SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Properties Located at 106 and 127 Burton Street (Hamilton) (PED06007) (Ward 3)

RECOMMENDATION:

(a) That approval be given to the application by J. Beume Real Estate Ltd., owner, for Official Plan Amendment No.___, for the properties located at 106 and 127 Burton Street (Hamilton), as shown on Appendix “A” to Report PED06007, for a change in designation on Schedule “A” – Land Use Concept, from “Industrial” to “Residential”.

(b) That approval be given to Zoning Application ZAC-05-76, by J. Beume Real Estate Ltd., owner, for a change in zoning from the “J/S-648” (Light and Limited Heavy Industry, Etc.) District to the “RT-20/S-1540” (Townhouse – Maisonette) District, Modified, to permit townhouses on the properties located at 106 and 127 Burton Street (Hamilton), as shown on Appendix “A” to Report PED06007, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED06007, which has been prepared in a form satisfactory to Corporate Counsel, not be enacted by City Council until the following conditions have been satisfied:

(1) That the applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the Director of Development and Real Estate, including an acknowledgement of receipt of the RSC by the MOE.
(2) That the owner/applicant shall investigate the noise levels on the site and determine 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 Director of Development and Real Estate, and CN Rail.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1540, and that the subject lands on Zoning District Map E-11 be noted as S-1540.

(iii) That upon finalization of the implementing Zoning By-law, the Keith Neighbourhood Plan be amended to reflect the change in designation from “Industrial” to “Attached Housing”.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City of Hamilton upon finalization of proposed Official Plan Amendment No.___.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applications are for an Amendment to the City of Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 in order to permit the development of twenty-one townhouse dwellings (see Appendix “C”). All of the proposed townhouse dwellings would have frontage on Burton Street with vehicular access to the majority of the units via a proposed private driveway at the rear of the dwellings. The applications have merit and can be supported as they are consistent with the Provincial Policy Statement and provide for residential development that is more compatible with the existing residential character of the area than the previous industrial uses. The proposed modified zoning implements a residential design that is in keeping with the residential character of the area by providing for reduced front and side yard setbacks.

**BACKGROUND:**

**Proposal**

The applications are for an Official Plan Amendment from the “Industrial” to the “Residential” designation, and for a change in zoning from the “J/S-648” (Light and Limited Heavy Industry, Etc.) District to the “RT-20/S-1540” (Townhouse – Maisonette)
District, Modified, to permit eighteen townhouses at 127 Burton Street (Block “1”) and 3 townhouses at 106 Burton Street (Block “2”). The proposed modified zoning would implement the proposed plan attached as Appendix “C”.

**Location:**
106 and 127 Burton Street (Hamilton)

**Owner:**
J. Beume Real Estate Limited

**Agent:**
James Webb Planning Consultants Incorporated

**Property Description:**

- **Frontage:**
  - 22.86m (106 Burton Street)
  - 114.35m (127 Burton Street)

- **Depth:**
  - 30.48m (106 Burton Street)
  - 28.35m (127 Burton Street)

- **Lot Area:**
  - 697m$^2$ (106 Burton Street)
  - 3,242m$^2$ (127 Burton Street)

**Servicing:**
Full municipal services

**EXISTING LAND USE AND ZONING:**

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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the principles and policies of the Provincial Policy Statement in that the proposal implements Policies 1.1.3 and 1.4 pertaining to providing a mix of densities and land uses which efficiently use land and resources, provides for intensification and redevelopment that takes into account existing building stock, and is a redevelopment of a Brownfield site.

   (ii) It conforms with and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (iii) It conforms with and implements the “Residential Environment and Housing Policy” of the City of Hamilton Official Plan (Section C.7), which supports residential development such as infilling, redevelopment, and the conversion of non-residential structures.

   (iv) The proposal is an example of an infill residential development supporting the principles of intensification and Brownfield Redevelopment, and provides for a use compatible with the residential character of the surrounding land uses.

2. The applicant proposes to develop the properties located at 106 and 127 Burton Street for townhouses having frontage on Burton Street. A total of eighteen townhouses are proposed on 127 Burton Street with vehicular access provided from a private rear laneway that would run between Douglas Street and Chester Street, with parking provided in the rear yard either on a parking pad or within a detached garage. Three townhouses are proposed on 106 Burton Street with attached garages and individual driveway access from Burton Street. Each townhouse unit would have one parking space, and the units have been designed to be compatible with the residential character of the area, which consists of single detached, semi-detached, and attached housing on lots with narrow widths (averaging between 5m and 9m), minimal front yard and side yard setbacks, and very little on-site parking.

3. The applicant has proposed to rezone the subject lands to a modified “RT-20” (Townhouse – Maisonette) District in order to permit flexibility to develop the property for either individual street townhouses or a group of townhouses (block townhouses). The proposal to permit freehold street or block townhouses provides flexibility in tenure only. The proposed townhouse design would be the same regardless of tenure. In this regard there are a number of different forms of tenure the development could ultimately take. These include:
• Individual freehold street townhouses in which each dwelling unit would be located on its own lot with frontage on Burton Street. The freehold lots on 127 Burton Street would require the creation of a common element condominium for the rear laneway, whereas the freehold lots on 106 Burton Street would not require any plan of condominium.

• Block townhouses where both 106 and 127 Burton Street function as individual properties either in a rental or condominium tenure.

The two properties (106 and 127 Burton Street) could be developed in the same form of tenure or in different forms (i.e. 106 Burton Street could be one single rental or condominium property, whereas 127 Burton Street could be freehold street townhouses with a common element condominium driveway).

4. In order to provide for flexibility in permitting either freehold street townhouses or block townhouses, and in order to provide a development design that is consistent with the residential character of the area, a number of modifications to the proposed “RT-20” (Townhouse – Maisonette) District are required. These modifications relate primarily to lot frontage and area, setbacks, parking, and access. An assessment of the various modifications is summarized below:

**Modifications for Lot Frontage and Area**

A zoning modification to 127 Burton Street (Block “1”) to permit a lot depth of 23.3m and a lot area for an individual freehold street townhouse of 140 square metres. The modifications can be supported as the need for the variance is due primarily to the fact that the proposed common element condominium driveway at the rear of the townhouses cannot be included in the calculation for lot depth and lot area, should the property be developed for street townhouses. Should this laneway be included, the zoning modifications would be substantially minimized.

**Modifications for Setbacks:**

- Front yard setback of 0.8m for 127 Burton Street and 3.5m for 106 Burton Street, and to permit encroachments of stairs, porches, and balconies into the required front yard.

- Side yard setback of 0.3m abutting a street, setback between internal townhouse dwellings of 2.4m (1.2m to a lot line should the lands be developed for freehold units) applicable only to 127 Burton Street, and a setback between townhouses and any other lot of 0.6m (applicable only to 106 Burton Street).

- Elimination of special setbacks between townhouse units containing windows on the end units.
The above noted zoning modifications can be supported as they implement a form of development that is consistent with the character of surrounding residential areas by providing for reduced front and side yard setbacks. Sufficient side yard setbacks have been provided to enable access to rear yards and for maintenance purposes, although the Ontario Building Code could also require additional setbacks beyond what is proposed, in which case the plans must be revised accordingly. In addition, the rear yards for both 127 Burton Street and 106 Burton Street can be accessed via a private alley, and municipal unassumed alley, respectively.

**Modifications for Parking and Access:**

- A total of one parking space is required for each dwelling unit regardless of tenure, and each parking space is permitted a length of 5.5m.

- Manoeuvring space of 5.0m for 127 Burton Street and 3.5m for 106 Burton Street shall be provided.

- Parking spaces for street townhouses are permitted to be accessed via a private driveway instead of a municipal road (applicable only to 127 Burton Street).

