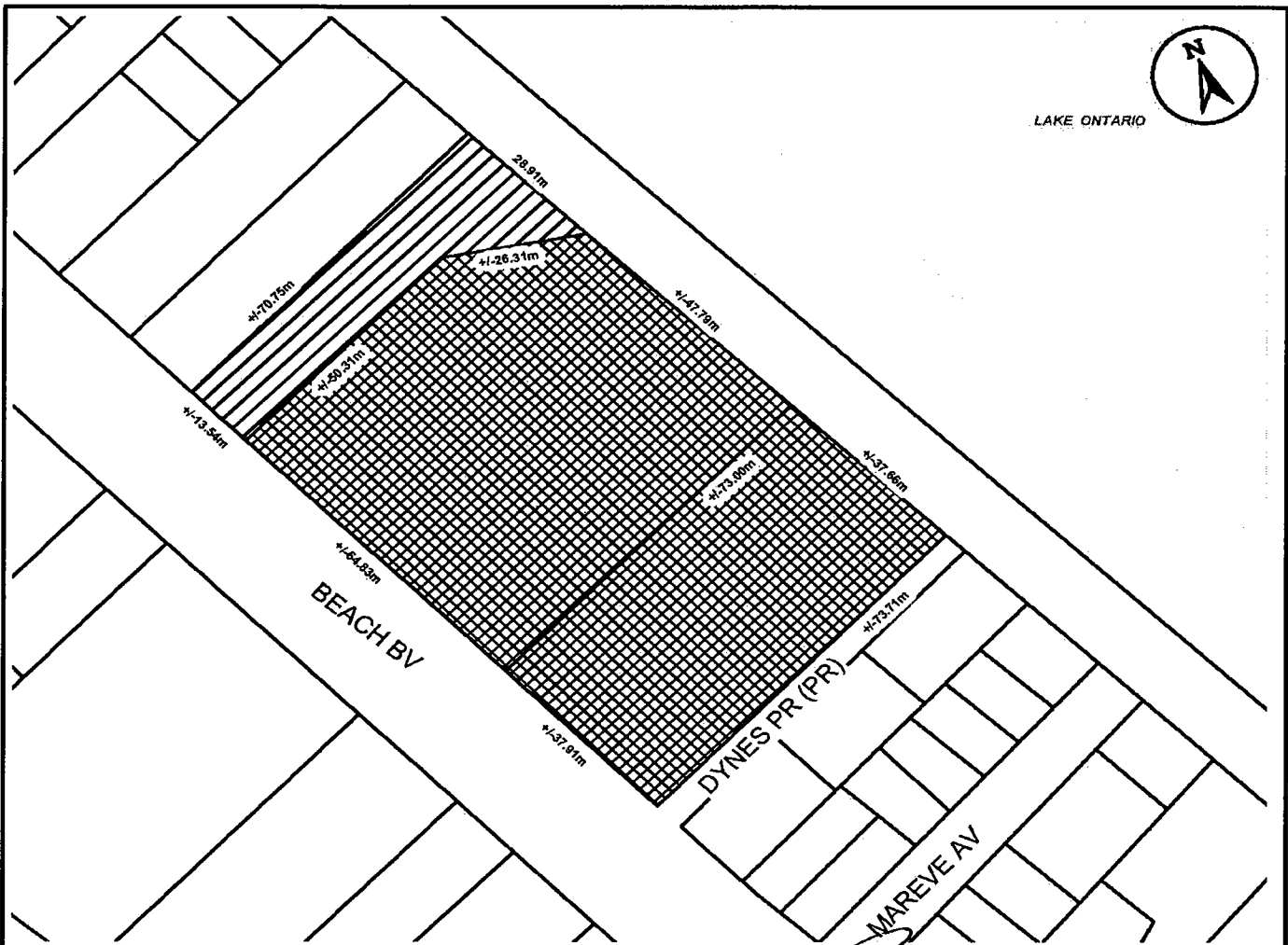
Fred Eisenberger  
Mayor



Rose Catarini  
Acting City Clerk

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LAKE ONTARIO

This is Schedule "A" to By-Law No. 08- 246

Passed the ...15.... day of ....October....., 2008

*[Signature]*  
Clerk  
*[Signature]*  
Mayor

**Schedule "A"**

Map Forming Part of  
By-Law No. 08- 246

to Amend By-law No.6593

**Subject Property**

315, 337, 351 Beach Boulevard



Block 1 - Change in zoning from the "C/S-1435" (Urban Protected Residential, Etc.) District, Modified, to the "RT-20/S-1593" (Townhouse - Maisonette) District, Modified



Block 2 - Change in zoning from the "H/S-1435" (Community Shopping and Commercial, Etc.) District, Modified, to the "RT-20/S-1593" (Townhouse - Maisonette) District, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-08-030 & OPA-08-008

Date:  
June 2, 2008

Planner/Technician:  
JW/BR



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT