

Authority: Item ,
Report (PED)
CM:
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 3581-86
Respecting Lands Located at 336 and 338 King Street West
in the former Town of Dundas**

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 area municipality known as "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 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Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 XX of Report PED19XXX of the Planning Committee, at its meeting held on the 13th day of August, 2019, recommended that Zoning By-law No. 3581-86 (Dundas) 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 Schedule "L" (Spencer Creek) appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified to the Holding - Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a) Zone, Modified on the lands to the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.

2. That Section 32 "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), be amended by deleting in its entirety, S-127 and replacing it with the following subsections:

"S-127a"

- i) Notwithstanding Subsections 6.6.2, 6.6.8, and 6.6.9, and in addition to 6.6.9 (i), (ii), (iii) and (iv), the following special regulations shall apply:

6.0 GENERAL REGULATIONS

6.6 ENCROACHMENTS INTO YARDS

6.6.2 CANOPIES

A canopy may project:

- (i) into a required front yard, not more than 1.0 metres provided that no such projection be closer to a street line than 0.3 metres; and,
- (ii) into the required easterly side yard not more than 0.85 metres provided that no such projection shall be closer to a street line than 0.05 metres.

6.6.8 UNCOVERED PORCHES

A terrace, uncovered porch, platform or ornamental feature which does not extend more than 2.0 metres above the floor level of the second storey may project 3.0 metres into a required yard.

6.6.9 UNENCLOSED PORCHES

A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level including eaves and gutters may project into a required yard to a distance of not more than 3.0 metres, and shall be permitted to be 0.0 metres from the easterly side lot line.

- ii) Subsection 6.11.3 shall not apply.
- ii) In addition to Subsection 7.3, no vehicular access or parking space shall be permitted in the side yard abutting the Brock Street South street line.
- iii) Notwithstanding Subsection 7.12.1.3, 1.0 parking space per dwelling unit shall be provided.

- iv) Notwithstanding Subsections 12.3.1.1, 12.3.2.1, 12.3.2.2, 12.3.2.3, 12.3.3, 12.3.4.2, 12.3.6.1, 12.3.6.2, the following special regulations shall apply:

12.3 REGULATIONS FOR MAISONETTE DWELLINGS AND TOWNHOUSE DWELLINGS

12.3.1 AREA REQUIREMENTS

12.3.1.1 LOT FRONTAGE

Minimum	20 metres
---------	-----------

12.3.2 YARD REQUIREMENTS

12.3.2.1 FRONT YARD

Minimum	1.4 metres, except that a minimum front yard setback of 0.87 metres may be provided to a daylight radius
---------	--

12.3.2.2 SIDE YARD

Minimum	0.9 metres for an easterly side yard, except that a minimum side yard setback of 0.87 metres may be provided to a daylight radius: and, 6.0 metres for a westerly side yard
---------	--

12.3.2.3 REAR YARD

Minimum	1.5 metres
---------	------------

12.3.3 HEIGHT

Maximum 15.7 metres

12.3.4 DENSITY

12.3.4.2 TOWNHOUSE DWELLINGS

Maximum - 81 dwelling units per hectare

12.3.6 LANDSCAPING REQUIREMENTS

12.3.6.1 LANDSCAPED AREA

Minimum	12 per cent of the site area shall be landscaped
---------	--

12.3.6.2 BUFFER STRIP



The landscaped area requirements contained in subclause 12.3.6.1 shall include a buffer strip of not less than 0.4 metres in width which shall be provided and maintained adjacent to every portion of any lot line that abuts any R1, R2, R3, R3A, R4, or R6 Zone.

3. On those lands zoned "H-RM1/S-127" by this bylaw, the "H" symbol may be removed and thereby give effect to the "RM1/S-127a" Zone provisions by enactment of an amending by-law upon:
 - (a) The owner / applicant shall investigate noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report, prepared by a Professional Engineer containing Recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner; and,
 - (b) The owner applicant investigating anticipated residential water usage and fire flow through the submission of a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.
4. That the Town of Dundas Zoning By-law No. 3581-86 is amended by adding this By-law to Section 32 as Schedule "S-127a".
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-RM1/S-127a".
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 _____, 2019

F. Eisenberger
Mayor

A. Holland
City Clerk

		
<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map Forming Part of By-law No. 19-_____</p> <p style="text-align: center;">to Amend By-law No. 87-57</p>		<p>Subject Property</p> <p>336 - 338 King Street West</p> <div style="display: flex; align-items: flex-start;"> <div style="width: 30px; height: 15px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> <div> <p>Holding - Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified, to the Holding - Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127), Modified</p> </div> </div>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAR-19-020</p>	
<p>Date: June 28, 2019</p>	<p>Planner/Technician: AD/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		