

Authority: Item 2, Planning Committee Report:
15-018(PED15175)
CM: November 25, 2015

Bill No. 299

CITY OF HAMILTON

BY-LAW NO. 15-

**To Amend Zoning By-law No. 3581-86 (Dundas),
Respecting Lands Located at 71 Main Street and 10
Baldwin Street, in the former Town of Dundas, now in the
City of Hamilton**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the “The Corporation of the Town of Dundas” 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 2 of Report 15-018 of the Planning Committee, at its meeting held on the 25th day of November, 2015, which recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan approved August 16, 2013 upon approval of Urban Hamilton Official Plan Amendment No. 43.

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

- 1) That Schedule "A" appended to and forming part of Zoning By-law No. 3581-86 (Dundas), is hereby amended by changing the zoning of lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", as follows:
 - i) Block 1 for a change in zoning from Central Area Commercial (C.A.C/S-91) Zone, Modified, to Medium to High Density Multiple Dwelling - Holding (H-RM3/S-129) Zone, Modified.
 - ii) Block 2 for a change in zoning from Low Density Residential (R3) Zone to Medium to High Density Multiple Dwelling - Holding (H-RM3/S-129) Zone, Modified.
 - iii) Block 3 for a change in zoning from Low Density Residential (R3) Zone to Low Density Residential (R3) - Holding (H-R3/S-130) Zone, Modified.
- 2) That Section 32: "EXCEPTIONS", of Zoning By-law No. 3581-86 (Dundas), is hereby amended by adding the following sub-sections:

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Notwithstanding the provisions of Section 3: Definitions, Section 14: Medium to High Density Multiple Dwelling Zone, Section 7: Off-street Parking and Loading, the following special provisions shall apply to lands known municipally as 71 Main Street and 10 Baldwin Street, shown as Block 1 and Block 2 on the attached Schedule "A".

- (i) Notwithstanding Sections 3.2.54 and 3.2.57, the subject lands shall be deemed to be a Lot, Interior and the Lot Line, Front shall be deemed to be the lot line along Main Street
- (ii) Notwithstanding Section 14.2 Regulations for Apartment Buildings, the following special regulations shall apply:

14.2 REGULATIONS FOR APARTMENT BUILDINGS

14.2.2 YARD REQUIREMENTS

14.2.2.1 FRONT YARD

Minimum (1st to 3rd storey) 0.0 metres

Minimum (4th storey & above) 2.0 metres

14.2.2.2

SIDE YARD

Southerly

Minimum (1st storey) 5.5 metres

Minimum (2nd storey & above) 2.0 metres

Northerly

Minimum (1st storey) 0.0 metres

Minimum (for a portion of the 2nd & 3rd storeys extending a maximum of 10.0 metres from the front facade) 0.0 metres

Minimum (for the portion of the 2nd & 3rd storeys extending beyond 10.0 metres from the front facade and all storeys above) 5.5 metres

14.2.2.3 REAR YARD

Minimum (1st storey) 12.5 metres

Minimum (2nd to 6th storeys) 17.5 metres

Minimum (7th storey) 19.0 metres

Minimum (8th storey) 20.5 metres

Minimum (9th storey) 22.0 metres

14.2.3 HEIGHT

Maximum 29.1 metres

14.2.4 DENSITY

Maximum 465 dwelling units per hectare

14.2.5 FLOOR AREA

Notwithstanding Subsection 14.2.5 (ii), a maximum of 28 one bedroom units may have a floor area less than 55.0 square metres. All other provisions of Subsection 14.2.5 shall apply to the remainder of the units.

14.2.7 LANDSCAPING REQUIREMENTS

14.2.7.1 LANDSCAPE AREA

Minimum zero per cent of the site area shall be landscaped

14.2.7.2 BUFFER STRIP

Notwithstanding subclause 14.2.7.1 above, a buffer strip of no less than 1.4 metres in width shall be provided and maintained adjacent to every portion of any lot line that abuts any R1, R2, R3, R3A, R4 or R6 Zone along the rear lot line.

