

Authority: Item
Planning Committee
Report 15-
(PED15110)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands located at 449 Stone Church Road West (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section [REDACTED] of Report 15-[REDACTED] of the Economic Development and Planning Committee at its meeting held on the 2nd day of June 2015, 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;

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

1. That Sheet No. W27c 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 "B" (Suburban Agriculture and Residential, etc.) District to the "DE-3/S-1721" (Multiple Dwellings) District, Modified,

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

2. That the "DE-3" (Multiple Dwellings) District, regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be further modified as follows:

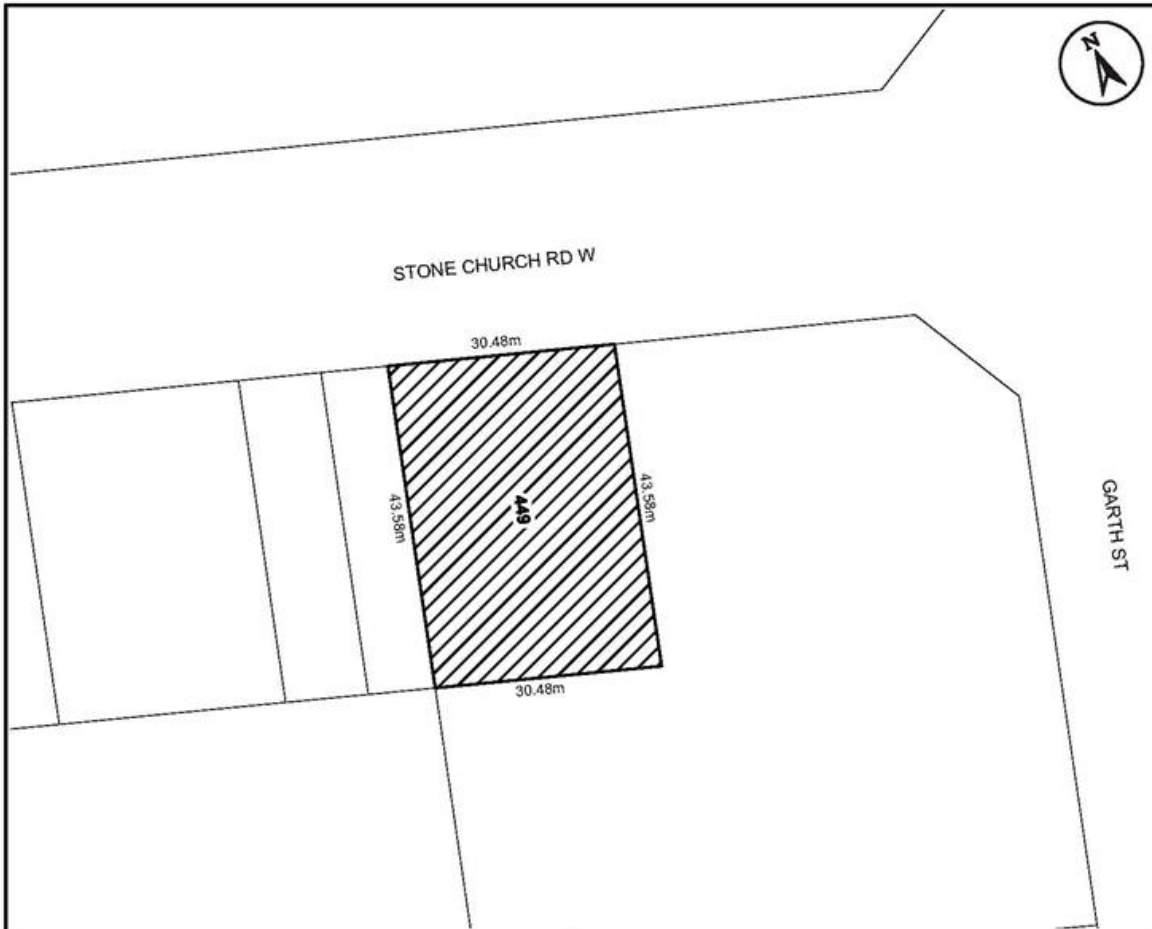
- (a) That notwithstanding section 10C(2) of Zoning By-law No. 6593, no building shall exceed 15.0 m.
- (b) That notwithstanding section 10C(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard shall be 6.0 m.
- (c) That notwithstanding section 10C(3)(ii)(b) of Zoning By-law No. 6593, the minimum side yard shall be 4.33 m for the easterly side yard; and 4.21 m for the westerly side yard.
- (d) That notwithstanding section 10C(3)(iii)(b) of Zoning By-law No. 6593, the minimum rear yard shall be 7.6 m, except a 5.6 m setback is only required for the partially below grade parking structure and a 6.0 m minimum setback for the 2nd and 3rd floor façade projections.
- (e) That notwithstanding section 10C(5) of Zoning By-law No. 6593, no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.90.
- (f) That in addition to section 10C(6) of Zoning By-law No. 6593, a minimum of 5 columnar conifers in the easterly side yard shall be required with a minimum size of 300 cm W.B.; and a minimum of 5 columnar conifers in the westerly side yard shall be required, with a minimum size of 300 cm W.B.
- (g) That in addition to section 10C(6) of Zoning By-law No. 6593 there shall be provided and maintained a privacy area for each dwelling unit that:
 - (i) Maintains a minimum ratio of 2 square metres multiplied by the total number of units for each unit; and
 - (ii) Shall be located on the roof of the multiple dwelling.

- (h) A minimum of 75 percent of the windows on both the east and west elevation of the proposed building shall be frosted.
 - (i) That no habitable rooms shall be permitted on the roof top.
3. That notwithstanding Subsection 18A.(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 m wide and 5.5 m long;
 4. That notwithstanding Subsection 18A; Table 3 of Zoning By-law No. 6593, no loading space shall be required;
 5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1721.
 6. That Sheet No. W27c of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1721.
 7. 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 "DE-3/S-1721" (Multiple Dwellings) District, Modified, subject to the special requirements referred to in Section 2 of this By-law.
 8. 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 and ENACTED this ____ day of ____, 2015.

R. Eisenberger
Mayor

R. Caterini
City Clerk



<p>This is Schedule "A" to By-law No. 15-</p> <p>Passed the day of, 2015</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 15-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 449 Stone Church Road West</p> <p> Lands to be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "DE-3/S-1721" (Multiple Dwellings) District, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-15-007		PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Date: April 1, 2015	Planner/Technician: RC/AL		