

Authority: Item 4
Planning Committee
Report 14-008 (PED14099)
CM: May 28, 2014

Bill No. 130

CITY OF HAMILTON

BY- LAW NO. 14-

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 198 and 206 Wellington Street South (Hamilton)**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 14-008 of the Planning Committee, at its meeting held on the 28th day of May 2014, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011.

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

1. That Sheet No. E-6 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

- (a) By changing the zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E/S-1705” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified,

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

- 2. That the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, be modified to include the following special requirements:

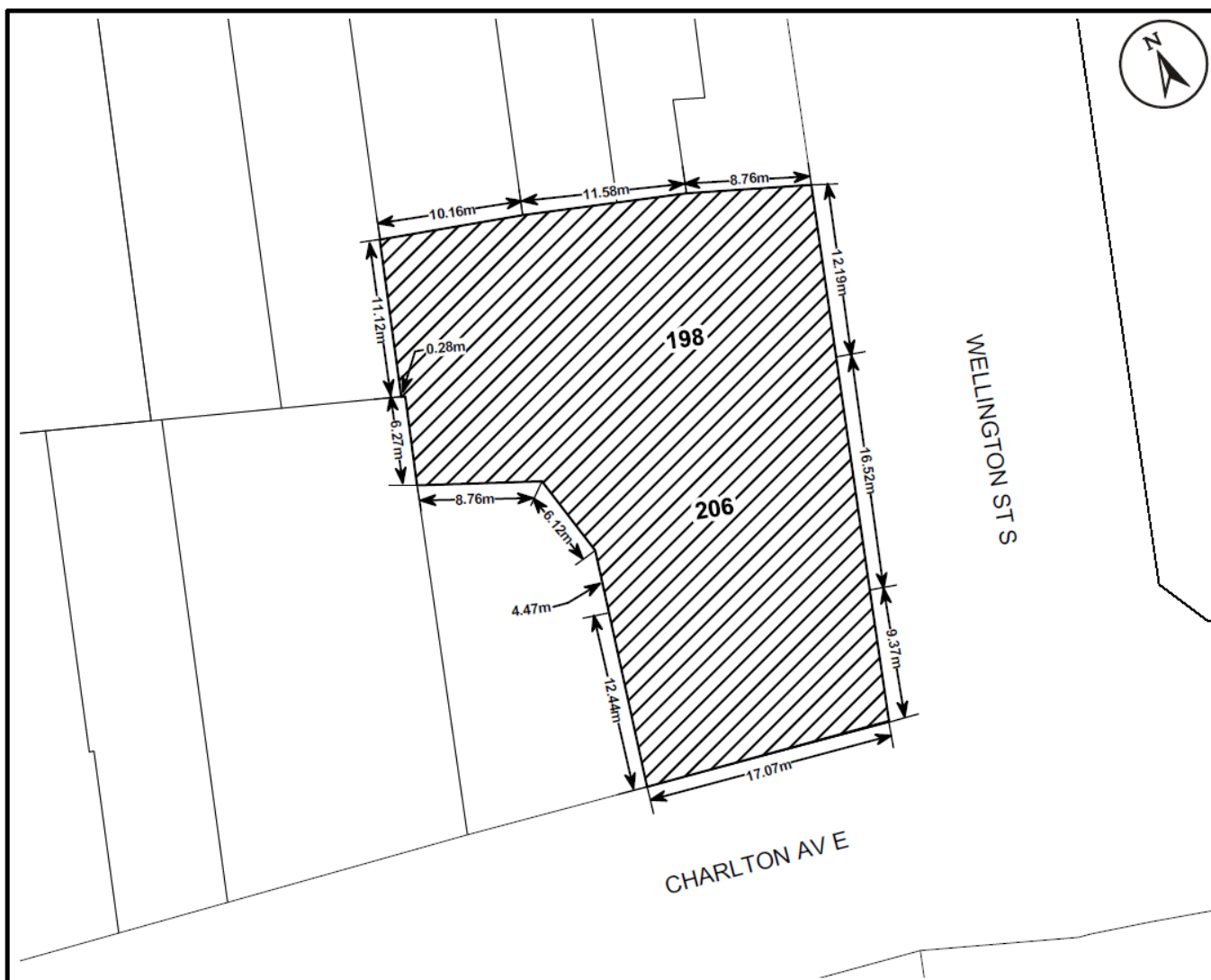
- (a) That notwithstanding Sub-section 2.(2)(j)(xiii) of Zoning By-law No. 6593, the Charlton Avenue East lot line shall be deemed to be the front lot line;
- (b) That notwithstanding Sub-section 11.(2)(ii) of Zoning By-law No. 6593, no building shall exceed 5-storeys or 16.2 metres in height notwithstanding that a structure for the purpose of a stair tower be permitted up to a maximum of 19.6 metres in height;
- (c) That notwithstanding Sub-section 11.(3)(ii)(b) and (iii)(b) of Zoning By-law No. 6593, a minimum exterior side yard depth of 0.0 metres; a minimum interior side yard depth of 0.7 metres and a minimum rear yard depth of 6.7 metres shall be maintained for all buildings and structures;
- (d) That notwithstanding Sub-section 11.(5) of Zoning By-law No. 6593, no buildings or structures shall have a gross floor area greater than 2,650 square metres;
- (e) That notwithstanding Sub-section 11.(6) of Zoning By-law No. 6593, for every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 13% of the area of the lot on which the building or structure is situate, as landscaped area;
- (f) That notwithstanding Sub-section 18A. Table 1 and Table 2 of Zoning By-law No. 6593, a minimum of 20 parking spaces shall be provided for 28 dwelling units;
- (g) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every required parking space shall have dimensions not less than 2.6 metres wide and 5.5 metres long;
- (h) That notwithstanding Sub-section 18A. Table 3 of Zoning By-law No. 6593, no loading space shall be required;
- (i) That notwithstanding Sub-section 18A. Table 6 of Zoning By-law No. 6593, the minimum required manoeuvring space aisle width shall be 5.8 metres;

- (j) That notwithstanding Sub-section 18A.(11)(a) and (b) of Zoning By-law No. 6593, the boundary of the parking area shall not be less than 0.0 metres from the adjoining residential district boundaries and shall not be less than 0.25 metres from the front lot line;
 - (k) That notwithstanding Sub-section 18A.(14g) of Zoning By-law No. 6593, the required parking area shall be located within the required front yard;
 - (l) That notwithstanding Sub-section 18A.(24)(b) of Zoning By-law No. 6593, not less than one access driveway or mutual access driveway shall have a width of at least 5.2 metres;
 - (m) That notwithstanding Sub-section 18A.(25) of Zoning By-law No. 6593, where a townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the townhouse dwelling, maisonette dwelling or multiple dwelling shall be located not less than 0.8 metres from the common boundary between the district in which the townhouse dwelling, maisonette dwelling or multiple dwelling is located and the district that does not permit such uses.
- 3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1705.
 - 4. That Sheet No. E-6 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1705.
 - 5. 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 "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
 - 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 28th day of May, 2014.

R. Bratina
Mayor

R. Caterini
Clerk



This is Schedule "A" to By-Law No. 14-

Passed the day of, 2014

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 14-_____

to Amend By-law No. 6593

Subject Property



Change in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "E/S-1705" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified.

Scale:
N.T.S.

File Name/Number:
ZAC-11-055

Date:
March 4, 2014

Planner/Technician:
DY/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT