

Authority: Item 1, Planning Committee
Report 16- 011 (PED16124)
CM: June 8, 2016

Bill No. 180

CITY OF HAMILTON

BY-LAW NO. 16-

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands located at 1 Redfern Avenue (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 1 of Report 16-011 of the Planning Committee at its meeting held on the 8th day of June, 2016, which 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, upon finalization of Official Plan Amendment No. 56;

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

1. That Sheet No. W37 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 “DE-2/S-1654” (Multiple Dwellings) District, Modified, to the “DE-2/S-1734” (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-2/S-1654” (Multiple Dwellings) District, regulations as contained in Section 10B of Zoning By-law No. 6593, as amended, be replaced with the following special requirements:

- (a) That notwithstanding Section 10B(1) of Zoning By-law No. 6593, Subject to the applicable provisions of Section 3, 18, 18A, and 19, in a "DE-2" District, no building or structure shall be erected, altered, extended or enlarged, and no building or structure or part thereof shall be used, and no land shall be used, for the following use:
 - i) a multiple dwelling.
- (b) That notwithstanding Section 10B(2)(ii) of Zoning By-law No. 6593, no building or structure shall exceed 16.5 m in height;
- (c) That notwithstanding Section 10B(3)(i)(b) of Zoning by-law No. 6593, a front yard of a depth of not more than 4.0m shall be provided and maintained;
- (d) That notwithstanding Section 10B(3)(ii)(b) of Zoning By-law No. 6593:
 - (i) a maximum easterly side yard setback from the northeast corner of the principal building to the daylight triangle of no more than 4.5 m; and,
 - (ii) a maximum easterly side yard setback from the southeast corner of the principal building to the lot line of no more than 17.0 m.
- (e) That notwithstanding Section 10B(3)(ii)(b) of Zoning By-law No. 6593:
 - (i) a minimum easterly side yard setback from the northeast corner of the accessory structure to the lot line of not less than 2.5 m; and,
 - (ii) a minimum easterly side yard setback from the southeast corner of the accessory structure to the easterly lot line of not less than 7.0 m.

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- (f) That notwithstanding Section 10B(3)(iii)(b) of Zoning By-law No. 6593, a minimum rear yard setback for the principal building of not less than 14.0 m;
 - (g) That notwithstanding Section 10B(3)(iii)(b) of Zoning By-law No. 6593, a minimum rear yard setback for the parking garage of not less than 7.5 m;
 - (h) In addition to Section 10B(3)(iii)(b) of Zoning By-law No. 6593, an accessory structure shall be permitted in a required side yard;
 - (i) In addition to Section 10b(3)(iii)(b) of Zoning By-law No. 6593, a minimum westerly side yard setback of 50 m to the property line, shall be provided and maintained;
 - (j) That notwithstanding Section 10B(4)(iv) of Zoning By-law No. 6593, a maximum of 144 units shall be permitted;
 - (k) That Section 10B(5), Floor Area Ratio, of Zoning By-law No. 6593 shall not apply;
 - (l) That in addition to the requirements of Section 18(3)(vi)(a) of Zoning By-law No. 6593, a parapet may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard;
 - (m) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, one loading space shall be provided and shall have dimensions not less than 3.7 m wide, 9.0 m long, and 4.3 m high;
 - (n) That notwithstanding Section 18A(7) of Zoning By-law No. 6593:
 - i) 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 for a standard parking space;
 - ii) every required barrier free parking space, other than a parallel parking space, shall have dimensions not less than 4.4 m wide and 5.5 m long; and,
 - iii) three barrier free parking spaces shall be provided.
 - (o) That Section 18A(12) of Zoning By-law No. 6593 shall not apply.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1734.

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4. That Sheet No. W37 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1734.
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 "DE-2/S-1734" (Multiple Dwellings) District, Modified, 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 22nd day of June, 2016.

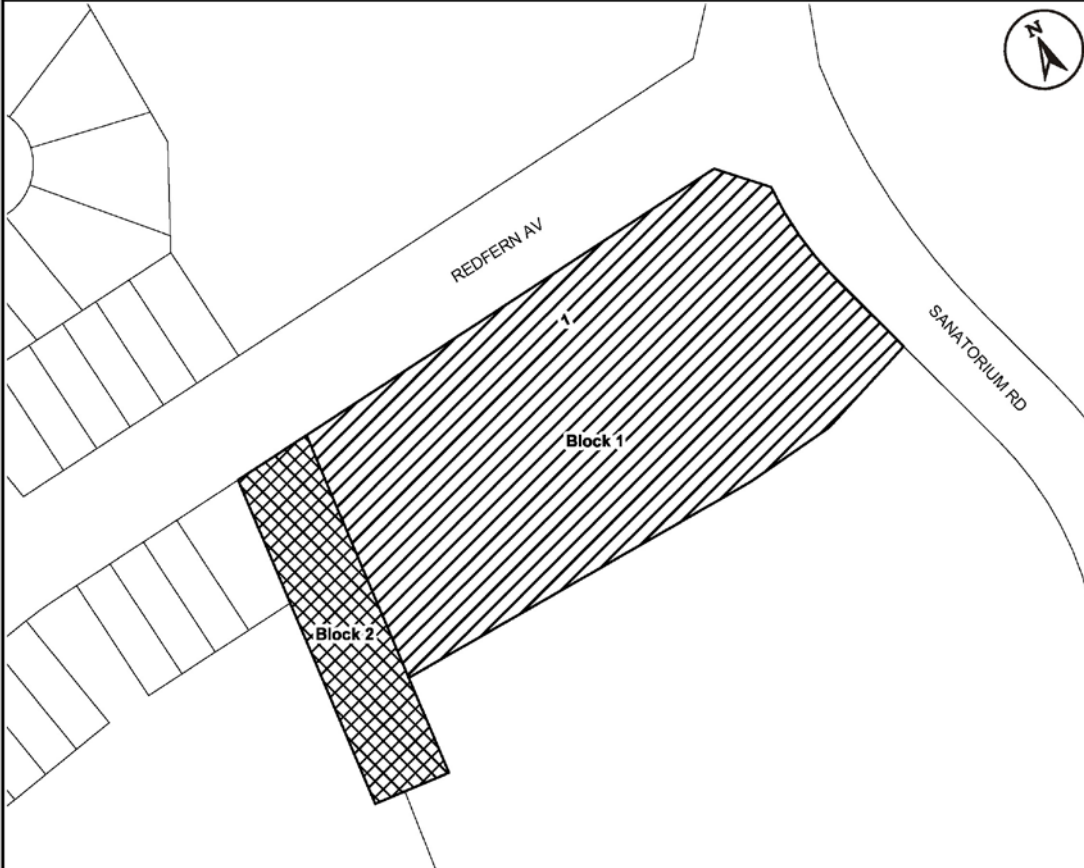



F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-15-026

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<p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the day of, 2016</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p align="center">Schedule "A"</p> <p align="center">Map Forming Part of By-law No. 16-_____</p> <p align="center">to Amend By-law No. 6593</p>	
<p>Scale: N.T.S.</p> <p>Date: April 6, 2016</p>	<p>File Name/Number: ZAC-15-026/UHOPA-15-015</p> <p>Planner/Technician: RC/VS</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>
<p>Subject Property</p> <p> Block 1 - Change in zoning from the "DE-2/S-1654" (Multiple Dwellings) District, Modified to the "DE-2/S-1734" (Multiple Dwellings) District, Modified</p> <p> Block 2 - Refer to By-law No. 05-200</p>	
<p align="center">  Hamilton </p>	