The above noted zoning modifications can be supported as providing one parking space per unit generally exceeds the amount of on-site parking provided for other dwellings in the neighbourhood as many residential properties in the area do not have any on-site parking. The provision of one parking space per dwelling unit also conforms to the Zoning By-law for individual street townhouses, but not for block townhouses and the built form is the same regardless of tenure. In addition, as parking for 127 Burton Street (Block “1”) would be provided at the rear of the units accessed from a private laneway, no existing on-street parking on the north side of Burton Street would be affected by the proposal. Therefore, the reduction in parking for block townhouses can be supported. A modification to permit a 5.5m parking space length can be supported as this parking space size is consistent with the requirements of the new City of Hamilton Zoning By-law No. 05-200 which, at this time, is in effect for the downtown only.

The proposed modification for parking space access and manoeuvring can be supported as the 5.0m wide private driveway at the rear of 127 Burton Street would provide sufficient manoeuvring for vehicles parking in the rear yards of the townhouse units. The proposed 3.5m manoeuvring area for 106 Burton Street can be supported as there is an existing 2.0m municipal boulevard between the existing sidewalk and front property line. This 5.5m total would provide sufficient room for a car to safely reverse out of the attached garage prior to backing onto the street.
The proposed modification to permit street townhouses at 127 Burton Street to be accessed via a private condominium driveway can be supported as this form of street townhouse development is a common innovative form of development, and implements a new urbanism form of development that removes garages from the fronts of dwelling units, improving the streetscape.

5. The subject lands were previously utilized for industrial uses. 127 Barton Street contained a factory which has only recently been demolished, whereas 106 Burton Street has been utilized for a parking lot most recently. As such, to ensure that the properties are not contaminated, the implementing By-law should be held in abeyance until such time that a Record of Site Condition (RSC) has been submitted to the satisfaction of the Director of Development and Real Estate, and the Ministry of Environment.

In addition, due to the proximity of the lands to an active CN rail line, a noise assessment must also be submitted. The implementing By-law should also be held in abeyance until such time that an acoustical report, prepared by a qualified professional engineer, is submitted to the satisfaction of the Director of Development and Real Estate and CN Rail.

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications be denied, the lands can only be utilized for industrial uses subject to the provisions of the “J/S-648” (Light and Limited Heavy Industry, Etc.) District, and the lands would not be able to be developed for residential uses in keeping with the predominantly residential land uses in the area.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. Policy 1.1.3.2 provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources. Policy 1.1.3.3 provides that planning authorities shall identify and promote opportunities for intensification and redevelopment, including Brownfield sites. In addition, the housing policies of Section
1.4 also promote the provision of a range of housing types and densities through residential intensification and redevelopment. In this regard, the proposal is consistent with the principles and policies of the Provincial Policy Statement. However, to ensure that Policies 3.2.2 and 1.7.1(e), pertaining to contaminated sites and mitigation of impacts between major facilities and sensitive land uses have been addressed, a Record of Site Condition and an acoustical report are required to be submitted prior to implementation of the amending Zoning By-law.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. The proposal conforms with the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject property is designated “Industrial” in the City of Hamilton Official Plan. An Official Plan Amendment is required to redesignate the subject lands from “Industrial” to “Residential” to permit the proposed residential development. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

"A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; (O.P.A. No. 128)

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.”

The proposal implements the “Residential Environment and Housing Policies” of Section C.7, and will allow for the residential development of the subject lands that is compatible with surrounding residential land uses.

Neighbourhood Plan

The subject lands are designated “Restricted Industrial” in the approved Keith Neighbourhood Plan. An amendment to the Keith Neighbourhood Plan is required to re-designate the subject lands from “Restricted Industrial” to “Attached Housing”.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Hamilton Conservation Authority.
- Public Works Department (Forestry and Horticulture Section).

Hamilton Municipal Parking System has advised that parking requirements should be accommodated on-site as there are no municipal carparks in the vicinity, and on-street parking is operating at capacity. Visitor parking is not required for street townhouses and whether the tenure is provided as condominium, freehold, or rental, the built form is that of a street townhouse, which is similar to single detached or semi-detached dwellings which have no requirement for on-site visitor parking.

CN Rail has advised that a warning clause must be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease advising of a railway right-of-way within 300 metres from land, and that CN will not be responsible for any complaints or claims. In addition, a noise study is required. A noise warning clause can be included through subsequent site plan approval, condominium approval, or land severance approval (whether through inclusion in Consent Agreements or Subdivision Agreements).
Bell Canada has advised that a number of paragraphs pertaining to a letter of understanding and providing conduits must be included as conditions of site plan approval. These items will be addressed through future site plan control applications.

Public Works Department (Traffic Engineering and Operations Section) has advised that the City of Hamilton would not assume the proposed private driveway, and that the alley at the rear of 106 Burton Street is unassumed. In addition, an Encroachment Agreement is required for any front steps encroaching onto the Burton Street right-of-way.

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the applications were circulated to 257 property owners within 120 metres of the subject property. In addition, a Public Notice sign was erected on the property on August 18, 2005. As a result of the circulation, comments were received from one neighbouring property owner in favour of the application (see Appendix “D”), and one phone call was received from a property owner who expressed concerns over the potential contamination of the property and whether the lands have been cleaned. In this regard, the implementing By-law is being held in abeyance until such time that the applicants have submitted a Record of Site Condition (RSC), to the satisfaction of the Director of Development and Real Estate and the Ministry of Environment. This will ensure that the subject properties are clean prior to any development approvals being granted.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced. ☑ Yes ☐ No
  - Shelter, care and satisfying employment are accessible to all Hamiltonians.

- Environmental Well-Being is enhanced. ☑ Yes ☐ No
  - Human health and safety are protected.

- Economic Well-Being is enhanced. ☑ Yes ☐ No
  - Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:GM

Attaches. (4)
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 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 Section of Report 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. proposed by the Corporation of the City of Hamilton as By-law No. ____, but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-11 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

   (a) by changing the zoning from the “J/S-648” (Light and Limited Heavy Industry, Etc.) District to the “RT-20/S-1540” (Townhouse – Maisonette) District, Modified, the lands comprised of Block “1” and Block “2”,

   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, applicable to Block “1”, as contained in Section10E of Zoning By-law No. 6593, be modified to include the following special requirements:

   (a) that notwithstanding Subsections 18(3)(vi)(cc)(i), 18(3)(vi)(cc)(iii), and 18(3)(vi)(d), of Zoning By-law No. 6593, a minimum front yard depth of 0.0 metres shall be provided and maintained for a balcony and for a roofed-over unenclosed one-storey porch at the first storey level, including eaves and gutters, and where a side yard abuts a street, a minimum depth of 0.3 metres shall be provided and maintained;

   (b) that notwithstanding Section 18(A)(1) of Zoning By-law No. 6593, a minimum of 1 parking space for each townhouse dwelling unit shall be provided and maintained;

   (c) that notwithstanding Section 18(A)(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long;

   (d) that notwithstanding Section 18A(1)(f) of Zoning By-law No. 6593, a minimum manoeuvring area of 5.0 metres shall be provided and maintained;

   (e) that Sections 18A(21) and 2(2)A(viid)(b) of Zoning By-law No. 6593 shall not apply;

   (f) that should Block “1” be developed for a group of townhouse dwellings, the following special provisions shall also apply:

      (i) that notwithstanding Subsection 10E(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 0.8m shall be provided and maintained;

      (ii) that notwithstanding Subsection 10E(4)(a) of Zoning By-law No. 6593, where a minimum side yard abuts a street, a minimum depth of 0.3m shall be provided and maintained;
(iii) that notwithstanding Subsection 10E(5) of Zoning By-law No. 6593, a distance not less than 2.4m between two exterior walls shall be provided and maintained;

(iv) that notwithstanding Subsection 10E(6) of Zoning By-law No. 6593, a minimum lot depth of 23.3 metres shall be provided and maintained;

(v) that notwithstanding Subsection 10(E)(7)(a) of Zoning By-law No. 6593, an area of not less than 140 square metres for each townhouse dwelling unit shall be provided and maintained;

(vi) that notwithstanding Subsection 10(E)(10) of Zoning By-law No. 6593, a minimum landscaped area of 30% shall be provided and maintained;

(vii) that notwithstanding Subsection 18A(24)(b)(i) of Zoning By-law No. 6593, a minimum access driveway width of 5.0m shall be provided and maintained, and Subsections 18A(24)(b)(ii) and 18A(24)(b)(iii) shall not apply;