(iii) Notwithstanding Section 6.6: Encroachment into Yards and 6.16: One Dwelling Per Lot, the following special regulations shall apply:

6.6.1 BALCONIES

Balconies may project a maximum of 1.5 metres into any required yard.

6.16 ONE DWELLING PER LOT

A multiple dwelling and the existing single detached dwelling shall be permitted on one lot.

(iv) Notwithstanding, Section 7.4: Abutting a Residential Zone, Section 7.5: Visitor Parking, Section 7.6: Loading Spaces, Section 7.8: Encroachment into Yards, Section 7.12: Off-street Parking Space Requirements, and Section 7.14: Dimensions for the Design of Parking Areas, the following special regulations shall apply:

7.4 ABUTTING A RESIDENTIAL ZONE

7.4.1 The boundary of every parking area containing five or more parking spaces, or a loading space located on the surface of a lot adjoining any residential zone, shall be located not less than 1.4 metres from the residential zoning boundary.

7.4.4 This clause shall not apply.

7.5 VISITOR PARKING

7.5.1 This clause shall not apply.

7.6 LOADING SPACES

7.6.1 Maneuvering space may be provided via the adjoining public alley.

7.6.2 This clause shall not apply.

7.6.3 This clause shall not apply.

7.8 ENCROACHMENT INTO YARDS

This Section shall not apply.

7.12 OFF-STREET PARKING REQUIREMENTS

7.12.1 RESIDENTIAL USES

7.12.1.5 Apartment Buildings 0.8 spaces per dwelling unit.

7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

7.14.1 The minimum dimension for the provision of required parking spaces shall be 5.5 metres in length and 2.6 metres in width. Notwithstanding, a minimum of 1 space shall be 5.5 metres in length and 4.4 metres in width.

(iv) A minimum of 10 storage spaces for bicycles will be provided within the multiple dwelling.

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Notwithstanding anything in Dundas Zoning By-law 3581-86 or this amendment, the following special provisions shall apply to a portion of the lands known municipally as 10 Baldwin Street, shown as Block 3 on the attached Schedule "A".

- i) The existing single detached dwelling will be permitted and deemed to conform to the by-law after the passing of this amendment.
- ii) Besides modifications and enhancements to landscaping, no further development is permitted.

3) That the "H" symbol may be removed at such time as the following has been satisfied:

- i) The owner / applicant shall demonstrate that the lands know as 71 Main Street and 10 Baldwin Street have merged in name and title, to the satisfaction of the Manager of Development Planning, Heritage, and Design.

- ii) The owner / applicant shall enter into an encroachment / access / maintenance agreement with the City of Hamilton for the maintenance and use of the adjacent laneway, to the satisfaction of the Manager of Development Planning, Heritage, and Design.
- 4) That By-law No. 3581-86 of the Town of Dundas Zoning By-law is amended by adding this By-law to Section 32 as Schedule "S-129" and "S-130".
- 5) That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "H-RM3/S-129" and "H-R3/S-130" as shown on the attached Schedule "A".
- 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 this 9th day of December , 2015.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-14-025/UHOPA-14-009



This is Schedule "A" to By-law No. 15-

Passed the day of, 2015

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 15-_____

to Amend By-law No. 3581-86

Subject Property

71 Main Street & 10 Baldwin Street, Dundas



Block 1 – Change in zoning from Central Area Commercial (C.A.C./S-91) Zone, Modified, to Medium to High Density Multiple Dwelling – Holding (H-RM3/S-129) Zone, Modified.



Block 2 – Change in zoning from Low Density Residential (R3) Zone, to Medium to High Density Multiple Dwelling – Holding (H-RM3/S-129) Zone, Modified.



Block 3 – Change in zoning from Low Density Residential (R3) Zone, to Low Density Residential – Holding (H-R3/S-130) Zone, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-14-025/UHOPA-14-009

Date:
October 27, 2015

Planner/Technician:
GT/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT