

Authority: Item 2, Planning Committee
Report 23-009 (PED23104)
CM: June 7, 2023
Ward: 5

Bill No. 104

CITY OF HAMILTON

BY-LAW NO. 23-104

To Amend Zoning By-law No. 6593, Respecting Lands Located at 300 Albright Road, 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 2 of Report 23-009 of the Planning Committee, at its meeting held on the 7th day of June, 2023, 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. E87 of the District Maps appended to and forming part of the Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA” (Agricultural) District to the “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “RT-20” (Townhouse-Maisonette District) provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
 - a) Notwithstanding Subsection 2.(2) H.(via) “Miscellaneous Use Definitions”, Planting Strip shall be defined as follows:

"Planting Strip" shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer and may include a 1.5m wide sidewalk for pedestrian access and a Visual Barrier.

- b) In addition to Subsection 10E.(2)(a), a Multiple Dwelling shall also be permitted.
- c) Notwithstanding Subsection 10E.(3), no building or structure within the district shall exceed four storeys and 15.5 metres in height.
- d) Notwithstanding Subsection 10E.4(a), where a yard abuts a street, a depth of not less than 3.1 metres shall be provided and maintained.
- e) In addition to Subsection 10E.(4)(b), an easterly side yard width of at least 3.5 metre shall be provided and maintained.
- f) Notwithstanding Subsections 10E.5(b) and 5(c), where there is more than one building on a lot, not less than 8.0 metres shall be provided and maintained between two exterior walls each of which contains any windows to a habitable room.
- g) In addition to Subsection 10E.(8), there shall be provided and maintained a privacy area for each dwelling unit within a Multiple Dwelling that may include a balcony with a minimum depth of 1.2 metres, except no privacy area shall be required for lower level dwelling units.
- h) Notwithstanding Subsection 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed porch, including eaves, gutters and steps may project into a required front yard provided that the projection is no closer than 0.5 metres from the front lot line.
- i) Notwithstanding Subsection 18A(1)(a) and 18A-Table 1, Subsections 1.(d) and 1.(g), Parking Ratios for the following residential uses shall apply:
 - a. Townhouse Dwelling: Minimum of 1 space per Class A dwelling unit
 - b. Multiple Dwelling: Minimum of 1 space per Class A dwelling unit
- j) Notwithstanding Subsection 18A(1)(b) and 18A-Table 2, Subsections 3. And 5., a minimum of 0.16 visitor parking spaces per Class A dwelling unit shall be provided for a Townhouse Dwelling and Multiple Dwelling;
- k) Notwithstanding Subsection 18A(1)(c) and 18A-Table 3, no loading spaces shall be required for a Multiple Dwelling.
- l) Notwithstanding Subsection 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.

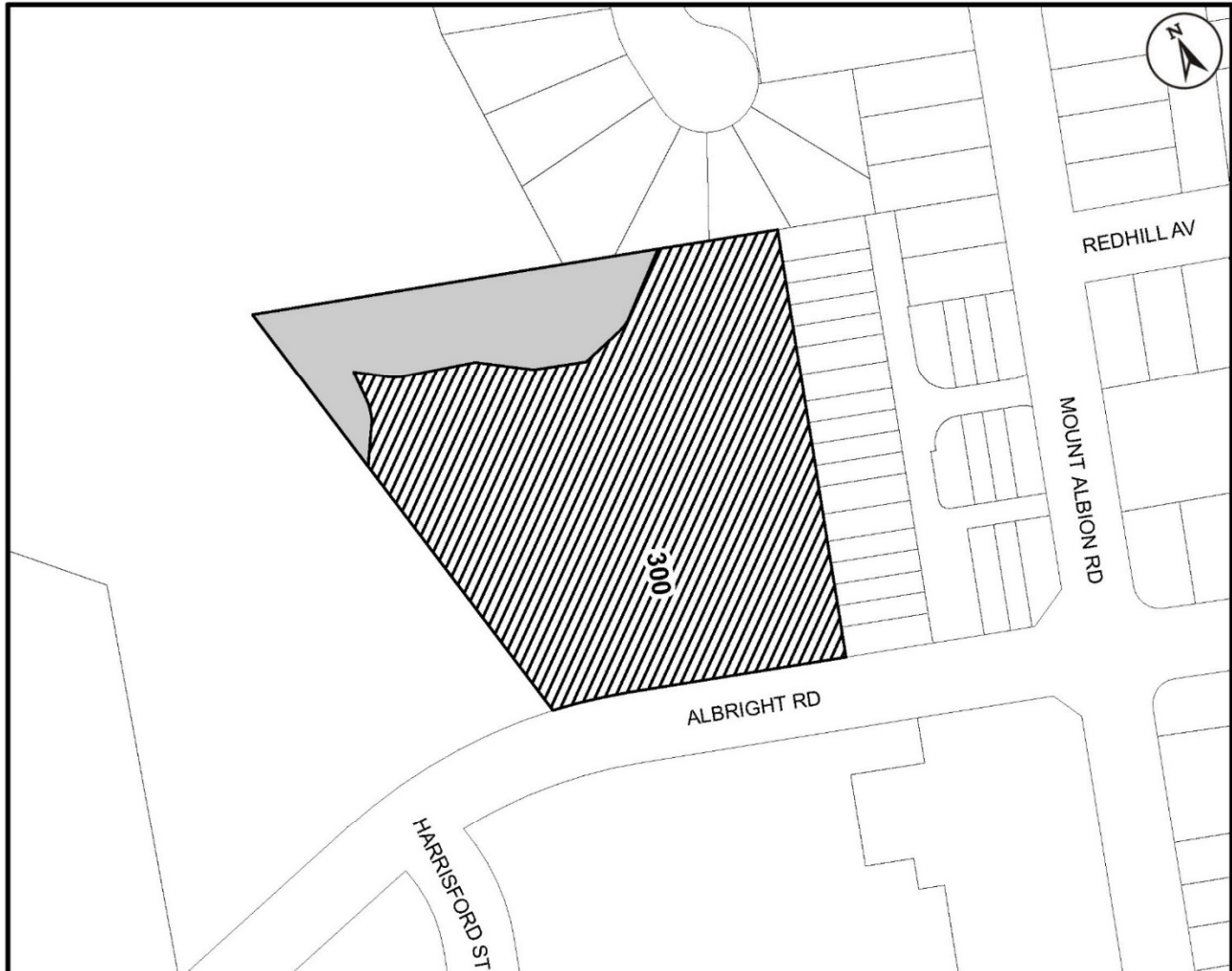
- m) Notwithstanding Subsections 18A.(10) and 18A.(22), the accessibility and manoeuvring space for the required parking space located within an attached garage of a townhouse dwelling may be obstructed by a required parking space located on an individual driveway.
 - n) Notwithstanding Subsection 18A.(12)(c), for every parking area and loading space referenced to in Subsection 18A.(11), there shall be provided and maintained a visual barrier along the boundary of the residential district not less than 1.2 metres in height and not greater than 2.2 metres in height, except no visual barrier shall be required where a 1.5 metre wide sidewalk for pedestrian access is provided to the westerly lot line.
 - o) Notwithstanding Subsection 18A.(24)(a), each individual access driveway for a Townhouse Dwelling shall have a minimum width of at least 2.5 metres.
 - p) In addition to Subsection 10E., a minimum setback of 3.0 metres shall be required from a Conservation / Hazard Land (P5) Zone (Zoning By-law No. 05-200) boundary line.
3. 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-20/S-1829" (Townhouse-Maisonette) District, Modified subject to the special requirements referred to in Section 2.
 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1829;
 5. That Sheet No. E87 of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1829; and,
 6. 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 7th day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

ZAC-21-043



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 300 Albright Road, Hamilton (Ward 5)</p> <p> Block 1: Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1829" (Townhouse-Maisonette) District, Modified</p> <p> Block 2: Refer to By-law No. 05-200</p>
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Scale: N.T.S	File Name/Number: ZAC-21-043	
Date: March 28, 2023	Planner/Technician: AB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		