(g) that should Block “1” be developed for street townhouses, the following variances as special provisions shall also apply:

(i) that notwithstanding Subsection 10F(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 0.8m shall be provided and maintained;

(ii) that notwithstanding Subsection 10(F)(4)(d) of Zoning By-law No. 6593, where a yard abuts any other lot, a minimum interior side yard of 1.2 metres shall be provided and maintained and where a side yard abuts a street, a minimum side yard of 0.3m shall be provided and maintained;

(iii) that notwithstanding Subsection 10F(5) of Zoning By-law No. 6593, a distance not less than 2.4m between two exterior walls shall be provided and maintained;

(iv) that notwithstanding Subsection 10(F)(6)(i) of Zoning By-law No. 6593, an area of not less than 140 square metres for each townhouse dwelling unit shall be provided and maintained; and,

(v) that notwithstanding Subsection 18(4)(iv) of Zoning By-law No. 6593, detached garages are permitted to be located 0.0m from a side and rear lot line except that no detached garage shall be permitted to be located within a private condominium driveway.
3. The “RT-20” (Townhouse – Maisonette) District provisions, applicable to Block “2”, as contained in Section 10E of Zoning By-law No. 6593, be modified to include the following special requirements:

(a) that notwithstanding Subsections 18(3)(vi)(cc)(i), 18(3)(vi)(cc)(iii), and 18(3)(vi)(d), of Zoning By-law No. 6593, a minimum front yard depth of 0.0 metres shall be provided and maintained for a balcony and for a roofed-over unenclosed one-storey porch at the first storey level, including eaves and gutters;

(b) that notwithstanding Subsection 18(A)(1) of Zoning By-law No. 6593, a minimum of 1 parking space for each dwelling unit shall be provided and maintained;

(c) that notwithstanding Subsection 18(A)(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long;

(d) that notwithstanding Subsections 18A(1)(f) and 18A(29) of Zoning By-law No. 6593, a minimum manoeuvring area of 3.5 metres shall be provided and maintained, and the entrance to the parking space shall be located not less than 3.5m from the entrance of the individual driveway;

(e) that should Block “2” be developed for a group of townhouse dwellings, the following special provisions shall also apply:

(i) that notwithstanding Subsection 10E(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 2.0m shall be provided and maintained;

(ii) that notwithstanding Subsection 10E(4)(b) of Zoning By-law No. 6593, where a yard abuts any other lot, a minimum interior side yard of 0.6m shall be provided and maintained;

(iii) that notwithstanding Subsection 10E(7)(a)(ii) of Zoning By-law No. 6593, a lot width of not less than 22.8m shall be provided and maintained;

(f) that should Block “2” be developed for street townhouses, the following special provisions shall also apply:

(i) that notwithstanding Subsection 10F(4)(a) of Zoning By-law No. 6593, a minimum front yard depth of 2.0m shall be provided and maintained;

(ii) that notwithstanding Subsection 10F(4)(c) of Zoning By-law No. 6593, where a yard abuts any other lot, a minimum interior side yard of 0.6m shall be provided and maintained.
4. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1540.

5. 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 Sections 2 and 3.

6. 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 day of , 2006.

MAYOR

CLERK

ZAC-05-76/OPA-05-14
This is Schedule "A" to By-Law No. 06—

Passed the __________ day of ______________. 2006

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 06—
to Amend By-Law No. 6593

Subject Lands

Block “1”
Change in Zoning from the “J/S-648” (Light and Limited Heavy Industry, Etc.) District, Modified to the “RT-20/S-1540” (Townhouse - Maisonette) District, Modified

Block “2”
August 24, 2005

Greg MacDonald, Senior Planner
City of Hamilton
Planning & Development Dept.
Development and Real Estate Division (East)
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Sir:

Re: File No. OPA-05-14-zac-05-05-76

We believe that the proposed change of dwellings at 127 Burton Street and 106 Burton Street, will be an improvement to the area and we would support the application.

Yours truly,
1237523 ONTARIO INC

[Signature]

RAY C EDWARDS
RCE:id