

**Authority:** Item 10, Planning Committee  
Report: 18-002 (PED18007)  
CM: February 14, 2018  
Ward: 1

**Bill No. 030**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 347 Charlton Avenue 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”;

**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”;

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**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);

**WHEREAS** the Council of the City of Hamilton, in adopting Item 10 of Report 18-002 of the Planning Committee at its meeting held on the 14<sup>th</sup> day of February, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and

**WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That Sheet No. W14 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “DE/S-1753” (Low Density Multiple Dwelling) 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” (Low Density Multiple Dwelling) District provisions, as contained in Section 10A of Zoning By-law No. 6593, be modified with the following special requirements:
- (a) That in addition to Section 10A(1), of Zoning By-law No. 6593 a multiple dwelling shall be restricted to a maximum of six (6) dwelling units, and no dwelling unit shall be permitted in a basement or cellar.
  - (b) That Section 10A(1) (viii) shall not apply.
  - (c) That in addition to Section 10A(2), any ornamental and architectural elements shall not exceed 11.5 metres in height.
  - (d) That notwithstanding Section 10A(3)(i), a front yard depth of at least 0 metres.
  - (e) That notwithstanding Section 10A(3)(ii)(c), for a multiple dwelling, a side yard along each side lot line of a width of at least 2.0 metres.
  - (f) That notwithstanding Section 10A(4)(iii)(b), for a multiple dwelling consisting of more than four dwelling units and not more than six dwelling units, a width of at least 14.8 metres and an area of at least 85.8 square metres for each Class A dwelling unit.
  - (g) That notwithstanding Section 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project the full width of the front yard.
  - (h) That notwithstanding Section 18A(1)(a), a residential parking rate of 1.0 space per dwelling unit shall be provided.
  - (i) Section 18A(1)(b) shall not apply.
  - (j) Section 18A(1)(c) shall not apply.
  - (k) That notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
  - (l) That notwithstanding Subsection 18A(11)(a), not less than 1.3 metres from an adjoining residential district boundary, except for a maximum 3.5 metre long portion along the easterly lot line which may be located less than 0.0 metres from a residential district boundary.
  - (m) That notwithstanding Section 18A(12)(a), for the parking area referred to in Section 2 (j) of this By-law, between the boundary of the parking area and the adjoining residential district an area landscaped with a planting strip shall not be required for a maximum 3.5 metre long portion along the easterly lot line.

- (n) That notwithstanding Subsection 18A(25), where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 1.5 metres from the common boundary between the district in which multiple dwelling is located and the district that does not permit such uses.
3. 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” (Low Density Multiple Dwelling) District, provisions, subject to the special requirements referred to in Section 2.
4. That Sheet No. W14 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as “DE/S-1753”.
5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1753.
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 14<sup>th</sup> day of February, 2018.

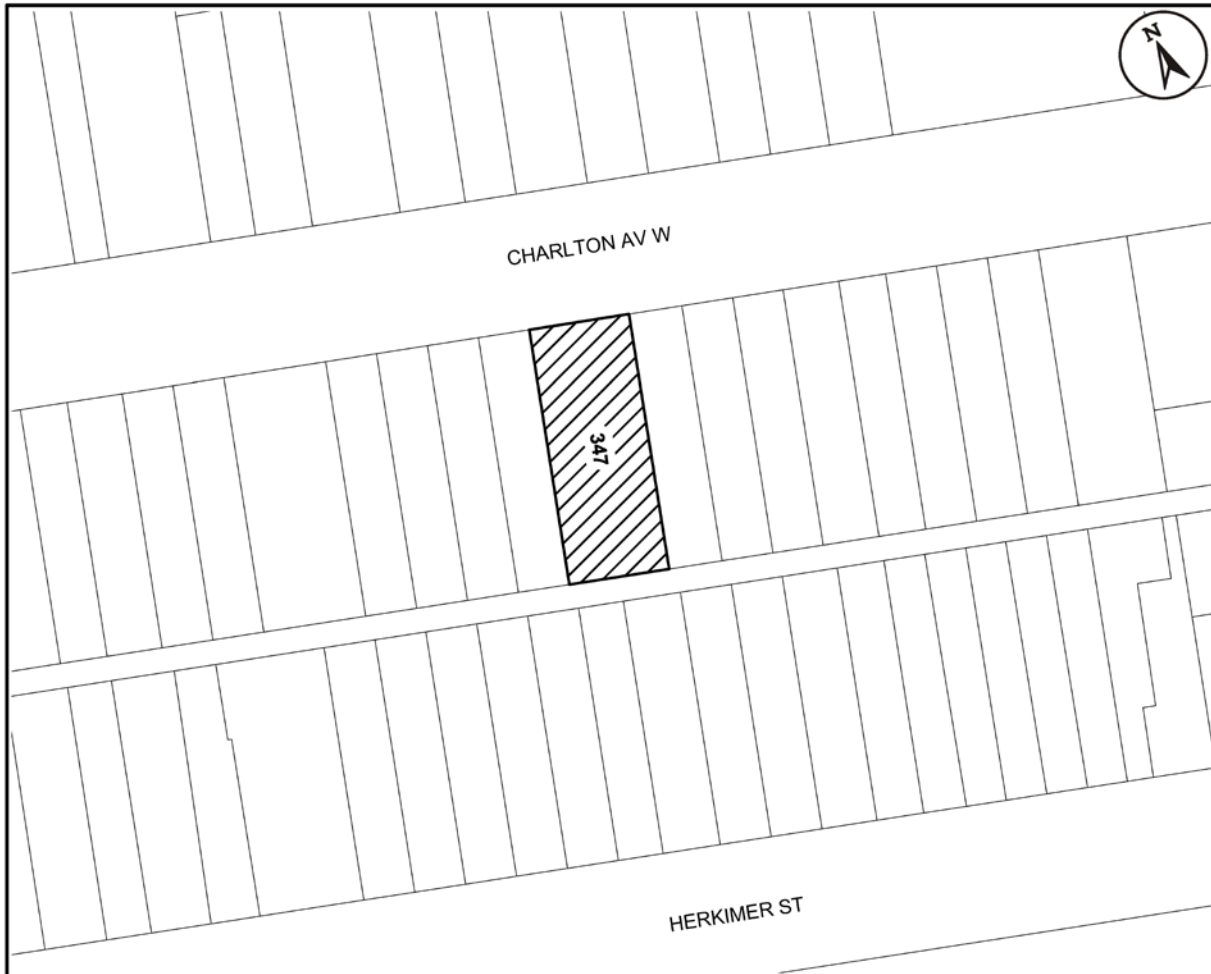
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

F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAC-17-018



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 6593</p>		<p><b>Subject Property</b> 347 Charlton Avenue West</p> <p> Change in zoning from the "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District to the "DE/S-1753" (Low Density Multiple Dwelling) District, Modified</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-018</p>	 <p>Hamilton</p>
<p>Date: Dec. 12, 2017</p>	<p>Planner/Technician: DB/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		